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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND**

**U.S. EPA REGION 1
HEARING CLERK**

In the Matter of:)

Smithfield Packaged Meats Corp.,)

Respondent.)

) Docket No.

) CAA-01-2025-0034

) **CONSENT AGREEMENT
AND FINAL ORDER**

CONSENT AGREEMENT AND FINAL ORDER

1. The issuance of this Consent Agreement ("Consent Agreement" or "Agreement") and attached Final Order ("Final Order" or "Order"), in accordance with 40 C.F.R. § 22.13(b), simultaneously commences and concludes an administrative penalty assessment proceeding brought under Section 113(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7413(d) and Sections 22.13 and 22.18 of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), as codified at 40 C.F.R. Part 22.

2. Complainant is the United States Environmental Protection Agency, Region 1 ("EPA").

3. Respondent is Smithfield Packaged Meats Corp. ("Respondent").

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this consent agreement and the attached final order without adjudication of any issues of law or fact herein, and Respondent agrees to comply with the terms of this Consent Agreement and Final Order ("CAFO").

5. As discussed below, the CAFO resolves the following violations that Complainant alleges occurred in connection with Respondent's storage and handling of anhydrous ammonia at its manufacturing, packaging, and distribution facility in Springfield, Massachusetts:

- a. Failure to design and maintain a safe facility, taking such steps as are necessary to prevent such releases, in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1); and
- b. Failure to minimize the consequences of a release should one occur, in violation of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

A. JURISDICTION

6. This Consent Agreement and Final Order is entered into under Sections 113(a)(3)(A) and 113(d) of the CAA, 42 U.S.C. §§ 7413(a)(3)(A) and 7413(d), and the Consolidated Rules of Practice, 40 C.F.R. Part 22.

7. EPA and the U.S. Department of Justice jointly determined that this matter, although it involves alleged violations that occurred more than one year before the initiation of this proceeding, is appropriate for administrative penalty assessment. 42 U.S.C. § 7413(d)(1); 40 C.F.R. § 19.4 (containing the inflation adjustment for the administrative penalty cap set out in 42 U.S.C. § 7413(d)(1)).

8. The Regional Judicial Officer is authorized to ratify this CAFO, which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b).

II. STATUTORY AND REGULATORY AUTHORITY

9. Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), states that the purpose of Section 112(r) and its implementing regulations is “to prevent the accidental release and to minimize the consequences of any such release” of an “extremely hazardous substance.”

10. Pursuant to Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing substances listed pursuant to Section 112(r)(3) of the CAA, 42 U.S.C. § 7412(r)(3), or any other extremely hazardous substance, have a general duty, in the same manner and to the same extent as 29 U.S.C. § 654, to (a) identify hazards which may result from accidental releases of such substances using appropriate hazard assessment techniques; (b) design and maintain a safe facility taking such steps as are necessary to prevent releases; and (c) minimize the consequences of accidental releases which do occur. This section of the CAA is referred to as the “General Duty Clause.”

11. The extremely hazardous substances listed pursuant to Section 112(r)(3) include, among others, anhydrous ammonia.

12. The term “accidental release” is defined by Section 112(r)(2)(A) of the CAA, 42 U.S.C. § 7412(r)(2)(A), as an unanticipated emission of a regulated substance or other extremely hazardous substance into the ambient air from a stationary source.

13. The term “stationary source” is defined by Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), in pertinent part, as any buildings, structures, equipment, installations, or substance-emitting stationary activities, located on one or more contiguous properties under the control of the same person, from which an accidental release may occur.

14. The term "have a general duty in the same manner and to the same extent as section 654 of title 29 [of the U. S. Code]" means owners and operators must comply with the General Duty Clause in the same manner and to the same extent as employers must comply with the Occupational Safety and Health Act ("OSH Act") administered by the Occupational Safety and Health Administration ("OSHA"). Section 654 of the OSH Act provides, in pertinent part, that "[e]ach employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees" and "shall comply with occupational safety and health standards promulgated under this act." 29 U.S.C. § 654.

15. The intent of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), is for facility owners and operators to implement all feasible means to reduce the threat of death, serious injury, or substantial property damage to satisfy the requirements of the General Duty Clause. S. Rep. 101-228, 1990 U.S.C.C.A.N. 3385, 3595 (1989).

16. EPA routinely consults codes, standards, and guidance issued by chemical manufacturers, trade associations, and fire prevention associations (collectively, "industry standards") to understand the hazards posed by using various extremely hazardous substances. The industry standards also are evidence of the standard of care that industry itself has recognized to be appropriate for managing those hazards. These industry standards are consistently relied upon by industry safety and fire prevention experts and are sometimes incorporated into state building, fire, and mechanical codes.

