

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

) Docket No.
) TSCA-02-2019-9275
)

Big Apple Occupational Safety Corp.
Respondent.

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

REGION 2
2019 APR 11 AM 7:06
U.S. Environmental Protection Agency

EXPEDITED SETTLEMENT AGREEMENT

1. The U.S. Environmental Protection Agency (“EPA”) alleges Big Apple Occupational Safety Corp., (“Respondent”) failed to comply with Sections 402 and 407 of the Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682 and 2687, respectively.
2. Respondent taught and/or scheduled to teach the following Renovator Initial Courses for EPA’s Renovation Repair and Painting (RRP) Rule.
 - 4/27/2017 – English – 10 Students (No Post-Training Notification Received)
 - 5/5/2017 – English – 7 Students (No Post-Training Notification Received)
 - 5/11/2017 – English – 10 Students (No Post-Training Notification Received)
 - 5/13/2017 – English – 3 Students (No Post-Training Notification Received)
 - 5/25/2017 – English – 11 Students (No Post-Training Notification Received)
 - 6/8/2017 – English – 9 Students (No Post-Training Notification Received)
 - 7/3/2017 – English – 6 Students (Only 2 days Pre-Training Notification Received)
 - 7/14/2017 – English – 6 Students (No Post-Training Notification Received)
3. Respondent’s Training Manager was required, pursuant to 40 C.F.R. §745.225(c)(14), to provide EPA with notification following the completion of any renovator, dust sampling technician, or lead based paint activities courses.
4. Respondent’s Training Manager was required, pursuant to 40 C.F.R. §745.225(c)(13)(i), to provide EPA with notification of all renovator, dust sampling technician, or lead based paint activities courses, at least 7 business days prior to the start of each respective class.
5. EPA and Respondent agree that settlement of this matter for a civil penalty of \$9,000 (nine thousand dollars) is in the public interest.
6. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b), and 40 C.F.R. § 22.18(b)(2).

7. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Lead-based Paint Activities Rule (40 C.F.R. § 745, Subpart L); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as described in Paragraph 3 & 4 above; (3) neither admits nor denies the factual findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the findings contained herein.
8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations described in Paragraph 3 & 4, have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
9. The civil penalty of \$9,000 (nine thousand dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
10. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violations cited above.
11. Full payment of the penalty in Paragraph 5 shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in Paragraph 3 & 4 above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
12. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
13. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
14. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA or 40 C.F.R. Part 22.
15. Each party shall bear its own costs and fees, if any.
16. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED, **Big Apple Occupational Safety Corp.**

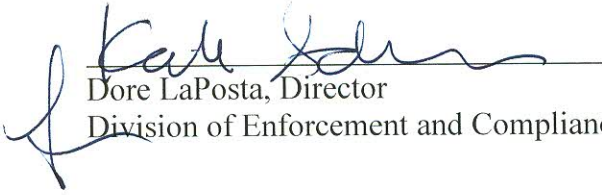
Name (print): Radha Reddy

Title (print): President

Signature: 

Date 3/21/2019

APPROVED BY EPA:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance

APR - 9 2019

Date _____

In the Matter of Big Apple Occupational Safety Corp.
Docket Number TSCA-02-2019-9275

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement in the case of Big Apple Occupational Safety Corp. bearing Docket No. TSCA-02-2019-9275. Said Expedited Settlement Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under authority of Section 16(a) of TSCA 15 U.S.C. § 2615(a).

DATED: April 10, 2019
New York, New York



Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency-Region 2
290 Broadway
New York, New York 10007-1866

Radha Reddy, President
Big Apple Occupational Safety Corp.
505 8th Avenue, Suite #2305
New York, New York 10018

CASE DEVELOPMENT OFFICER: Jerry Somma

DOCKET NUMBER: TSCA-02-2019-9275

ADDRESS OF ALLEGED VIOLATION: N/A

The following penalties are based on EPA's Guidance and Enforcement Policies:

Violation Summary

COUNT	VIOLATION	PENALTY
1	Violation of 40 CFR § 745.225(c)(13)(i) Failure by training manager to provide EPA with notification of all lead-based paint activities courses offered at least 7 business days prior to the start date of any lead-based paint activities course, pursuant to 40 C.F.R. § 745.225(c)(13)(i) Level 6a	\$1,000
2	Violation of 40 CFR § 745.225(c)(14) Failure of a training manager to provide notification following completion of renovator, dust sampling technician, or lead-based paint activities courses, pursuant to 40 CFR § 745.225(c)(14) Level 5a	\$1,000 (8x)
		\$9,000 ESA

Big Apple Occupational Safety Corp.

