



**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the Matter of:)
)
Everyday Group, LLC,) **Docket No. FIFRA-02-2012-5201**
)
Respondent.)

ORDER RESCHEDULING HEARING

The United States Environmental Protection Agency (“EPA”), Region 2 (“Complainant”), initiated this proceeding over a year ago on October 11, 2012, by filing a Complaint and Notice of Opportunity for Hearing against Everyday Group, LLC (“Respondent”), pursuant to Section 14(a)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (“FIFRA”), 7 U.S.C. § 136l(a)(1). By Order dated May 17, 2013, the undersigned scheduled the hearing in this matter to commence on September 23, 2013.

On September 12, 2013, the parties submitted a Joint Motion to Vacate Hearing Order representing that they had settled this matter. Based thereon, by Order dated September 13, 2013, the hearing was postponed and the parties were instructed to file their fully-executed Consent Agreement and Final Order no later than October 14, 2013. The Order further stated: “Should the parties fail to meet this deadline, the hearing in this matter will promptly be rescheduled.”

On October 21, 2013, the Complainant submitted a Status Report dated October 18th, in which it indicated that “the settlement agreement reached between the parties has not been finalized [] [b]ecause of concerns of upper management at EPA, Region 2.” Complainant’s counsel indicated an intent to contact the Respondent regarding the “status of the matter” and indicated an intent to file an additional status report on October 25, 2013.

This case has been pending for over a year with a hearing yet to be held. OALJ has made a commitment to Congress under the Government Performance Results Act to complete its cases within 18 months. It appears that the settlement reached after an extended period of discussion has fallen through. At this point, it is not prudent to continue to further delay scheduling the hearing in anticipation of a settlement. Therefore, the hearing of this matter is hereby rescheduled and will now begin at 9:30 a.m. on Tuesday, **December 3, 2013** in New York County (Manhattan), N.Y. continuing if necessary through Friday, December 6, 2013. The

Headquarters Hearing Clerk will make appropriate arrangements for a courtroom. The parties will be notified of the exact location and of other pertinent procedures when those arrangements are complete.

SO ORDERED.

Susan L. Biro
Chief Administrative Law Judge

Dated: October 21, 2013
Washington, D.C.