17. Sections 113(a) and (d) of the CAA, 42 U.S.C. §§ 7413(a) and (d) allow EPA to assess civil penalties for violations of the General Duty Clause. Forty C.F.R. Part 19 sets out the statutory penalties as adjusted for inflation.

III. GENERAL ALLEGATIONS

18. At all times relevant to the violations alleged herein, Respondent operated a meat processing facility located at 20 Carando Drive, Springfield, Massachusetts (the "Facility").

19. The Facility is located in a densely developed area, surrounded by a wide variety of commercial and human service entities.

20. Respondent Smithfield Packaged Meats Corp. is a corporation organized under the laws of the State of Delaware.

21. As a corporation, Respondent is a "person" within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e), against whom an administrative penalty order may be issued under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3).

22. The Facility is a "stationary source" as that term is defined at Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C).

23. At all times relevant to the violations alleged herein, Respondent was the "owner or operator" of the Facility, within the meaning of Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

24. At all times relevant to the violations alleged herein, the Facility's ammonia refrigeration system ("System") used approximately 1,250 pounds of anhydrous ammonia. Accordingly, Respondent "stored" and "handled" anhydrous ammonia, which, as indicated in paragraphs 10 and 11 above, is subject to the General Duty Clause.

25. Accordingly, at the time of the violations alleged herein, Respondent operated a stationary source that handled and stored anhydrous ammonia and thus was subject to the General Duty Clause found in Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

26. Anhydrous ammonia is a clear, colorless gas at atmospheric pressure and temperature with a strong odor. It is often stored and shipped under pressure as a liquid. It presents a significant health hazard because it is corrosive to the skin, eyes, and lungs. Inhalation of ammonia may cause irritation and burns of the respiratory tract, laryngitis, shortness of breath, high-pitched respirations, chest pain, pulmonary edema, and pneumonia. Ammonia vapors may be fatal if inhaled. Ingestion of ammonia may cause nausea, vomiting, and oral, esophageal, and stomach burns. If ammonia has contacted the eyes, irritation, pain, conjunctivitis, tearing, and corneal erosion may occur, and loss of vision is possible. Dermal exposure may result in severe burns and pain. Exposure to 300 parts per million of ammonia by volume is immediately dangerous to life and health.

27. Ammonia gas is generally regarded as nonflammable but burns at concentrations of approximately 15.5% to 27% by volume in air with strong ignition. It can explode if released in an enclosed space with a source of ignition present or if a vessel containing anhydrous ammonia is exposed to fire. The fire hazard increases in the presence of oil or other combustible materials.

28. Due to the dangers associated with anhydrous ammonia, the ammonia refrigeration industry has developed industry standards to control the risks associated with the use of ammonia, specified in Appendix A. These standards are consistently relied upon by

refrigeration experts and are sometimes incorporated by reference into state building and mechanical codes.

29. On September 14, 2021, four duly authorized EPA inspectors and two contract inspectors (collectively, the "EPA Inspectors") conducted an inspection at the Facility (the "Inspection"). The purpose of EPA's Inspection was to determine whether Respondent was complying with Section 112(r) of the CAA and Sections 302-313 of the Emergency Planning and Community Right-to-Know Act ("EPCRA"). The inspection followed an ammonia release at the Facility in 2019 and a potential ammonia release in 2020. An additional ammonia release occurred after the inspection in 2024.

30. The EPA inspectors toured the Facility's perimeter, ammonia machinery room ("AMR"), storage building, wastewater treatment building, chemical storage areas, and freon refrigeration system engine room.

31. During the Inspection, EPA observed numerous violative conditions. These violative conditions were explained (1) in an email provided to the Respondent on November 22, 2021; and (2) in EPA's Inspection Report, which was provided to Respondent on January 21, 2022, in addition to photos shared with Respondent on February 4, 2022.

32. The violative conditions identified by EPA are listed in the chart attached to and made a part of this CAFO as Appendix A. Appendix A also explains how each of the conditions could lead to an ammonia release or inhibit the Facility's ability to minimize the consequences of any release that might occur and provides examples of recognized industry standards of care that feasibly could reduce or eliminate the hazard.

IV. VIOLATIONS

COUNT I – FAILURE TO DESIGN AND MAINTAIN A SAFE FACILITY

33. The allegations in paragraphs 1 through 32 are hereby realleged and incorporated herein by reference.

34. Pursuant to the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to, among other things, design and maintain a safe facility, taking such steps as are necessary to prevent releases.

35. The recommended industry practice and standard of care for designing and maintaining a safe facility so as to prevent releases of extremely hazardous substances is to base design considerations upon applicable design codes, federal and state regulations, and industry guidelines to prevent releases or minimize their impacts as well as to develop and implement standard operating procedures, maintenance programs, personnel training programs, management of change practices, incident investigation procedures, self-audits, and preventative maintenance programs. EPA's *Guidance for Implementation of the General Duty Clause: Clean Air Act Section 112(r)(1)* (May 2000) ("EPA's GDC Guidance") explains broad categories of measures appropriate for preventing releases of extremely hazardous substances, and the International Institute of Ammonia Refrigeration and others have developed more specific standards and guidelines for preventing releases of ammonia, set out in Appendix A.

36. The instances in which EPA alleges that Respondent failed in its general duty to design and maintain the Facility in a safe manner, taking such steps as are necessary to prevent

a release of an extremely hazardous substance, are listed under Conditions 1.a., 1.b, and 2.c. of Appendix A, which is incorporated by reference into this CAFO. They include failure to adequately label piping associated with the ammonia refrigeration system to indicate contents and direction of flow; failure to provide impact protection under the high-pressure receiver and failure to anchor jersey barriers protecting the exterior of the ammonia machinery room and condenser support system; and failure to label the ammonia alarm above the entry door to the AMR.

37. Examples of industry standards associated with each instance in which Respondent failed in its general duty to design and maintain a safe facility (identified in Appendix A) demonstrate that the hazard is recognized by the ammonia refrigeration industry and that the industry has identified a feasible means by which Respondent could have eliminated or reduced the hazard. Further, Appendix A identifies, for each condition, how the failure to address the hazard could lead to or exacerbate a release of anhydrous ammonia and cause harm.

38. Accordingly, from at least May 31, 2020, through at least February 1, 2022, EPA alleges that Respondent failed to design and maintain a safe facility, taking such steps as were necessary to prevent a release of an extremely hazardous substance, in violation of the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

COUNT II – FAILURE TO MINIMIZE THE CONSEQUENCES OF ACCIDENTAL RELEASES THAT MIGHT OCCUR

39. The allegations in paragraphs 1 through 38 are hereby realleged and incorporated herein by reference.

40. Pursuant to the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1), owners and operators of stationary sources producing, processing, handling, or storing extremely hazardous substances (including anhydrous ammonia) have a general duty, in the same manner and to the same extent as Section 654 of Title 29, to, among other things, minimize the consequences of any accidental releases that do occur.

41. Industry standards and guidelines for minimizing the consequence of an accidental release from ammonia refrigeration systems are found, among other places, in the industry standards referenced in Appendix A. They include emergency planning and preparedness measures, as well as design and maintenance measures to minimize the severity and duration of releases that do occur.

42. The recommended industry practice and standard of care for emergency response planning at ammonia refrigeration systems of this size is to, *inter alia*, design and implement an emergency response plan that specifically addresses release scenarios developed from hazard analyses and facility-based knowledge, identifies emergency response equipment and its whereabouts, includes communication with and involvement of emergency planning and response officials, incorporates accident training for employees, and involves conducting periodic exercises to ensure that the plan is adequate to address emergency scenarios. EPA's GDC Guidance at 16-18. The ammonia refrigeration industry has developed standards and guidelines for emergency planning purposes. For example, Chapter 7 of Standard 9: Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems ("ANSI/IIAR 9") provides that refrigeration facilities should provide directions for the emergency shutdown of the system at a location that is readily accessible to trained

refrigeration system staff and trained emergency responders. Such documentation should include, among other items, instructions with details and steps for shutting down the system in an emergency, the name and telephone numbers of the refrigeration operating and maintenance staff, the names and telephone numbers of all local, state, and federal agencies to be contacted as required in the event of a reportable incident, the quantity of ammonia in the system, and emergency facility contact title and phone number to call in the event of an alarm or ammonia release. IIAR 9-2020, Chapter 7.

43. The instances in which EPA alleges that Respondent failed in its general duty to minimize the consequences of a release should one occur are listed under Conditions 1.a. and 2.a. through 2.d. of Appendix A, which is incorporated by reference into this CAFO. They include failure to adequately label piping associated with the ammonia refrigeration system to indicate contents and direction of flow; the primary ("King") valve inside the AMR did not have a handwheel to allow for easy closure during an emergency; atmospheric termination of pressure relief device discharge piping was fewer than 20 feet from an opening to a building; failure to label the ammonia alarm above the entry door to the AMR; and emergency shutdown instructions and phone numbers were not posted, clearly identified, or easily available.