A Total Safety, Industrial Hygiene & Environmental Company

www.baos.com

RECEIVED

MAR 26 2019

Pesticides & Toxic Substances Branch

March 13, 2019

Mr. Jerry Somma
Compliance Officer
Environmental Protection Agency, Region 2
2890 woodbridge Ave., MS225
Edison, NJ 08837-3679

Re: Big Apple Occupational Safety Corp., Docket No. TSCA-02-2019-9275

Notice of Investigation Results – Federal Lead-based Paint Requirements;

Opportunity for Expedited Settlement within (30) Days

Dear Mr. Somma:

With reference to the above notice Big Apple Occupational Safety (BAOS) Corp., will fully participate in the expedited settlement process, and will comply with the following conditions, as laid down in your letter:

1. Correct the violations:

Big Apple Occupational Safety Corp. will implement a more stringent notification process. Our training administrator will be responsible for the notifications and will provide weekly summary of the submissions to management to verify that we remain in compliance.

2. Enclosed Expedited Settlement Agreement and Final Order (“Agreement” or “ESA/FO”)

3. Enclosed Penalty payment **Wire Transfer Receipt**

Going forward, Big Apple Occupational Safety Corp. will implement a more stringent notification process. Our training administrator will be responsible for the notifications and will provide weekly summary of the submissions to management to verify that we remain in compliance.

I can be reached at 212-564-7656 if further information is needed.

Thank you for your time and consideration.

Regards,



Radha Reddy
president

Big Apple Occupational Safety Corp.

CHASE *for* BUSINESS

Printed from Chase for Business

- We've scheduled your wire.
Please print and save this page for your records.

Account details

Wire to	US EPA (...0727)
Wire from	TOTAL BUS CHK (...2065)
Wire status	In transit
Transaction number	5214696359

Sender information

Wire date	Mar 21, 2019
Wire amount	\$9,000.00 USD (U.S. Dollar)
Outgoing wire transfer fee	\$25.00 USD (U.S. Dollar)
Total	\$9,025.00 USD (U.S. Dollar)

Your account activity will show separate charges for wire amount and wire transfer fee.

Additional information

Message to recipient bank	D 68010727 Environmental Protection Agency
Message to recipient	Docket No: TSCA-02-2019-9275
Memo	EPA Penalty

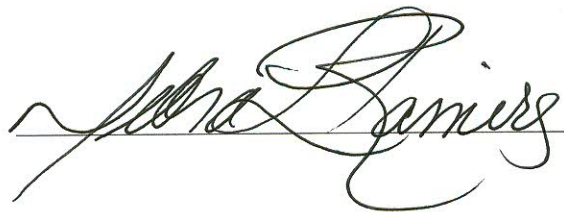
In the Matter of Big Apple Occupational Safety Corp.
Docket Number TSCA-02-2019-9275

CERTIFICATE OF SERVICE

This is to certify that on the 10 day of April 2019, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2019-9275, by certified mail, return receipt requested, to:

**Radha Reddy, President
Big Apple Occupational Safety Corp.
505 8th Avenue, Suite #2302
New York, New York 10018**

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Expedited Settlement Agreement and Final Order.

A handwritten signature in black ink, appearing to read "John Ramirez", written over a horizontal line.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

APR 10 2019

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7017 0660 0000 9509 5436

Radha Reddy, President
Big Apple Occupational Safety Corp.
505 8th Avenue, Suite #2305
New York, New York 10018

Re: Big Apple Occupational Safety Corp., Docket No. TSCA-02-2019-9275

Dear Ms. Reddy:

Enclosed is a fully executed copy of the Administrative Expedited Settlement Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please contact Jerry Somma at (732) 321-6681, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman".

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure