

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 2

August 27, 2026 11:07 am
USEPA – Region II
Regional Hearing Clerk

In the Matter of:

Wego Chemical Group, Wego Chemical LLC,
Wegochem International LLC, Wego Chemical
and Mineral LLC, Wego Chemical Group LP,
Wego Chemical Group Inc., and Wego
Chemical and Mineral Corp,

Respondents.

Proceeding Under Section 16(a) of the Toxic
Substances Control Act, as amended, 15 U.S.C.
§ 2615(a).

**AMENDED
COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

Docket No. TSCA-02-2026-9241

COMPLAINT

Complainant, on behalf of the Administrator of the United States Environmental Protection Agency (“EPA” or “Agency”), by and through his attorneys, hereby alleges, on information and belief, the following as and for his complaint against Respondents:

Jurisdiction

1. This administrative proceeding is commenced pursuant to the provisions of Section 16(a) of the Toxic Substances Control Act, as amended (the “Act” or “TSCA”), 15 U.S.C. § 2615(a), for a declaration of liability and for the assessment of a civil penalty for Respondents’ failures (as detailed below) to have complied in carrying out their commercial activities with requirements of TSCA and/or regulations promulgated under authority of TSCA.
2. This tribunal is vested with jurisdiction over this proceeding pursuant to Section 16(a)(2) of TSCA, 15 U.S.C. § 2615(a)(2), and 40 C.F.R. § 22.1(a)(5).
3. This “COMPLAINT AND NOTICE OF OPPORTUNITY FOR HEARING” “Complaint”) constitutes the “written notice to the person to be assessed a civil penalty,” as required by Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), for any violation of, *inter alia*, Section 15 of TSCA, 15 U.S.C. § 2614.
4. Complainant in this proceeding is the Acting Director of the Enforcement and Compliance Assurance Division of EPA, Region 2.
5. Complainant has been duly delegated the authority to institute this proceeding.

The Toxic Substances Control Act, General Provisions

6. Congress enacted the Toxic Substances Control Act in 1976 after finding, in part, that “human beings and the environment are being exposed each year to a large number of chemical substances and mixtures,” in order that “adequate authority should exist to regulate chemical substances and mixtures which present an unreasonable risk of injury to health or the environment....” 15 U.S.C. § 2601(a)(1); 15 U.S.C. § 2601(b)(2).
7. Section 15(1) of TSCA, 15 U.S.C. § 2614(1), states, in part, that “[i]t shall be unlawful for any person to...fail or refuse to comply with any requirement of this subchapter [15 U.S.C. §§ 2601-2629] or any rule promulgated...under this subchapter.”
8. Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), states, in part, that “[i]t shall be unlawful for any person to...fail or refuse to...submit reports, notices or other information...as required by this chapter [Chapter 53, 15 U.S.C. §§ 2601 to 2692] or a rule thereunder....”
9. Pursuant to the authority Congress granted the Agency, EPA promulgated the following regulations codified at the following parts of the Code of Federal Regulations: (a) 40 C.F.R. Part 700, “General,” promulgated under authority of, *inter alia*, Section 26 of TSCA, 15 U.S.C. § 2625; (b) 40 C.F.R. Part 704, “Reporting And Recordkeeping Requirements,” promulgated under authority of Section 8(a) of TSCA, 15 U.S.C. § 2607(a); (c) 40 C.F.R. Part 707, “Chemical Imports and Exports,” promulgated under authority of, *inter alia*, Sections 13 and 26 of TSCA, 15 U.S.C. §§ 2612 and 2625, respectively; (d) 40 C.F.R. Part 711, denominated “TSCA Chemical Data Reporting Requirements” (governing the reporting of chemical data to the Agency), promulgated under authority of Section 8(a) of TSCA, 15 U.S.C. § 2607(a); (e) 40 C.F.R. Part 720, “Premanufacture Notification,” promulgated under authority of, *inter alia*, Section 5 of TSCA, 15 U.S.C. §§ 2604; (f) 40 C.F.R. Part 721, “Significant New Use Of Chemical Substances,” promulgated under authority of, *inter alia*, Sections 5 and 8 of TSCA, 15 U.S.C. §§ 2604 and 2607, respectively; (g) 40 C.F.R. Part 751, “Regulation of Certain Chemical Substances and Mixtures Under Section 6 of the Toxic Substances Control Act,” promulgated under authority of, *inter alia*, Sections 6 of TSCA, 15 U.S.C. §§ 2605; (h) 40 C.F.R. Part 766, “Dibenzo-Para-Dioxins/Dibenzofurans,” promulgated under Section 4 of TSCA, 15 U.S.C. § 2603; and (i) 19 C.F.R. §§ 12-11.8 – 12.127, regarding the importation of “Chemical Substances in Bulk and as Part of Mixtures and Articles,” promulgated by the United States Department of Homeland Security and the United States Department of the Treasury, in consultation with EPA, under authority of, *inter alia*, Section 13(b) of TSCA, 15 U.S.C. § 2612(b).
10. Pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), any person who violates a provision of, *inter alia*, Section 15 of TSCA, 15 U.S.C. § 2614, shall be liable to the United States for a civil penalty in an amount not to exceed \$37,500 for each such violation.
11. The Federal Civil Penalties Inflation Adjustment Act of 1990, 28 U.S.C. § 2461, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act (Section 701 of Pub.L. 114-74), 28 U.S.C. § 2461, in conjunction with the implementing regulations codified at 40

C.F.R. Part 19, increased, *inter alia*, the maximum statutory penalty EPA might obtain pursuant to Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), to \$49,772 for any violation of a provision under Section 15 of TSCA, 15 U.S.C. § 2614, provided such violation occurred on or after November 2, 2015 and that the penalty for such violation was assessed on or after January 8, 2025. 40 C.F.R. § 19.4, Table 1.

12. In relevant part, Section 16(a)(1) of TSCA, 15 U.S.C. § 2615(a)(1), states “[e]ach day a violation of [Section 15 of TSCA, 15 U.S.C. § 2614] continues shall, for purposes of [Section 16(a) of TSCA, 15 U.S.C. § 2615(a)], constitute a separate violation of Section 2614 [15 U.S.C. § 2614]....”
13. Sub-paragraph (2)(A) of Section 16(a), 15 U.S.C. § 2615(a)(2)(A), authorizes the commencement of a proceeding for the assessment of penalty sought pursuant to Section 16(a).

Background: History and Operations

14. Respondents are: (a) Wego Chemical Group; (b) Wego Chemical LLC; (c) Wegochem International LLC; (d) Wego Chemical and Mineral LLC; (e) Wego Chemical Group LP; (f) Wego Chemical Group Inc.; and (g) Wego Chemical and Mineral Corp.
15. Respondents constitute an association or other business entity conducting commercial operations (in interstate and international commerce) for, *inter alia*, the importation, exportation and distribution of “chemical substances” (as that term is defined in Section 3(2) of TSCA, 15 U.S.C. § 2602(2))¹ and that variously operate, individually or collectively as a joint enterprise (two or more), under or otherwise using the name “Wego Chemical Group” (hereinafter as so defined referred to as the “Wego entities” or “Respondents”).
16. For times pertinent to the matters alleged below, each of the Wego entities had been organized and has existed under the laws of the State of New York or the State of Delaware.
17. Each of the Wego entities has been a person for purposes of TSCA, as set forth in each of 40 C.F.R. §§ 704.3, 710.3 and 720.3.
18. For the times set forth below, Respondents have been importers of chemical substances that include household and industrial chemicals; lubricants, coatings, adhesives and sealants; pharmaceuticals; personal care products; chemicals for metal working; chemicals for water treatment; and chemicals used in the building and construction industries. Respondents sell, supply and distribute into interstate commerce and international commerce such chemical substances that they import.
19. For the times set forth below, Respondents have owned, operated and/or controlled: (a) one facility the address of which is 239 Great Neck Road [sometimes noted as 235 Great Neck Road], Great Neck (Nassau County), New York 11021 (the “Great Neck Road facility”);

¹ Terms that are herein defined by their statutory and/or regulatory definitions are subsequently used as so defined.

and (b) another facility the address of which is 277 Northern Blvd., Great Neck (Nassau County), New York 11021 (the “Northern Blvd. facility”).

20. Respondents at present own, operate and/or control the Great Neck Road facility and/or the Northern Blvd. facility.
21. On May 24, 2021, a duly designated representatives of EPA (Jesse Miller, Ph.D.) sent e-mails to Felicia Lynch, the Quality and Regulatory Affairs Manager of Respondents, that “request[ed] information from Wego Chemical Group regarding compliance with TSCA Sections 4, 5, 6, 8, 12, and 13,” including information on corporate structure, imported chemical substances and exported chemical substances. Follow-up and responsive e-mails were thereafter exchanged between Dr. Miller and Respondents.
22. Complainant and Respondent Wego Chemical Group entered into a tolling agreement that was executed by Julia Hanft, as general counsel in the name of Respondent Wego Chemical Group, and which provided, in part, “[t]he period between November 1, 2024 and March 31, 2025...shall not be included in computing the running of any statute of limitations that might be applicable to any action, suit or proceeding brought by EPA against Wego [Chemical Group] for any of the causes of action pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a) identified in the...letter” of July 17, 2024.
23. The aforementioned July 17, 2024 letter discussed potential causes of action of various provisions of TSCA and/or regulations promulgated thereunder that arose or that might have arisen between January 2018 and March of 2021.

COUNT 1: FAILURE TIMELY TO FILE 40 CFR PART 711 REPORT (Attachment 1)

24. Complainant repeats and realleges each allegation contained in paragraphs “1” through “23,” above, with the same force and effect as if fully set forth herein.
25. The regulation codified at 40 C.F.R. § 711.5, requires reporting to EPA of “[a]ny chemical substance that is in the Master Inventory at the beginning of a submission period described in [40 C.F.R.] § 711.20, unless the chemical substance is specifically excluded by [40 C.F.R.] § 711.6.”
26. The term “Master Inventory File” is defined at 40 C.F.R. § 711.3, as “EPA’s comprehensive list of chemical substances which constitutes the TSCA Inventory compiled under TSCA section 8(b) [15 U.S.C. § 2607(b)]. It includes chemical substances reported under 40 CFR part 710 and substances reported under 40 CFR part 720 for which a Notice of Commencement of Manufacture or Import has been received under 40 CFR 720.120.”
27. The regulation codified at 40 C.F.R. § 711.8(a) requires reporting to EPA by “[a]ny person who manufactured (including imported) for commercial purposes 25,000 lb (11,340 kg) or more of a chemical substance described in [40 C.F.R.] § 711.5 at any single site owned or controlled by that person during any calendar year since the last principal reporting year.”
28. Under 40 C.F.R. § 711.3, the term “site” is defined to “mean[] a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. More than one manufacturing plant may be located on a single site.”

29. Under 40 C.F.R. § 711.3(2), the term “site” is more particularly defined to include, in part, the following: “The site for an importer who imports a chemical substance described in [40 C.F.R.] § 711.5 is the U.S. site of the operating unit within the person’s organization that is directly responsible for importing the chemical substance. The import site, in some cases, may be the organization’s headquarters in the United States.”
30. The “last principal reporting year” prior to 2020 was, within the meaning of 40 C.F.R. § 711.8, calendar year 2015.
31. The relevant period during which the required 40 C.F.R. § 711.8(a) reporting of chemical substances imported during any calendar year “since the last [2015] principal reporting year” was June 1, 2020 through January 29, 2021 (*i.e.* for chemical substances imported for commercial purposes above the listed threshold levels in any calendar years 2016, 2017, 2018 and 2019), as prescribed by 40 C.F.R. § 711.20 (and set forth in 85 *Fed. Reg.* 75235 (November 25, 2020)).
32. Pursuant to 40 C.F.R. § 711.15(a), any person obligated to report the importation of chemical substances under 40 C.F.R. § 711.8 was required to submit the necessary information to EPA using the Chemical Data Reporting electronic submittal format (hereinafter referred to as the “Form U”).
33. Forty C.F.R. § 711.3 states, in part, that “the definitions of 40 CFR 704.3 also apply to” 40 C.F.R. Part 711, with 40 C.F.R. § 704.3 defining the term “person” to “include[] any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity....”
34. Each of the Wego entities is, and has been for the times relevant to the allegations of this count and Counts 2 and 3 [as set forth below], a “person” within the meaning of 40 C.F.R. § 704.3.
35. Respondents imported for commercial purposes each of 209 chemical substances as listed and identified in Attachment 1 to this complaint (collectively referred to as the “Attachment 1 chemical substances”) in volumes exceeding 25,000 pounds per year in at least one of the four calendar years between (and including) 2016 and 2019 (*i.e.* in 2016, 2017, 2018 and/or 2019).
36. Respondents imported the following quantities of Attachment 1 chemical substances and Attachment 2 chemical substances (as the latter is set forth in Count 2, below) in each of the following years: **(a)** in 2016, at least 68 million pounds; **(b)** in 2017, at least 85 million pounds; **(c)** in 2018, at least 109 million pounds; and **(d)** in 2019, at least 89 million pounds.
37. Each of the Respondents was the “importer” (within the meaning of that term as defined in 40 C.F.R. § 704.3) of the Attachment 1 chemical substances.
38. The necessary transactions to secure the importation of each of the Attachment 1 chemicals, including the legal, logistical and scheduling arrangements to ensure that each

of the importations was effected, were made, finalized, scheduled and/or confirmed from the Great Neck Road facility.

39. As a consequence of the importations of the Attachment 1 chemical substances, Respondents “manufacture[d]” (as that term is defined in Section 3(7) of TSCA, 15 U.S.C. § 2602(7), and 40 C.F.R. § 711.3) such chemical substances.
40. With average annual sales at or above \$290 million, none of the Respondents was a “small manufacturer” within the meaning of 40 C.F.R. § 704.3 during the times of the importation of the Attachment 1 chemical substances.
41. For the importations (in whole or in part) of the Attachment 1 chemical substances, the following were listed on official United States custom records (*i.e.*, official United States Customs and Border Protection-authorized electronic data interchange), as both the importers of record, and the consignees of record: (a) Wego Chemical LLC; (b) Wegochem International LLC; and (c) Wego Chemical and Mineral Corp.
42. Each of the Attachment 1 chemical substances was on EPA’s Master Inventory File as of June 1, 2020, and none of them was excluded pursuant to 40 C.F.R. § 711.6 from the chemical data reporting requirement under 40 C.F.R. Part 711.
43. Pursuant to 40 C.F.R. § 711.8(a), Respondents were required to submit a report to EPA for the importations of the Attachment 1 chemical substances during the prescribed reporting period of June 1, 2020 through January 29, 2021 (also subsequently referred to as the “2020-2021 reporting period”).
44. Respondents never filed a 40 C.F.R. Part 711 Form U for their importation of the 209 Attachment 1 chemical substances (or for any portion thereof) during the 2020-2021 reporting period.
45. On or about June 16, 2025, Robyn Whitney, as “Quality and Regulatory Affairs Manager” of “Wego Chemical Group Inc.,” signed as an authorized official and submitted to EPA the required 40 C.F.R. Part 711 Form U for Respondents’ 2016-2019 importations of the Attachment 1 chemical substances, nearly four and one-half years after such filing had become due. This Form U submission included the following information: (a) Domestic Parent: “Wego Chemical Group Inc.”; (b) Technical contact company: “Wego Chemical Group”; (c) Site: “Wego Chemical Group located at 235 [sic] Great Neck Road, Great Neck NY 11021”; and (d) D&B Number: “08-012-9092” [a D&B number that then pertained to Wego Chemical Group LP].
46. Respondents’ failure to file the required Form U report during the 2020-2021 reporting period for their importation of each of the Attachment 1 chemical substances during any of calendar years 2016, 2017, 2018 and 2019 constitutes 209 separate and independent failures to comply with, and thus 209 separate and independent violations of, 40 C.F.R. § 711.8(a).
47. Respondents’ failure to file the required Form U report during the 2020-2021 reporting period for their importation of each of the Attachment 1 chemical substances during any of calendar years 2016, 2017, 2018 and 2019 constitutes 209 separate and independent

unlawful acts pursuant to, and thus 209 separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