44. Examples of industry standards associated with each instance in which Respondent failed in its general duty to minimize the consequences of a release (identified in Appendix A) demonstrate that the hazard is recognized by the ammonia refrigeration industry and that the industry has identified a standard means by which Respondent could have eliminated or reduced the hazard. Further, Appendix A identifies, for each condition, how the

failure to address the hazard could lead to or exacerbate a release of anhydrous ammonia and cause harm.

45. Accordingly, from at least May 31, 2020, through at least February 1, 2022, EPA alleges that Respondent failed to minimize the consequences of an accidental release of an extremely hazardous substance should one occur, in violation of the General Duty Clause, Section 112(r)(1) of the CAA, 42 U.S.C. § 7412(r)(1).

V. TERMS OF SETTLEMENT

46. For the purpose of this proceeding, as required by 40 C.F.R. §§ 22.18(b)(2) and 22.34 and CAA Section 113(d)(2)(A), 42 U.S.C. § 7413(d)(2)(A), Respondent:

- a. Admits that EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. Neither admits nor denies the specific factual allegations contained in this CAFO;
- c. Consents to the assessment of a civil penalty as stated below;
- d. Consents to the issuance of any specified compliance or corrective action order;
- e. Consents to the conditions specified in this CAFO;
- f. Consents to any stated Permit Action;
- g. Waives any right to contest the alleged violations of law set forth in Section IV of this CAFO and its right to a hearing afforded by Section 113(d)(2)(A) of the Act, 42 U.S.C. § 7413(d)(2)(A); and

- h. Waives its right to appeal the Final Order accompanying this Consent Agreement.

47. For the purpose of this proceeding, Respondent also:

- a. Agrees that this CAFO states a claim upon which relief can be granted against Respondent;
- b. Acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent' compliance history in any subsequent enforcement actions;
- c. Waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this CAFO, including any right of judicial review under Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1);
- d. Consents to personal jurisdiction in any action to enforce this Consent Agreement or Final Order, or both, in any United States District Court appropriate under 42 U.S.C. § 7413(b);
- e. Waives any rights it may possess at law or in equity to challenge the authority of the EPA to bring a civil action in a United States District Court to compel compliance with the Consent Agreement or Final Order, or both, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

- f. Waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement. *Securities & Exchange Commission v. Jarkesy*, No. 22-859, (June 27, 2024).

48. Respondent certifies to the best of its knowledge based upon reasonable belief that it has corrected the violations alleged in this CAFO and is currently in compliance with the General Duty Clause at the Facility. Respondent further certifies that its compliance at the Facility includes compliance with ANSI/IIAR Standard 9.

49. Pursuant to Sections 113(a)(3)(A), (d)(2)(B) and (e) of the CAA, 42 U.S.C. § 7413(a)(3)(A), (d)(2)(B) and (e), and taking into account the relevant statutory penalty criteria, the applicable penalty policies, EPA has determined that it is fair and proper to assess a civil penalty of \$138,506 for the violations alleged in this matter. Respondent consents to the issuance of this CAFO and consents for purposes of settlement to the penalty cited in paragraph 50 below.

Penalty Payment

50. Respondent agrees to pay a civil penalty in the amount of \$138,506 ("Assessed Penalty") within thirty (30) days after the date the Final Order ratifying this Agreement is filed with the Regional Hearing Clerk.

51. Respondent shall pay the Assessed Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA

website: <https://www.epa.gov/financial/makepayment>. For additional instructions see:

<https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

52. When making a payment, Respondent shall:

a. Identify every payment with Respondent's name and the docket number of this Agreement (CAA-01-2025-0034);

b. Concurrently with any payment or within 24 hours of any payment,

Respondent shall serve proof of such payment to the following person(s):

Kathleen E. Woodward
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region 1
Woodward.kathleen@epa.gov

Wanda I. Santiago
Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 1
santiago.wanda@epa.gov
and
R1_Hearing_Clerk_Filings@epa.gov

and

EPA's finance office at CINWD_AcctsReceivable@epa.gov.

53. "Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with the appropriate docket number and Respondent's name.

