

UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY

BEFORE THE ADMINISTRATOR

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2009 JUN -2 PM 2:26
REGIONAL HEARING
CLERK

In the Matter of)
)
CROP PROTECTION PROGRAM, OFFICE) DOCKET NO. FIFRA-02-2008-5301
OF THE AGRICULTURAL SERVICIOS)
AND DEVELOPMENT ADMINISTRATION,)
)
Respondent)

REPORT RECOMMENDING TERMINATION
OF ALTERNATIVE DISPUTE RESOLUTION PROCESS
AND ASSIGNMENT OF A JUDGE FOR LITIGATION

The Report of April 16, 2009 provides that this alternative dispute resolution (ADR) process terminates May 23, 2009. The parties continue to make significant progress toward settlement in this matter, but a final settlement has not been reached.

Although the parties have expended a great deal of effort and time in discussing settlement, the case should now be assigned to a Judge to preside over a litigated resolution of this case. The undersigned expresses her appreciation to the parties for the courtesy and candor with which they participated in the ADR process.



Approved: _____
Susan L. Biro
Chief Administrative Law Judge

Dated: 5/29/09



Barbara A. Gunning
Administrative Law Judge
Dated: May 29, 2009

In the ADR Matter of *Crop Protection Program, Office of the Agricultural Servicios and Development Administration, Respondent.*
Docket No. FIFRA-02-2008-5301

CERTIFICATE OF SERVICE

I certify that the foregoing **Report Recommending Termination of Alternative Dispute Resolution Process**, dated May 29, 2009, was sent this day in the following manner to the addressees listed below.



Mary Angeles
Legal Staff Assistant

Original and One Copy by Facsimile and Pouch Mail to:

Karen Maples
Regional Hearing Clerk
US EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

One Copy by Facsimile and Pouch Mail to:

Bruce Aber, Esq.
Assistant Regional Counsel
U.S. EPA, Region II
290 Broadway, 16th Floor
New York, NY 10007-1866
Fx: 212.637.3199

One Copy by Facsimile and Regular Mail to:

Patricio Martinez-Lopez, Esq.
Martinez-Lorenzo Law Offices
Union Plaza de Leon Avenue - Suite 1200
416 Ponce de León Avenue
Hato Rey, PR 00918-3424
Fx: 787.641.5007

Dated: May 29, 2009
Washington, D.C.