48. As a consequence of each of the 209 Form U reporting violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 2: FAILURE TIMELY TO FILE 40 CFR PART 711 REPORT (“Group 2”)

49. Complainant repeats and realleges each allegation contained in paragraphs “1” through “48,” above, with the same force and effect as if fully set forth herein.
50. The regulation codified at 40 C.F.R. § 711.8(b) states, in pertinent part, “Any person who manufactured (including imported) for commercial purposes any chemical substance that is the subject of a rule proposed or promulgated under TSCA section 5(a)(2), 5(b)(4), or 6 [15 U.S.C. §§ 2604(a)(2), 2604(b)(4), or 2605, respectively], or is the subject of an order in effect under TSCA section...5(e) [15 U.S.C. § 2604(e)]...is subject to reporting as described in [40 C.F.R.] § 711.8(a), except that the applicable production volume threshold is 2,500 lb (1,134 kg).”
51. Respondents imported for commercial purposes each of the following five chemical substances, as identified below (including with their respective Chemical Abstracts Services Registry Number (“CASRN”)), in volumes exceeding 2,500 pounds per year in at least one of the four calendar years between (and including) 2016 and 2019 (*i.e.*, in 2016, 2017, 2018, and 2019): (a) Decabromodiphenyl ether, CASRN 1163-19-5 (hereinafter “DBDE”); (b) 1-ethyl-2-pyrrolidinone, CASRN 2687-91-4 (hereinafter “ETPY”) ; (c) Dichloromethane, CASRN 75-09-2 (hereinafter “DMET”); (d) 1,1,2-trichloroethene, CASRN 79-01-6 (hereinafter “TETH”); and (e) Benzene, 1,1’-(1,2-ethanediyl) bis [2,3,4,5,6-] pentabromo, CASRN 84852-53-9 (hereinafter this halogenated phenyl alkane referred to as “BEPB”) (collectively, these five chemical substances referred to as the “Group 2 chemicals”).
52. Each of the Respondents was the “importer” (within the meaning of that term as defined in 40 C.F.R. § 704.3) of the Group 2 chemicals.
53. The necessary transactions to secure the importation of each of the Group 2 chemicals, including the legal, logistical and scheduling arrangements to ensure that each of the importations was effected, were made, finalized, scheduled and/or confirmed from the Great Neck Road facility.
54. As a consequence of the importations of the Group 2 chemicals, Respondents manufactured the Group 2 chemicals.
55. With average annual sales at or above \$290 million, none of the Respondents was a “small manufacturer” within the meaning of 40 C.F.R. § 704.3 during the times of the importation of the Group 2 chemicals.

56. For the importations (in whole or in part) of the Group 2 chemicals, the following were listed on official United States custom records (*i.e.*, official United States Customs and Border Protection-authorized electronic data interchange), as both the importers of record, and the consignees of record: **(a)** Wego Chemical LLC; **(b)** Wegochem International LLC; and **(c)** Wego Chemical and Mineral Corp.
57. Each of the Group 2 chemicals was on EPA's Master Inventory File as of June 1, 2020, and none of them was excluded pursuant to 40 C.F.R. § 711.6 from the chemical data reporting requirement under 40 C.F.R. Part 711.
58. During the period between June 1, 2020 and January 2021 (but not necessarily limited to such period), DBDE was subject to a: **(a)** final test rule issued pursuant to Section 4 of TSCA, 15 U.S.C. § 2603 (as set forth in 40 C.F.R. §§ 766.20, 766.25); **(b)** proposed "significant new use" rule pursuant to Sections 5(a)(2) and 5(b)(4) of TSCA, 15 U.S.C. § 2604(a)(2) and § 2604(b)(4) [as set forth in 77 *Fed. Reg.* 19861 (April 2, 2012)]; and **(c)** proposed risk management rule issued pursuant to Section 6 of TSCA, 15 U.S.C. § 2605 [as set forth in 84 *Fed. Reg.* 36728 (July 29, 2019)].
59. During the period between June 1, 2020 and January 2021 (but not necessarily limited to such period), ETPY was subject to a proposed "significant new use" rule pursuant to Sections 5(a)(2) and 5(b)(4) of TSCA, 15 U.S.C. § 2604(a)(2) and § 2604(b)(4) [as set forth in 81 *Fed. Reg.* 85472 (November 28, 2016)].
60. During the period between June 1, 2020 and January 2021 (but not necessarily limited to such period), DMET was subject to a final risk management rule issued pursuant to Section 6 of TSCA, 15 U.S.C. § 2605 [as set forth in 40 C.F.R. §§ 751.101 – 751.109].
61. During the period between June 1, 2020 and January 2021 (but not necessarily limited to such period), TETH was subject to a: **(a)** final "significant new use" rule pursuant to Sections 5(a)(2) and 5(b)(4) of TSCA, 15 U.S.C. § 2604(a)(2) and § 2604(b)(4) [as set forth in 40 C.F.R. § 721.10851]; and **(b)** proposed risk management rule issued pursuant to Section 6 of TSCA, 15 U.S.C. § 2605 [as set forth in 82 *Fed. Reg.* 7432 (January 19, 2017) and 81 *Fed. Reg.* 91592 (December 16, 2016)].
62. During the period between June 1, 2020 and January 2021 (but not necessarily limited to such period), BEPB was subject to: **(a)** a final "significant new use" rule pursuant to Sections 5(a)(2) and 5(b)(4) of TSCA, 15 U.S.C. § 2604(a)(2) and § 2604(b)(4) [as set forth in 40 C.F.R. § 721.536]; and **(b)** an order under Section 5(e) of TSCA, 15 U.S.C. § 2604(e).
63. Pursuant to 40 C.F.R. § 711.8(b), Respondents were required to submit a report to EPA for the importations of the Group 2 chemicals during the 2020-2021 reporting period.
64. Respondents never filed a 40 C.F.R. Part 711 Form U for their importation of the five Group 2 chemicals (or any portion thereof) during the 2020-2021 reporting period.
65. On or about June 16, 2025, Robyn Whitney, as Quality and Regulatory Affairs Manager of Wego Chemical Group Inc., signed as an authorized official and submitted to EPA the required 40 C.F.R. Part 711 Form U for Respondents' 2016-2019 importations of the

Group 2 chemicals, nearly four and one-half years after such filing had become due. This Form U submission included the following information: (a) Domestic Parent: “Wego Chemical Group Inc.”; (b) Technical contact company: “Wego Chemical Group”; (c) Site: “Wego Chemical Group” located at 235 [sic] Great Neck Road, Great Neck NY 11021”; and (d) D&B Number: “08-012-9092” [a D&B number that then pertained to Wego Chemical Group LP].