54. **Interest, Charges, and Penalties on Late Payments.** Pursuant to 42 U.S.C. § 7413(d)(5), 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, the entire unpaid balance of the Assessed Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

- a. Interest. Interest begins to accrue from the Filing Date. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed Penalty as well as any interest, penalties, and other charges are paid in full. Per 42 U.S.C. § 7524(c)(6), interest will be assessed pursuant to 26 U.S.C. § 6621(a)(2), that is the IRS standard underpayment rate, equal to the Federal short-term rate plus 3 percentage points.
- b. Handling Charges. The United States' enforcement expenses including, but not limited to, attorneys' fees and costs of handling collection.
- c. Late Payment Penalty. A ten percent (10%) quarterly non-payment penalty.

55. **Late Penalty Actions.** In addition to the amounts described in the prior paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty per this Agreement, EPA may take additional actions. Such actions EPA may take include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R.

§§ 13.13 and 13.14.

- b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
- c. Suspend or revoke Respondent's licenses or other privileges, or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.

56. Request that the Attorney General bring a civil action in the appropriate district court to enforce the Final Order and recover the full remaining balance of the Assessed Penalty, in addition to interest and the amounts described above, pursuant to 42 U.S.C. § 7413(d)(5). In any such action, the validity, amount, and appropriateness of the Assessed Penalty and Final Order shall not be subject to review.

57. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to annually send to the Internal Revenue Service ("IRS"), a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Respondent's

failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. To provide EPA with sufficient information to enable it to fulfill these obligations, Respondent shall complete the following actions, as applicable:

- a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>.
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN.
- c. Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov, on or before the date Respondent's penalty is due, pursuant to Paragraph 50 of this CAFO. EPA recommends encrypting IRS Form W-9 email correspondence.
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

VI. ADDITIONAL PROVISIONS

58. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of all parties and approval of the Regional Judicial Officer.

59. The provisions of this Agreement shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns.

60. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information or personally identifiable information.

61. By signing this CAFO, the undersigned representative of Complainant and the undersigned representative(s) of Respondent each certify that he or she is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party he or she represents.

62. By signing this CAFO, the party agrees that the party's obligations under this CAFO and EPA's compromise of statutory maximum penalties constitute sufficient consideration for the other party's obligations.

63. By signing this CAFO, Respondent certifies that the information is has supplied concerning this matter was at the time of submission true, accurate, and complete for each such submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

64. Complainant and Respondent, by entering into this CAFO, each consents to accept digital signatures hereupon. Respondent further consents to accept electronic service of the fully executed CAFO, by e-mail, at dwaylett@smithfield.com. Respondent understands that these e-mail addresses may be made public when the CAFO and Certificate of Service are filed

and uploaded to a searchable database. Complainant has provided Respondent with a copy of the EPA Region 1 Regional Judicial Officer's Authorization of EPA Region 1 Part 22 Electronic Filing System for Electronic Filing and Service of Documents Standing Order, dated June 19, 2020. Electronic signatures shall comply with and be maintained in accordance with that Order.

VII. EFFECT OF CONSENT AGREEMENT AND ATTACHED FINAL ORDER

65. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations specifically alleged above.

66. This CAFO constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113(d) of the CAA for the violations alleged herein. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law.

67. The civil penalty provided under this CAFO, and any interest, nonpayment penalties, and charges described in this CAFO, shall represent penalties assessed by EPA within the meaning of 26 U.S.C. § 162(f) and are not tax deductible for purposes of federal, state or local law. Accordingly, Respondent agrees to treat all payments made pursuant to this CAFO as penalties within the meaning of 26 C.F.R. § 1.162-21, and further agrees not to use these payments in any way as, or in furtherance of, a tax deduction under federal, state, or local law.

68. This CAFO constitutes the entire agreement and understanding of the parties and supersedes any prior agreements or understandings, whether written or oral, among the

parties with respect to the subject matter hereof.

69. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, or be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

70. EPA reserves the right to revoke this CAFO and settlement penalty if and to the extent that EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA, and EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.

71. This CAFO in no way relieves Respondent or its employees of any criminal liability, and EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

72. Except as qualified by paragraphs 54-55 (late penalty collection), each party shall bear its own costs and fees in this proceeding including attorney's fees. Respondent specifically waives any right to recover such costs from EPA pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable laws.

VIII. EFFECTIVE DATE

73. Respondent and Complainant agree to issuance of the attached Final Order.

Upon filing, EPA will electronically transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

The foregoing Consent Agreement, *In the Matter of Smithfield Packaged Meats Corp.*, Docket No. CAA-01-2025-0034, is hereby stipulated, agreed, and approved for entry.

