

MICHAEL BOUCHER  
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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**In the Matter of:**

BioSensory, Inc.,  
Respondent

Proceeding under Section 14(a)  
of the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
7 U.S.C. § 136l(a)

**Docket No. FIFRA-01-2012-0043**

**UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO FILE  
ANSWER; DECLARATION OF  
MICHAEL BOUCHER IN  
SUPPORT THEREOF; PROPOSED  
ORDER**

**[40 C.F.R. § 22.7(b)]**

Respondent BioSensory, Inc. ("BioSensory"), by and through its counsel, respectfully requests that the deadline to file an answer to the complaint filed by the United States Environmental Protection Agency, Region I ("EPA" or "the Agency") in this case be extended to October 17, 2012. BioSensory bases this motion on the following grounds:

1. By order dated September 13, 2012, Acting Regional Judicial Officer Carl Dierker extended to the close of business on September 26, 2012 the time for BioSensory to file an answer to the complaint in this case.

2. Michael Boucher, counsel to BioSensory, and Peter DeCambre, counsel to EPA, are actively negotiating in good faith to settle the allegations contained in the complaint in this case. Both attorneys need additional time to discuss EPA's ongoing financial evaluation of BioSensory and any new civil penalty to be sought by the Agency

in light of BioSensory's inability to pay. Therefore, good cause exists for granting an extension of time under the Consolidated Rules of Practice. *See* 40 C.F.R. § 22.7(b).

3. By electronic mail on September 25, 2012, Mr. Boucher submitted an unsigned copy of this motion to Mr. DeCambre and asked him whether EPA would agree to and not oppose an extension of time until October 17, 2012 for BioSensory to file an answer. By telephone on the same day, Mr. DeCambre agreed to the proposed extension (i.e., from September 26 to October 17, 2012) to file an answer. Thus, the present motion is unopposed.

This motion is supported by the attached Declaration of Michael Boucher.

For the foregoing reasons, BioSensory respectfully requests that the deadline for filing an answer to the complaint in this case be extended to October 17, 2012.

Dated: September 25, 2012

Respectfully submitted,

MCKENNA LONG & ALDRIDGE LLP

By: 

Michael Boucher  
Counsel to BioSensory, Inc.

## DECLARATION OF MICHAEL BOUCHER

I, MICHAEL BOUCHER, declare as follows:

1. I am a member of the Bar for the District of Columbia and a partner at the law firm of McKenna Long & Aldridge LLP, counsel to BioSensory, Inc. ("BioSensory"). I have personal knowledge of the facts herein and, if called upon to do so, could and would competently testify thereto.

2. By order dated September 13, 2012, Acting Regional Judicial Officer Carl Dierker extended to the close of business on September 26, 2012 the time for BioSensory to file an answer to the complaint in this case.

3. On behalf of BioSensory, I am negotiating in good faith with Peter DeCambre, counsel to the United States Environmental Protection Agency, Region I ("EPA" or "the Agency"), to settle the allegations contained in the complaint in this case. Mr. DeCambre and I need additional time to discuss EPA's ongoing financial evaluation of BioSensory and any new civil penalty to be sought by the Agency in light of BioSensory's inability to pay.

4. By electronic mail on September 25, 2012, I submitted an unsigned copy of the foregoing motion to Mr. DeCambre and asked him whether EPA would agree to and not oppose an extension of time until October 17, 2012 for BioSensory to file an answer.

5. By telephone on the same day, Mr. DeCambre agreed to the proposed extension of time (i.e., from September 26 to October 17, 2012) to file an answer.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 25, 2012 in Washington, D.C.



MICHAEL BOUCHER

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I**

**In the Matter of:**

BioSensory, Inc.,  
Respondent

Proceeding under Section 14(a)  
of the Federal Insecticide,  
Fungicide, and Rodenticide Act,  
7 U.S.C. § 136l(a)

**Docket No. FIFRA-01-2012-0043**

**PROPOSED ORDER**

**[40 C.F.R. § 22.7(b)]**

**PROPOSED ORDER**

BioSensory, Inc.'s motion for an extension of time until October 17, 2012 to file an answer to the complaint in this case is GRANTED. 40 C.F.R. § 22.7(b).

DATED: \_\_\_\_\_

\_\_\_\_\_  
REGIONAL JUDICIAL OFFICER

**CERTIFICATE OF SERVICE**

I certify that on September 25, 2012, the foregoing **Unopposed Motion for Extension of Time to File Answer, Declaration of Michael Boucher in Support Thereof, and Proposed Order** was delivered to the persons listed below in the manner indicated:

Original and one copy by UPS  
Next Day Air to the following:

Wanda I. Santiago, Regional Hearing Clerk  
U.S. EPA, Region I  
5 Post Office Square, Suite 100 (ORA18-1)  
Boston, MA 02109-3912

One copy by UPS Next Day  
Air to the following:

Peter DeCambre, Senior Enforcement Counsel  
U.S. EPA, Region I  
5 Post Office Square, Suite 100  
Boston, MA 02109-3912

Dated: September 25, 2012

  
Signature

  
Print Name

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 1

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IN THE MATTER OF: )  
 )  
BioSensory, Inc. )  
107 Providence Street )  
Putnam, Connecticut 06260 )  
 )  
 )  
Respondent )  
\_\_\_\_\_ )


**Order Granting Extension  
of Time to  
File an Answer**

Docket No. FIFRA-01-2012-0043

**ORDER**

In accordance with 40 C.F.R. §§22.7(b) and 22.16(c), for good cause shown, the time for Respondent to file an Answer is extended until the close of business on October 17, 2012. This extension is agreed to by EPA enforcement counsel.

Dated: September 26, 2012

  
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Jill T. Metcalf  
Acting Regional Judicial Officer