66. Respondents’ failure to file the required Form U report during the 2020-2021 reporting period for their importation of each of the Group 2 chemicals during any of calendar years 2016, 2017, 2018 and 2019 constitutes five separate and independent failures to comply with, and thus five separate and independent violations of, 40 C.F.R. § 711.8(b) incorporating 40 C.F.R. § 711.8(a).
67. Respondents’ failure to file the required Form U report during the 2020-2021 reporting period for their importation of each of the Group 2 chemicals during any of calendar years 2016, 2017, 2018 and 2019 constitutes five separate and independent unlawful acts pursuant to, and thus five separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
68. As a consequence of each of the five Form U reporting violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 3: FAILURE TO REPORT REQUIRED INFORMATION IN 2020 FORM U

69. Complainant repeats and realleges each allegation contained in paragraphs “1” through “68,” above, with the same force and effect as if fully set forth herein.
70. In pertinent part, 40 C.F.R. § 711.15 requires reporting as follows: “Any person who must report under this part, as described in [40 C.F.R.] § 711.8 must submit the information described in this section for each chemical substance described in [40 C.F.R.] § 711.5 that the person manufactured (including imported) for commercial purposes in an amount of 25,000 lb (11,340 kg) or more (or in an amount of 2,500 lb (1,134 kg) or more for chemical substances subject to the rules, orders, or actions described in [40 C.F.R.] § 711.8(b)) at any one site during any calendar year since the last principal reporting year (*e.g.*, for the 2020 submission period, consider calendar years 2016, 2017, 2018, and 2019, because 2015 was the last principal reporting year)” (henceforth said quoted provision referred to as the “711.15 prefatory provision”).
71. For the times relevant to the matters alleged in this count, each of the Respondents constituted a “person” as identified in the 711.15 prefatory provision.
72. Forty C.F.R. § 711.15(b) sets out information required to be reported in the 2020 and subsequent Form U submissions (*e.g.*, the 2024 Form U submissions, covering importations effected during the period of 2020 through 2023), stating, “The information described in paragraphs (b)(1) through (4) of this section must be reported for each chemical substance manufactured (including imported) in an amount of 25,000 lb (11,340 kg) or more (or in an amount of 2,500 lb (1,134 kg) or more for chemical substances subject to the rules, orders, or actions described in [40 C.F.R.] § 711.8(b))) at any one

site during any calendar year since the last principal reporting year. The requirement to report information described in paragraph (b)(4) of this section is subject to exemption as described in § 711.6.”

73. Each of the 214 chemical substances listed in the 2020 Form U (hereinafter collectively “the 2020 Form U chemicals”) constituted a “chemical substance” also within the meaning of the 711.15 prefatory provision and within the meaning of 40 C.F.R. § 711.15(b).
74. Five of the 214 2020 Form U chemicals were exempted from the reporting requirements of 40 C.F.R. § 711.15(b)(4) as described in 40 C.F.R. § 711.6(b).
75. Forty C.F.R. § 711.15(b)(4) states, in pertinent part, that “The following chemical-specific information must be reported for each reportable chemical substance manufactured (including imported) above the applicable production volume threshold, as described in this section. Persons subject to paragraph (b)(4) of this section must report the information described in paragraphs (b)(4)(i) and (ii) of this section for each reportable chemical substance at sites under their control and at sites that receive a reportable chemical substance from the submitter directly or indirectly (including through a broker/distributor, from a customer of the submitter, *etc.*). *** If information responsive to a given data requirement under this paragraph, including information in the form of an estimate, is not known or reasonably ascertainable, the submitter is not required to respond to the requirement.”
76. Two hundred and nine of the 2020 Form U chemicals constituted “reportable chemical substance[s]” for purposes of 40 C.F.R. § 711.15(b)(4).
77. Forty C.F.R. § 711.15(b)(4)(i)(A), requires in pertinent part, with regard to the chemical-specific information that must be reported pursuant to 40 C.F.R. § 711.15(b)(4), “[a] designation indicating the type of industrial processing or use operation(s) at each site that receives a reportable chemical substance....For each chemical substance, report the letters which correspond to the appropriate processing or use operation(s) listed in Table 4 to paragraph (b)(4)(i)(A)” (henceforth the required information to be reported from Table 4 referred to as “the required Table 4 information”).
78. Forty C.F.R. § 711.15(b)(4)(i)(B) requires in pertinent part, with regard to the chemical-specific information that must be reported pursuant to 40 C.F.R. § 711.15(b)(4), “A code indicating the sector(s) that best describe the industrial activities associated with each industrial processing or use operation reported under paragraph (b)(4)(i)(A) of this section. For each chemical substance, report the code that corresponds to the appropriate sector(s) listed in Table 5 to paragraph (b)(4)(i)(B)” (henceforth the required information to be reported from Table 5 referred to as “the required Table 5 information”).
79. Forty C.F.R. § 711.15(b)(4)(i)(C) requires in pertinent part, with regard to the chemical-specific information that must be reported pursuant to 40 C.F.R. § 711.15(b)(4), “For each sector reported under paragraph (b)(4)(i)(B) of this section, the applicable code(s) from Table 6 to paragraph (b)(4)(i)(C) must be selected to designate the function category(ies) that best represents the specific manner in which the chemical substance is used” (henceforth the required information to be reported from Table 6 referred to as “the

required Table 6 information”). The regulation further specifies how reporting is to be effected for the 2020 Form U and for the subsequent (2024) Form U.

80. In each field of the 2020 Form U respectively calling for the required Table 4 information, the required Table 5 information, and the required Table 6 information, the initialism “NKRA” was entered, thereby signifying such information was *not known or reasonably ascertainable*.
81. For each of the respective entries in which “NKRA” was written in the 2020 Form U, the following was known to Respondents or was otherwise ascertainable to them through reasonable effort:
 - [a] the required Table 4 information, *i.e.* “the letters which correspond to the appropriate processing or use operation(s) listed in Table 4,” as provided in 40 C.F.R. § 711.15(b)(4)(i)(A);
 - [b] the required Table 5 information, *i.e.* the “code [corresponding to the appropriate sector(s) listed in Table 5] indicating the sector(s) that best describe the industrial activities associated with each individual processing or use operation,” as provided in 40 C.F.R. § 711.15(b)(4)(i)(B); and
 - [c.] the required Table 6 information, *i.e.* “the applicable code(s) from Table 6...to designate the function category(ies) that best represent the specific manner in which the chemical substance is used,” as provided for in 40 C.F.R. § 711.15(b)(4)(i)(C).
82. Prior to submitting to EPA the 2020 Form U, Respondents possessed, *inter alia*, the required Table 4 information, the required Table 5 information, and the required Table 6 information for the chemical substances listed in that Form U. Respondents had, prior to submitting to EPA the 2020 Form U, used such information for sales and marketing purposes.
83. The following are illustrative but not exhaustive of Respondents’ failures to report the required Tables 4, 5, and 6 information pertained to the listing of these chemical substances in the 2020 Form U: (a) Methanesulfonic acid, 1,1,1-trifluoro- (with CASRN 1493-13-6 (hereinafter “MSA”); (b) Cryolite (Na₃AlF₆), CASRN 15096-52-3 (hereinafter “CRY”); (c) 2-Propenoic acid, 1,1’-[2-ethyl-2-[[1-oxo-2-propen-1yl) oxy[methyl]-1,3-propanediyl] ester (hereinafter “PAM”); (d) 1,2-Benzenedicarboxylic acid, 1,2-dibutyl ester, CASRN 84-74-2 (hereinafter “BDX”); and (e) Benzene, 1,1’-(1,2-ethanediyl)bis[2,3,4,5,6-pentabromo], CASRN 84852-53-9 (hereinafter “BEP”) (hereinafter collectively, the “2020 Form U five chemicals”). Such examples follow, below.
84. With regard to MSA, the current “Wego” website (<https://wegoglobal.com>) lists the “industries” as being “chemical manufacturing, electronics, industrial, Pharma, and Pharmaceutical.”
85. With regard to CRY, the current “Wego” website lists the “industries” as “CASE & Construction, Electronics, Industrial, and Metal finishing.”