FOR U.S. ENVIRONMENTAL PROTECTION AGENCY:

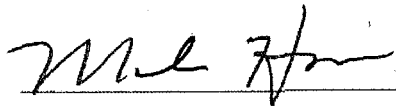
JAMES CHOW Digitally signed by JAMES CHOW
Date: 2025.06.26 09:29:55 -04'00'

Date: _____

James Chow, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 1

The foregoing Consent Agreement, *In the Matter of Smithfield Packaged Meats Corp.*, Docket No. CAA-01-2025-0034, is hereby stipulated, agreed, and approved for entry.

FOR RESPONDENT:




Date: 6/20/2025

CFO [Title]
Smithfield Packaged Meats Corp.

FINAL ORDER

Pursuant to 40 C.F.R. §§ 22.18(b) and (c) of EPA's Consolidated Rules of Practice; Sections 113(d)(1) and (d)(2)(B) of the Clean Air Act, 42 U.S.C. §§ 7413(d)(1) and (d)(2)(B), the foregoing Consent Agreement resolving this matter is incorporated by reference into this Final Order and is hereby ratified. Respondent is ordered to pay the civil penalty amount specified in the Consent Agreement, in the manner indicated. The terms of the Consent Agreement will become effective on the date it is filed with the Regional Hearing Clerk.

Date: July 1, 2025



Michael J. Knapp
Regional Judicial Officer
U.S. Environmental Protection Agency, Region 1

Appendix A

Recognized and Generally Accepted Good Engineering Practices

In collaboration with the American National Standards Institute ("ANSI"), the International Institute of Ammonia Refrigeration ("IIAR") has issued (and updates):

- Standard 2: *Standard for Safe Design of Closed-Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 2"),
- Standard 4: *Installation of Closed-Circuit Ammonia Mechanical Refrigeration Systems* ("ANSI/IIAR 4"),
- Standard 6: *Standard for Testing, Inspection, and Maintenance of Closed-Circuit Ammonia Refrigeration Systems* ("ANSI/IIAR 6"),
- Standard 7: *Developing Operating Procedures for Closed-Circuit Ammonia Mechanical Refrigerating Systems* ("ANSI/IIAR 7"), and
- Standard 9: American National Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems ("ANSI/IIAR 9"), *inter alia*, along with other applicable standards and guidance.

Bulletins and guidance include, without limitation:

- IIAR Bulletin No. 109, *Guidelines for IIAR Minimum Safety Criteria for a Safe Ammonia Refrigeration System* (1997, and in effect until 2019 when ANSI/IIAR 6 replaced it) ("IIAR Bull. 109"),
- IIAR Bulletin No. 110, *Guidelines for Start-Up, Inspection, and Maintenance of Ammonia Mechanical Refrigerating Systems* (1993, most recently updated in 2007, and in effect until 2019 when ANSI/IIAR 6 replaced it) ("IIAR Bull. 110"),
- IIAR Bulletin No. 114, *Guidelines for Identification of Ammonia Refrigeration Piping and Components* (1991, most recently updated in 2018) ("IIAR Bull. 114"),
- IIAR Bulletin No. 116, *Guidelines for Avoiding Component Failure in Industrial Refrigeration Systems Caused by Abnormal Pressure or Shock* (1992) ("IIAR Bull. 116"), and
- The Ammonia Refrigeration Management Program (2005, most recently updated in 2019) ("IIAR ARM Program"), which is intended to provide streamlined guidance to facilities that have less than 10,000 pounds of ammonia.

Also, in collaboration with ANSI, the American Society of Heating, Refrigerating and Air-Conditioning Engineers ("ASHRAE") has issued (and updates):

- "Standard 15: Safety Standard for Refrigeration Systems." Addendum A to ASHRAE Standard 15-2016 (published 2018) modifies ASHRAE Standard 15 to defer regulation of ammonia refrigeration systems to ANSI/IIAR 2. Standard 15 and ANSI/IIAR 2 have historically served as additive standards for regulation of ammonia systems, with ASHRAE addressing general design and IIAR addressing ammonia-specific topics.

These standards are consistently relied upon by refrigeration experts and are often incorporated into state building and mechanical codes.

The chart below cites to the standards of care that were in effect in 2021, when EPA's inspection occurred.

