## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

#### BEFORE THE ADMINISTRATOR

In the Matter of	)
DIATECT INTERNATIONAL CORP.,	) DOCKET NO. FIFRA-08-2008-0029
Respondent	

### REPORT RECOMMENDING CONTINUATION OF ALTERNATIVE DISPUTE RESOLUTION PROCESS

The Chief Administrative Law Judge's Order of December 1, 2008 provides that this alternative dispute resolution (ADR) process terminates January 30, 2009. The recommendation of this Report is that the ADR process be continued for one month, to February 28, 2009.

This continuation of the ADR process is recommended because the parties' negotiations are ongoing. In a conference call on January 22, 2009, the parties requested an extension of the ADR process. The undersigned will continue to serve as a Neutral in this case and will file another report with the Chief Administrative Law Judge by February 28, 2009 unless otherwise directed by her.

Barbara A. Gunning

Administrative Law Judge

Dated: January 22, 2009

Approved:

Susan L. Biro

Chief Administrative Law Judge

Dated: 1/22/09

<sup>&</sup>lt;sup>1</sup>Another conference call is scheduled for February 23, 2009.

# In the ADR Matter of *Diatect International Corp.*, Respondent. Docket No. FIFRA-08-2008-0029

#### CERTIFICATE OF SERVICE

I certify that the foregoing Report Recommending Continuation of Alternative Dispute Resolution Process, dated January 22, 2009, was sent this day in the following manner to the addressees listed below.

Mary Angeles

Legal Staff Assistant

Original and One Copy by Pouch Mail to:

Tina Artemis Regional Hearing Clerk U.S. EPA / Region VIII 1595 Wynkoop Street Denver, CO 80202-1129

One Copy by Pouch Mail to:

Eduardo Quintana, Esq. Enforcement Attorney (8ENF-L) U.S. EPA, Region VIII 1595 Wynkoop Street Denver, CO 80202-1129

One Copy by Regular Mail to:

Randy B. Birch, Esq. Bostwick & Price, PC 139 E. South Temple, Ste. 320 Salt Lake City, UT 84111

Dated: January 22, 2008 Washington, D.C.