86. With regard PAM, the current “Wego” website lists the “industries” as “Adhesives & Sealants, CASE & Construction, Graphic Arts, Industrial, Paints & Coatings.”
87. With regard to BDX, the current “Wego” website lists the “industries” as “CASE & Construction, Industrial, Paint & Coatings, Plastics & Processing.”
88. With regard to BEP, the current “Wego” website lists the “industries” as “CASE & Construction, Foam & Barrier Systems, Industrial, Paint & Coatings, Plastics & Processing, Resins, Polymers, & Adhesives.”
89. With regard to MSA, the current “Wego” website lists “catalyst” as a function.
90. With regard to CRY, the current “Wego” website lists “processing aide” as a function.
91. With regard to PAM, the current “Wego” website lists “crosslinker” as a function.
92. With regard to BDX, the current “Wego” website lists “plasticizer” as a function.
93. With regard to BEP, the current “Wego” website lists “flame retardant” as a function.
94. In the 2020 Form U, Respondents failed to disclose the required Table 4 information, the required Table 5 information, and the required Table 6 information for 209 chemical substances.
95. Forty C.F.R. § 711.15(b)(4)(i)(D), requires in pertinent part, with regard to the chemical-specific information that must be reported pursuant to 40 C.F.R. § 711.15(b)(4), “The estimated percentage, rounded off to the closest 10 percent, of total production volume of the reportable chemical substance associated with each combination of industrial processing or use operation, sector, and function category. Where a particular combination of industrial processing or use operation, sector, and function category accounts for less than 5 percent of the submitter’s site’s total production volume of a reportable chemical substance, the percentage must not be rounded off to 0 percent if the production volume attributable to that industrial processing or use operation, sector, and function category combination is 25,000 lb (11,340 kg) or more during the reporting year” (hereinafter, the “required estimated percentage”).
96. In each field of the 2020 Form U respectively calling for the required estimated percentage information, the initialism “NKRA” was entered, thereby signifying such information was *not known or reasonably ascertainable*.
97. For each of the respective entries in which “NKRA” was written in the 2020 Form U, the required estimated percentage information was known to Respondents or was otherwise ascertainable to them through reasonable effort.
98. In the 2020 Form U, Respondents failed to disclose the required estimated percentage information for 209 chemical substances.

99. Respondents, as national and international distributors of chemical substances with sales offices around the world, distributed in commerce the chemical substances reported in the 2020 Form U.
100. The totality of the failures to disclose the aforesaid required information (the Table 4 information, the Table 5 information, the Table 6 information, and the estimated percentage information) for 209 chemical substances listed in the 2020 Form U deprived EPA of information necessary for it to make fact-based and thus informed risk-evaluation decisions concerning chemical substances imported into the United States.
101. Each of Respondents' 209 failures to provide in the 2020 Form U required information that was known to them or was reasonably ascertainable but for which only the notation "NKRA" was made, separately and independently constituted 209 failures to comply with, and thus 209 separate and independent violations of, the requirements set out in 40 C.F.R. § 711.15.
102. Each of Respondents' 209 failures to provide in the 2020 Form U required information that was known to them or was reasonably ascertainable but for which only the notation "NKRA" was made, constitutes 209 separate and independent unlawful acts pursuant to, and thus 209 separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
103. As a consequence of each of the 209 separate and independent information reporting violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 4: FAILURE TO REPORT REQUIRED INFORMATION IN 2024 FORM U

104. Complainant repeats and realleges each allegation contained in paragraphs "1" through "103," above, with the same force and effect as if fully set forth herein.
105. In 40 C.F.R. § 711.20, it states, in pertinent part, "All information reported to EPA in response to the requirements of this part [40 C.F.R. Part 711] must be submitted during an applicable submission period. The 2024 CDR submission period ran from June 1, 2024, to November 22, 2024" (89 *Fed. Reg.* 79150 (September 27, 2024)). This is the period for reporting the importation of chemical substances above the applicable threshold reporting levels imported "since the last principal reporting year," *i.e.* calendar years 2020, 2021, 2022 and 2023.
106. The "last principal reporting year" prior to 2024 was, within the meaning of 40 C.F.R. § 711.8, calendar year 2020.
107. For the times relevant to the matters alleged in this count, each of the Respondents constituted a "person" as identified in the 711.15 prefatory provision.
108. On or about August 8, 2024, Robyn Whitney, as Quality and Regulatory Affairs Manager of Wego Chemical Group Inc., signed as an authorized official and submitted to EPA the required 40 C.F.R. Part 711 Form U for Respondents' 2020-2023 importations of 254

chemical substances. This Form U submission included the following information: (a) Domestic Parent: “Wego Chemical Group Inc.”; (b) Technical contact company: “Wego Chemical Group”; (c) Site: “Wego Chemical and Mineral Corp.” located at 239 Great Neck Road, Great Neck NY 11021”; and (d) D&B Number: “08-018-2344” [a D&B number that then pertained to Wego Chemical LLC] (hereinafter this Form U submission referred to as the “2024 Form U”).

109. Each of the 254 chemical substances listed in the 2024 Form U constituted a “chemical substance” within the meaning of the prefatory provision of 40 C.F.R. § 711.15 and within the meaning of 40 C.F.R. § 711.15(b)
110. Seven of the 254 chemical substances listed in the 2024 Form U were exempted from the reporting requirements of 40 C.F.R. § 711.15(b)(4) as described in 40 C.F.R. § 711.6(b).
111. Two hundred and forty-seven of the 2024 Form U chemical substances constituted “reportable chemical substance[s]” for purposes of 40 C.F.R. § 711.15(b)(4).
112. In each field of the 2024 Form U respectively calling for the required Tables 4 information, the required Table 5 information, and the required Table 6 information, the initialism “NKRA” was entered, thereby signifying such information was *not known or reasonably ascertainable*.
113. For each of the respective entries in which “NKRA” was written in the 2024 Form U, the following was known to Respondents or was otherwise ascertainable to them through reasonable effort:
 - [a.] the required Table 4 information, *i.e.* “the letters which correspond to the appropriate processing or use operation(s) listed in Table 4,” as provided in 40 C.F.R. § 711.15(b)(4)(i)(A);
 - [b.] the required Table 5 information, *i.e.* the “code [corresponding to the appropriate sector(s) listed in Table 5] indicating the sector(s) that best describe the industrial activities associated with each individual processing or use operation,” as provided in 40 C.F.R. § 711.15(b)(4)(i)(B); and
 - [c.] the required Table 6 information, *i.e.* “the applicable code(s) from Table 6...to designate the function category(ies) that best represent the specific manner in which the chemical substance is used,” as provided for in 40 C.F.R. § 711.15(b)(4)(i)(C).
114. Prior to submitting to EPA the 2024 Form U, Respondents possessed, *inter alia*, the required Table 4 information, the required Table 5 information, and the required Table 6 information for the chemical substances listed in that Form U. Respondents had, prior to submitting to EPA the 2024 Form U, used such information for sales and marketing purposes.
115. The following are illustrative but not exhaustive of Respondents’ failures to report the required Tables 4, 5, and 6 information pertained to the listing of each of the following chemical substances in the 2024 Form U: (a) MSA; (b) CRY; (c) PAM; (d) Glycine, N,N’-

1,2-ethanediylbis[N-(carboxymethyl)-, CASRN 60-00-4 (hereinafter “GEB”); and (e) Propane, 1,1,1,3,3-pentafluoro-, CASRN 460-73-1 (hereinafter “PPF”) (hereinafter and for purposes of this count, collectively referred to as the “five 2024 Form U chemicals”). Such examples were set out in Count 3 above for MSA, CRY, and PAM, and examples for GEB and PPF follow below.

