



UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

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In the Matter of: )  
 )  
BioSensory, Inc., ) Docket No. FIFRA-01-2012-0043  
 )  
Respondent. )

**INITIAL PREHEARING ORDER**

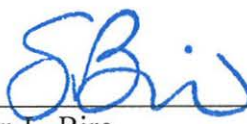
As you were previously notified, the undersigned has been designated to preside over the above-captioned matter. This proceeding is governed by the Consolidated Rules of Practice Governing Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. §§ 22.1-22.45. The parties are advised that a Practice Manual and Citizen’s Guide, which serve as aids to understanding the procedures applicable to proceedings before the U.S. Environmental Protection Agency’s Office of Administrative Law Judges (“OALJ”), are available at <http://www.epa.gov/oalj/rules.htm>.

Prior to the designation of this case to the undersigned, the parties engaged in the OALJ’s Alternative Dispute Resolution (“ADR”) process in an effort to resolve this matter amicably. On January 25, 2013, the Administrative Law Judge serving as a neutral during the ADR proceeding issued a Report Recommending Termination of Alternative Dispute Resolution Process (“Report”). The Report states that on December 19, 2012, the parties reported that they had reached a settlement in principle and that a draft Consent Agreement and Final Order (“CAFO”) would be sent to Respondent. The Report further states that on January 25, 2013, counsel for Respondent indicated that his client is reviewing a proposed CAFO.

Though a fully-executed CAFO has not yet been filed with this Tribunal, the parties have indicated that significant progress towards that end has been made. Therefore, they may appropriately be given a brief opportunity to complete the settlement process prior to being ordered to exchange prehearing materials.

The parties are hereby **ORDERED** to file a fully-executed CAFO memorializing their settlement no later than **March 1, 2013**, and contemporaneously send a copy to the office of the undersigned by facsimile to (202) 565-0044, e-mail to [oaljfilng@epa.gov](mailto:oaljfilng@epa.gov), or by mail. If no CAFO is filed by this date, the undersigned will promptly schedule prehearing filing deadlines.

Dated: February 1, 2013  
Washington, DC

  
\_\_\_\_\_  
Susan L. Biro  
Chief Administrative Law Judge

In the Matter of Biosensory, Inc., Respondent  
Docket No. FIFRA-01-2012-0043

CERTIFICATE OF SERVICE

I certify that the foregoing **Initial Prehearing Order**, dated February 1, 2013 was sent this day in the following manner to the addressees listed below.



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Maria Whiting-Beale  
Staff Assistant

Dated: February 1, 2013

Original And One Copy To:

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