Alleged Hazards/Dangerous Condition	GDC Violation	How Condition Could Lead to or Exacerbate the Consequences of a Release, Causing Harm / Brief Explanation of Severity (40 C.F.R. § 22.14(a)(4)(ii))	Examples of Industry Standards of Care Showing that (1) Hazard is Recognized by Owner/Operator's Industry, and (2) There are Way(s) to Eliminate or Reduce the Hazard	References to EPA Photographs
<p><u>Condition 1.a.</u> Duration: At least 610 days</p> <p>Not all ammonia piping in ammonia refrigeration system machinery room was labeled with the contents or direction of flow.</p>	<p>Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.</p> <p>Failure to minimize the consequences of releases which do occur.</p>	<p>The lack of proper pipe labeling makes it more difficult to properly maintain system, increases chance of accidental release of ammonia, and could frustrate efforts to respond quickly in the event of a release.</p>	<p>ANSI/IIAR 2-2014 §§ 5.14.6 (piping shall be labeled with the identity, physical state, and relative pressure of the contents, along with the pipe service and direction of flow); 6.6.3 (piping shall be marked as required by Section 5.14.6);</p> <p>ANSI/IIAR 9-2020 § 7.2.9.4 (piping shall be labeled with the identity, physical state, and relative pressure of the contents, along with the pipe service and direction of flow).</p>	<p>Inspection Report references Photos 22, 47, 48 and 49.</p> <p>Also, ammonia piping in the AMR painted both silver and orange (Photos 44, 45, and 47) and non-ammonia (freon) pipes painted orange in freon room (Photo 107).</p>
<p><u>Condition 1.b.</u> Duration: At least 610 days</p> <p>Bump protection was not provided for the</p>	<p>Failure to design and maintain a safe facility taking such steps as are</p>	<p>Increases risk of ammonia release from accidental damage to system components.</p>	<p>ANSI/IIAR 2-2014 §§ 5.17.1 (Where ammonia-containing equipment is installed in a location subject to physical damage, guarding or barricading shall be provided); 7.2.4 (Equipment shall be protected where a risk of physical damage exists; where equipment containing</p>	<p>Inspection report references Photos 47, 48</p>

<p>pipng under the high-pressure receiver.</p> <p>Failure to anchor jersey barriers protecting the exterior of the ammonia machinery room and condenser support system.</p>	<p>necessary to prevent releases.</p>		<p>ammonia is located in an area with heavy vehicular traffic during normal operations and a risk of impact exists, vehicle barriers or alternative protection shall be provided in accordance with the Fire Code); 13.4.2 (Refrigerant piping shall be isolated and supported to prevent damage from vibration, stress, corrosion, and physical impact).</p> <p>ANSI/IIAR 4-2015, § 5.4.7 (All components and piping shall be installed in such a manner that they are protected from physical and environmental damage).</p> <p>ANSI/IIAR 4-2020 § 4.8.2 (All components and piping shall be installed in such a manner that they are protected from physical and environmental damage in accordance with IIAR 2).</p> <p>ANSI/IIAR 9-2020 § 7.2.12.1 (Where ammonia-containing equipment is installed in a location subject to physical damage, guarding or barricading shall be provided).</p>	
<p><u>Condition 2.a.</u></p> <p>Duration: At least 610 days</p> <p>The King Valve inside the AMR did not have</p>	<p>Failure to minimize the consequences of releases which do occur.</p>	<p>The use of this valve provides responders a means to isolate a large quantity of ammonia during a release situation.</p>	<p>ANSI/IIAR 2-2014 §§ 5.14.3 (Valves required for emergency shutdown of the system shall be clearly and uniquely identified at the valve itself and in the system schematic drawings); 6.3.3.2 (Manually operated isolation valves identified as being part of the system emergency</p>	<p>Inspection Report references Photo 45</p>

a handwheel to allow for easy closure during an emergency.		In the event of a release, being able to access critical valves is necessary for emergency response. Platforms or chains used to operate valves that are out of reach from ground level are necessary and aid first responders.	shutdown procedure shall be directly operable from the floor or chain operated from a permanent work surface.). ANSI/IIAR 9-2020 §§ 7.2.9.3 (Valves required for emergency shutdown of the system shall be clearly and uniquely identified at the valve itself and in the system schematic drawings); 7.3.3.3(2) (Manually operated isolation valves identified as being part of the system emergency shutdown procedure shall be directly operable from the floor or chain operated from a permanent work surface).	
<u>Condition 2.b.</u> Duration: At least 610 days Atmospheric termination of pressure relief device discharge piping was fewer than 20 feet from an opening to a building.	Failure to minimize the consequences of releases which do occur.	Improperly placed discharge reliefs can result in ammonia being sprayed on personnel working on the roof or catwalks during a release, or exposing personnel exiting a building during a release, further exacerbating the consequences of a release.	ANSI/IIAR 2-2014 § 15.5.1.2 (The termination of pressure relief device discharge piping relieving to the atmosphere shall not be less than 15 ft (4.6 m) above grade and not less than 20 ft (6.1m) from windows, ventilation intakes, or exits). ANSI/IIAR 9-2020 § 7.4.2.1 (The termination of pressure relief device discharge piping relieving to the atmosphere shall not be less than 15 ft (4.6 m) above grade and not less than 20 ft (6.1m) from windows, ventilation intakes, or exits).	Inspection report references photos 20, 21, 22