116. With regard to GEB, the current “Wego” website lists the “industries” as being “Agriculture, CASE & Construction, Chemical Manufacturing, Industrial, Personal Care & Cosmetics, Water Treatment.”
117. With regard to PPF, the current “Wego” website lists the “industries” as being “CASE & Construction, Chemical Manufacturing, Foam & Barrier Systems, Industrial.”
118. With regard to GEB, the current “Wego” website lists “chelator” as a function.
119. With regard to PPF, the current “Wego” website lists each of “Blowing Agent” and “Processing Aid” as a function.
120. In the 2024 Form U, Respondents failed to disclose the required Table 4 information, the required Table 5 information, and the required Table 6 information for 247 chemical substances.
121. In each field of the 2024 Form U respectively calling for the required estimated percentage information, the initialism “NKRA” was entered, thereby signifying such information was *not known or reasonably ascertainable*.
122. In each of the respective entries in which “NKRA” was written in the 2024 Form U, the required estimated percentage information was known to Respondents or was otherwise ascertainable to them through reasonable effort.
123. In the 2024 Form U, Respondents failed to disclose the required estimated percentage information for 247 chemical substances.
124. Respondents, as national and international distributors of chemical substances with sales offices around the world, distributed in commerce the chemical substances reported in the 2024 Form U.
125. The totality of the failures to disclose the aforementioned required information (the Table 4 information, the Table 5 information, the Table 6 information, and the estimated percentage information) for 247 chemical substances listed in the 2024 Form U deprived EPA of information necessary for it to make fact-based and thus informed risk-evaluation decisions concerning chemical substances imported into the United States.
126. Each of Respondents’ 247 failures to provide in the 2024 Form U required information that was known to them or was reasonably ascertainable but for which only the notation “NKRA” was made, separately and independently constituted 247 failures to comply with, and thus 247 separate and independent violations of, the requirements set out in 40 C.F.R. § 711.15.

127. Each of Respondents' 247 failures to provide in the 2024 Form U required information that was known to them or was reasonably ascertainable but for which only the notation "NKRA" was made, constitutes 247 separate and independent unlawful acts pursuant to, and thus 247 separate and individual violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
128. As a consequence of each of the 247 separate and independent information reporting violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 5: PRE-MANUFACTURE NOTIFICATION VIOLATIONS

129. Complainant repeats and realleges each allegation contained in paragraphs "1" through "128," above, with the same force and effect as if fully set forth herein.
130. The regulation codified at 40 C.F.R. § 720.22(b)(1) provides that "[a]ny person who intends to import a new chemical substance into the United States for commercial purposes must submit a notice, unless the substance is excluded under [40 C.F.R.] § 720.30 or unless the substance is imported as part of an article."
131. Forty C.F.R. § 720.3 defines, inter alia, the following terms: (a) "person" to include "any...company"; (b) "new chemical substance" as "any chemical substance which is not included on the Inventory"; and (c) "Inventory" to "mean[] the list of chemical substances manufactured or processed or in the United States that EPA compiled and keeps current under section 8(b) of [TSCA]."
132. In calendar year 2021, Respondents imported for commercial purposes a chemical substance, 2-butenic acid, (2E), also known as trans-crotonic acid, Chemical Abstract Services Registry Number 107-93-7 (hereinafter "TCA") into the United States on or about each of the following dates (followed by the weight of the TCA imported on each such date): (a) July 13, 2021 (5,606 kilograms [12,333 pounds]); and (b) July 31, 2021 (20,700 kilograms [45,540 pounds]).
133. On or about June 1, 2023, Respondents imported for commercial purposes 3,456 kilograms (7,603 pounds) of TCA into the United States.
134. In calendar year 2024, Respondents imported for commercial purposes TCA into the United States on or about each of the following dates (followed by the weight of the TCA imported on each such date): (a) July 23, 2024 (21,024 kilograms [46,253 pounds]); (b) August 5, 2024 (21,004 kilograms [46,208 pounds]); and (c) August 25, 2024 (21,154 kilograms [46,539 pounds]).
135. On or about February 21, 2025, Respondents imported for commercial purposes 21,180 kilograms (46,596 pounds) of TCA into the United States.
136. On or about April 10, 2025, Julia Hanft, Respondents' General Counsel, e-mailed EPA to respond to a prior Jesse Miller inquiry, stating the TCA "was sold to a customer in the

CASE (Coatings, Adhesives, Sealants, and Epoxies) industry and not for food and/or cosmetic use.”

137. The sale of the TCA to a customer in the “CASE industry” was for a “commercial purpose[]” within the meaning of 40 C.F.R. § 720.22(b)(1).
138. For the importations of the TCA, the following were listed on official United States custom records (*i.e.*, official United States Customs and Border Protection-authorized electronic data interchange), as both the importers of record, and the consignees of record: (a) Wego Chemical LLC; (b) and Wegochem International LLC.
139. Because TCA was not on the TSCA Inventory during the entirety of the time of the seven TCA importations, it constituted a new chemical substance throughout such time.
140. At no time when the seven importations occurred had TCA been excluded from the 40 C.F.R. § 720.22(b)(1) pre-manufacture notification requirement under 40 C.F.R. § 720.30.
141. Respondents were required to file a 40 C.F.R. § 720.22(b)(1) pre-manufacture notice prior to the TCA being imported into the United States.
142. Respondents never filed a pre-manufacture notice for any of the seven TCA importations.
143. Respondents’ failures have filed a pre-manufacture notice for any of the TCA importations constitutes seven separate and independent failures to comply with, and thus seven separate and independent violations of, 40 C.F.R. § 720.22(b)(1).
144. Respondents’ failures to have filed a pre-manufacture notice for any of the TCA importations constitutes seven separate and independent unlawful acts pursuant to, and seven separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
145. As a consequence of each of the seven TCA pre-manufacture notice violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 6: FAILURE TO PROVIDE REQUISITE TSCA CERTIFICATION

146. Complainant repeats and realleges each allegation contained in paragraphs “1” through “145,” above, with the same force and effect as if fully set forth herein.
147. The regulation codified at 40 C.F.R. § 707.20(a)(1) provides, in relevant part, that “the regulation promulgated by the United States Customs Service [and] Department of the Treasury (19 CFR 12.118 through 12.127, and 127.28 [amended]) [are intended] to implement section 13 of TSCA, 15 U.S.C. 2612.”
148. The regulation codified at 19 C.F.R. § 12.119(a) states, in part, “Sections 12.120 through 12.127 apply to the importation into the customs territory of the United States of [c]hemical substances in bulk form....”

149. The regulation codified at 19 C.F.R. § 12.120(b) defines a “TSCA chemical substance in bulk form” as “a chemical substance as set forth in section 3(2) of TSCA, (15 U.S.C. 2602(2)) (other than as part of an article) in containers used for purposes of transportation or containment, provided that the chemical substance is intended to be removed from the container and has an end use or commercial purpose separate from the container.”
150. The regulation codified at 19 C.F.R. 12.120(d) defines “TSCA-excluded chemicals” as “any chemicals that are excluded from the definition of TSCA chemical substance by section 3(2)(B) (ii)-(vi) of TSCA, (15 U.S.C. 2602(2) (b) (ii)-(vi)) (other than as part of a mixture), regardless of form.”
151. The regulation codified at 19 C.F.R. § 12.121(a)(1) provides, in relevant part, the following: “The importer...of a TSCA chemical substance in bulk form...must certify in writing or electronically that the chemical shipment complies with all applicable rules and orders under TSCA by filing with CBP [United States Customs and Border Protection] the following statement: ‘I certify that all chemical substances in this shipment comply with all applicable rules or orders under TSCA and that I am not offering a chemical substance for entry in violation of TSCA or any applicable rule or order thereunder’” (hereinafter, a “positive certification”).
152. The regulation codified at 19 C.F.R. § 12.121(a)(2) provides, in relevant part, the following: “The importer...of any TSCA-excluded chemical not clearly identified as such must certify in writing or electronically that the chemical shipment is not subject to TSCA by filing with CBP the following statement: ‘I certify that all chemicals in this shipment are not subject to TSCA’” (hereinafter a “negative certification”).
153. Each of the seven TCA importations into the United States constituted an importation into the “customs territory of the United States of a chemical substance in bulk form” within the meaning of Section 13(a)(1) of TSCA, 15 U.S.C. § 2612(a)(1), and 19 C.F.R. §§ 12.118-121.
154. For each of the seven TCA importations, Respondents constituted the “importer” within the meaning of 19 C.F.R. § 12.121(a)(1).
155. None of the seven TCA importations involved a “TSCA-excluded chemical” within the meaning of 19 C.F.R. § 12.121(a)(2).
156. For each of the seven TCA importations, Respondents were required to provide a positive or negative certification.
157. Respondents failed to provide either a positive certification or a negative certification, either in writing or electronically, for each of the seven TCA importations.
158. Respondents’ failures to provide either of the two required certifications (either a positive or negative certification) for each of the seven TCA importations constitutes seven separate and independent failures to comply with and thus seven separate and independent violations of 19 C.F.R. § 12.121(a).

159. Respondents' failures to provide either of the two required certifications constitutes seven separate and independent unlawful acts pursuant to, and seven separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
160. As a consequence of each of Respondents' seven certification violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 7: SUBMISSION OF ERRONEOUS NOTICE OF COMMENCEMENT

161. Complainant repeats and realleges each allegation contained in paragraphs "1" through "160," above, with the same force and effect as if fully set forth herein.
162. Forty C.F.R. § 720.102(a) provides: "Any person who commences the manufacture of a new chemical substance for a nonexempt commercial purpose for which that person previously submitted a section 5(a) notice under this part must submit a notice of commencement of manufacture" (hereinafter such latter notice referred to as an "NOC").
163. The regulation codified at 40 C.F.R. 720.102(c)(1)(iv) sets forth what information the NOC must, in part, include: "The date of commencement for the submitter's manufacture for a non-exempt commercial purpose (indicating whether the substance was initially manufactured in the United States or imported). *** For importers, the date of commencement is the date the new chemical substance clears United States customs."
164. On or about August 23, 2019, Respondents submitted to EPA a TSCA Section 5(a) (15 U.S.C. § 2604(a)) pre-manufacture notice for a chemical substance claimed to be confidential, for which EPA assigned pre-manufacture notice case number P-19-0153.
165. On or about August 6, 2020, Respondents submitted to EPA an NOC for the chemical substance identified in P-19-0153.
166. For the period including, but not limited to, the time between August 23, 2019 and August 6, 2020, the chemical substance identified in P-19-0153 was a new chemical substance.
167. The August 6, 2020 NOC Respondents submitted to EPA indicated the date for the first commercial importation of the chemical substance identified in P-19-0153 for a non-exempt purpose as August 6, 2020.
168. On or about April 11, 2025, Julia Hanft, Respondents' General Counsel, responding to an earlier Jesse Miller inquiry, e-mailed EPA, stating "[w]e reviewed our files and confirm that the product covered by the pre-manufacture notice (PMN) P-19-0153 and notice of commencement (NOC) for the PMN substance has not been imported by Wego into the US."
169. The August 6, 2020 NOC contained erroneous information, specifically that Respondents had first imported the chemical substance identified in P-19-0153 for non-exempt commercial purpose on August 6, 2020.

170. Respondents' submission of erroneous information in the August 6, 2020 NOC constitutes a failure to comply with, and thus a violation of, 40 C.F.R. 720.102(c)(1).
171. Respondents' failure to provide correct information in the August 6, 2020 NOC constitutes an unlawful act pursuant to, and thus a violation of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
172. As a consequence of Respondents' NOC violation, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 8: FAILURE TO SUBMIT EXPORT NOTIFICATION

173. Complainant repeats and realleges each allegation contained in paragraphs "1" through "172" with the same force and effect as if fully set forth herein.
174. Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2) provides in relevant part: "If any person exports or intends to export to a foreign country a chemical substance...for which...a rule has been proposed or promulgated under section 2604 or 2605 of this title...such person shall notify the Administrator of such exportation or intent to export and the Administrator shall furnish to the government of such country notice of such rule...."
175. The regulation codified at 40 C.F.R. § 707.60(a) provides: "Section 12(b) of [TSCA, 15 U.S.C. § 2611(b)] requires any person who exports or intends to export a chemical substance or mixture to notify the [EPA] of such exportation to a particular country if any of the following actions have been taken under [TSCA] with respect to that chemical substance or mixture," and one such action, set forth in sub-paragraph (a)(3), provides "[a] rule has been proposed or promulgated under section 5 or 6 [15 U.S.C. § 2604 or 2605]...."
176. The regulation codified at 40 C.F.R. § 707.65(a) provides, in part, "[f]or each action under TSCA triggering export notification, exporters must notify EPA of their export or intended export of each subject chemical substance or mixture for which export notice is required under [40 C.F.R.] § 707.60 in accordance with the" provisions of sub-paragraphs (a)(1)(i) and (a)(1)(ii).
177. On December 5, 2019, Respondents exported for commercial purposes to Canada a chemical substance identified as Ethene, 1,1,2-trichloro- (commonly referred to as trichloroethylene; CASRN 79-01-6 [hereinafter "TCE"]).
178. On June 9, 2020, Respondents exported for commercial purposes to Canada a chemical substance identified as 2-Pyrrolidinone, 1-methyl- (commonly known as N-methylpyrrolidone; CASRN 872-50-4 [hereinafter "NMP"]).
179. At the time Respondents exported it, TCE was subject to a: (a) "significant new use" rule pursuant to 40 C.F.R. § 721.10851 (as set forth in 81 *Fed. Reg.* 91592 [December 16, 2016]), and (b) proposed risk management rule issued pursuant to Section 6 of TSCA, 15 U.S.C. § 2605 (as set forth in 82 *Fed. Reg.* 7432 [January 19, 2017] and 81 *Fed. Reg.* 91592 [December 16, 2016]).