<p><u>Condition 2.c.</u></p> <p>Duration: At least 610 days</p> <p>The ammonia alarm above the entry door to the ammonia machinery room (AMR) was not labeled.</p>	<p>Failure to design and maintain a safe facility taking such steps as are necessary to prevent releases.</p> <p>Failure to minimize the consequences of releases which do occur.</p>	<p>Ammonia alarms provide early warning that a release is taking place, enabling quick response and protecting workers, first responders, and the public from a larger release. Properly identifying ammonia alarms enables employees and responders to determine what chemical is being released and helps distinguish between an ammonia release and a fire.</p> <p>Inadequate labelling of alarms increases the chance of inadvertent exposure to ammonia releases and could frustrate effort to react quickly and properly during an ammonia release. Additionally, this could create confusion among employees and emergency response personnel as to the reason for the alarm resulting in</p>	<p>ANSI/IIAR 2-2014 §§ 6.13.1.3 (requiring audio/visual alarm within AMR and additional audio/visual alarms located outside each AMR entrance); 6.15.2 (alarm signage shall be provided in accordance with Section 17.6); 17.6 (requiring ammonia leak detection alarms to be identified by signage adjacent to visual and audible alarm devices).</p> <p>ANSI/IIAR 9-2020 §§ 7.2.9.1.2 (The meaning of each alarm shall be clearly marked by signage near the visual and audible alarms); 7.3.12.6 (Ammonia leak detection alarms shall be identified by signage adjacent to visual and audible alarm devices.); 7.3.12.1.3 (Audible and visual alarms shall be provided inside the machinery room. Additional audible and visual alarms shall be located outside of each entrance to the machinery room).</p> <p>ANSI/ASHRAE 15-2013 § 8.11.2.1 (requiring a detector inside a machinery room that actuates a visual and audible alarm inside the machinery room and outside each entrance to the machinery room. The meaning of each alarm shall be clearly marked by signage near the annunciators).</p>	<p>Inspection report references Photo 16</p>
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		inadvertent exposure to ammonia. Signs and posted information provide a level of protection in addition to worker training and operating procedures.		
<p><u>Condition 2.d.</u></p> <p>Duration: At least 610 days</p> <p>Emergency shutdown instructions and phone numbers were not posted, clearly identified, or easily available.</p>	<p>Failure to minimize the consequences of releases which do occur.</p>	<p>During a release event, easy access to emergency shutdown instructions can facilitate a quicker response time and reduce the duration and severity of an accidental release.</p>	<p>ANSI/IIAR 2-2014 § 5.15 (It shall be the duty of the person in charge of the premises at which the refrigeration system is installed to provide directions for the emergency shutdown of the system at a location that is readily accessible to trained refrigeration system staff and trained emergency responders. Schematic drawings or signage shall include the following:</p> <p>(1) Instructions with details and steps for shutting down the system in an emergency;</p> <p>(2) The name and telephone numbers of the refrigeration operating, maintenance, and management staff, emergency responders, and safety personnel;</p> <p>(3) The names and telephone numbers of all corporate, local, state, and federal agencies to be contacted as required in the event of a reportable incident;</p> <p>(4) Quantity of ammonia in the system;</p> <p>(5) Type and quantity of refrigerant oil in the system; and</p> <p>(6) Field test pressures applied).</p> <p>ANSI/IIAR 9-2020 § 7.2.10 (It shall be the duty of the person in charge of the premises at which</p>	<p>Inspection Report references Photos 15, 16, 18, 38, 39, 40</p>

			<p>the refrigeration system is installed to provide directions for the emergency shutdown of the system at a location that is readily accessible to trained refrigeration system staff and trained emergency responders. Documentation shall include the following: (1) Instructions with details and steps for shutting down the system in an emergency; (2) The name and telephone numbers of the refrigeration operating and maintenance staff; (3) The names and telephone numbers of all local, state, and federal agencies to be contacted as required in the event of a reportable incident; (4) Quantity of ammonia in the system; and (5) Signage shall include emergency facility contact title and phone number to call in the event of an alarm or ammonia release).</p>	
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