180. At the time Respondents exported it, NMP was subject to a proposed risk management rule issued pursuant to Section 6 of TSCA, 15 U.S.C. § 2605 (as set forth in 82 *Fed. Reg.* 7432 [January 19, 2017] and 81 *Fed. Reg.* 91592 [December 16, 2016]).
181. For the export of both TCE and RMP, Respondents were required to provide to EPA the notification required by: (a) Section 12(b) of TSCA, 15 U.S.C. § 2611(b), and (b) 40 C.F.R. § 707.65(a)
182. For the export of TCE and NMP, Respondent failed to provide to EPA the notification required by: (a) Section 12(b) of TSCA, 15 U.S.C. § 2611(b), and (b) 40 C.F.R. § 707.65(a).
183. Respondents' failures to have provided to EPA an export notification for each of TCE and NMP exports constitutes two separate and independent failures to comply with, and thus two separate and independent violations of the requirement of both 15 U.S.C. § 2611(b) and 40 C.F.R. § 707.65(a).
184. Respondent's failures to have provided to EPA an export notification for each of the TCE and NMP exports constitute two separate and independent unlawful acts pursuant to, and thus two separate and independent violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b) Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
185. As a consequence of each of Respondents' export violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 9: FAILURE TO SUBMIT SIGNIFICANT NEW USE NOTICE TO EPA

186. Complainant repeats and realleges each allegation contained in paragraphs "1" through "185," above," with the same force and effect as if fully set forth herein.
187. In relevant part, Section 5(a)(1)(A) of TSCA, 15 U.S.C. § 2604(a)(1)(A), provides that "no person may manufacture or process any chemical substance for a use which the [EPA] Administrator has determined, in accordance with paragraph (2), is a significant new use."
188. The regulation codified at 40 C.F.R. § 721.5(a)(1) provides the following persons must submit, with specified exceptions not relevant here, a significant new use notice to EPA: a person "who intends to manufacture or process for commercial purposes a chemical substance identified in a specific section in subpart E ["Significant New Uses for Specific Chemical Substances"] of this part, and intends to engage in a significant new use of the substance identified in that section."
189. Forty C.F.R. § 721.5(a)(2) further provides that "a person described in this paragraph is not required to submit a significant new use notice if that person can document [*inter alia*] ...the following as to each recipient of the substance from that person": in sub-paragraph "i": "That the person has notified the recipient, in writing, of the specific section in subpart E of this part which identifies the substance and its designated significant new uses."

190. Pursuant to 40 C.F.R. § 721.536(a)(1), a provision of Subpart E of 40 C.F.R. Part 721, “The chemical substance identified generically as halogenated phenyl alkane (PMN P-89-867) is subject to reporting under this section for the significant new uses described in paragraph (a)(2) of this section.”
191. Forty C.F.R. § 721.536(a)(2)(ii) provides, in part, that “significant new uses” include the “Hazard communication program. Requirements as specified in [*inter alia*] § 721.72...(b), (c), ...(g)(1)(vii), (g)(2)(iv), (g)(2)(v), (g)(3)(ii), (g)(4)(iii), and (g)(5).”
192. Forty C.F.R. § 721.72 provides, in part: “Whenever a substance is identified in subpart E of this part as being subject to this section, a significant new use of that substance is any manner or method of manufacture (including import) or processing associated with any use of that substance without establishing a hazard communication program as described in this section.”
193. As part of the “hazard communication program,” the regulation codified at 40 C.F.R. § 721.72(b)(2) requires, in part, that “[e]ach employer shall ensure that each container of the substance leaving the workplace” has a label containing the information set forth in sub-provision “(i),” pertaining to statements regarding “health hazard(s) and precautionary measure(s),” “environmental hazard(s)” and “exposure.”
194. As part of the “hazard communication program,” the regulation codified at 40 C.F.R. § 721.72(c)(1) requires that “[e]ach employer must obtain or develop a SDS [a “Safety Data Sheet,” as defined in 40 C.F.R. § 721.3] for the substance,” with 40 C.F.R. § 721.72(c)(2) prescribing the information that each SDS must contain.
195. As part of the “hazard communication program,” the regulation codified at 40 C.F.R. § 721.72(g) provides, in part, “Whenever referenced in subpart E of this part for a substance, the following human health and environmental hazard, exposure, and precautionary statements shall appear on each label as specified in paragraph (b) of this section and the SDS as specified in paragraph (c) of this section.”
196. As part of the “hazard communication program,” in 40 C.F.R. § 721.72(g), the following are included as the “human health and environmental hazard, exposure, and precautionary statements” [followed by the specific sub-provision in which each is respectively listed]:
- [a.] “May cause cancer” [(1)(vii)];
 - [b.] “Use respiratory protection” [(2)(iv)];
 - [c.] “Toxic to aquatic organisms” [(3)(ii)];
 - [d.] “Do not release to water” [(4)(iii)]; and
 - [e.] “Each human health or environmental hazard precautionary statement identified is subpart E of this part for the label on the substance container must be followed by the statement, ‘See SDS for details’” [5].

197. Respondents imported for commercial purposes a chemical substance commonly known as decabromodiphenyl ethane, more formally identified as Benzene, 1,1'-(1,2 ethanediyl) bis [2,3,4,5,-pentabromo], which chemical substance bears CASRN 84852-53-9 (hereinafter referred to as "DBE"), a chemical substance generically identified as a halogenated phenyl alkane within the meaning of 40 C.F.R. § 721.536(a)(1), a provision of Subpart E of 40 C.F.R. Part 721.
198. In response to an inquiry from EPA (Jesse Miller) requesting "[f]or the previous 5 years, records documenting the names and addresses...of all persons to whom Wego directly sells and transfers the [DBE]," Vincent Gamboli, identified as "Wego Regulatory Inquiries Zendesk" in the e-mail he sent to EPA on January 7, 2022, stated, "There were a total of 4 shipments to US, all in June and July of 2019."
199. More specifically, subsequent to Respondents' importations of the DBE, they distributed in commerce (*i.e.* sold) the DBE as follows: (a) on June 5, 2019, to one customer (hereinafter identified as "Customer A") 44,092 pounds [20,042 kilograms]; (b) on June 6, 2019, to Customer A 41,887.4 pounds [19,040 kilograms]; (c) on July 9, 2019, to another customer (hereinafter identified as "Customer B") 44,091 pounds [20,041 kilograms]; and (d) separately on July 9, 2019, to Customer B 44,092 pounds [20,042 kilograms] (hereinafter the two customers referred to collectively as "the Customers").
200. For purposes of 40 C.F.R. § 721.72, Respondents constituted for the entirety of the period relevant to the importations and distributions of DBE, an "employer" within the meaning of 40 C.F.R. § 721.3.
201. Respondents failed to ensure that each container of the DBE sold to the Customers was prior to distribution labeled in accordance with the provisions of 40 C.F.R. § 721.72(b)(1).
202. Respondents failed to obtain or develop an SDS for the DBE that contained, at a minimum, the information set forth in 40 C.F.R. § 721.72(c)(2).
203. Respondents failed to ensure that the required human health and environmental hazard, exposure, and precautionary statements appeared on the label on each container holding the DBE prior to distribution, as specified in 40 C.F.R. § 721.72(b).
204. Respondents failed to obtain or develop an SDS for the DBE that contained the human health and environmental hazard, exposure, and precautionary statements as specified in 40 C.F.R. § 721.72(c).
205. Respondent failed to provide the written notice prescribed in 40 C.F.R. § 721.5(a)(2)(i) to either the Customers concerning "the specific section in subpart E of this part which identifies the substance [the DBE] and its designated significant new uses" (collectively such failures referred to as "Respondents' SNU failures").
206. As a consequence of Respondents' SNU failures, each of Respondents' four imports of the DBE constituted engaging in a "significant new use" of the DBE for purposes of 40 C.F.R. § 721.72.

207. Respondents were required to submit to EPA a “significant new use notice” (hereinafter “SNUN”) for each of their four separate DBE importations pursuant to 40 C.F.R. § 721.5(a)(1).
208. Respondents failed to submit a SNUN to EPA for any of their DBE importations, as required by 40 C.F.R. § 721.5(a)(1).
209. Respondents’ failures to have submitted a SNUN for each of their DBE importations constitute four separate and independent failures to comply with, and thus four violations of, 40 C.F.R. § 721.5(a)(1).
210. Respondents’ failures to have submitted a SNUN to EPA for each of their four importations constitutes four unlawful acts pursuant to, and four violations of: (a) Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and (b), Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).
211. As a consequence of each of the for SNUN violations, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

COUNT 10: FILING A FALSE CERTIFICATION OF NO MANUFACTURE

212. Complainant repeats and realleges each allegation contained in paragraphs “1” through “211” with the same force and effect as if fully set forth herein.
213. Pursuant to 40 C.F.R. § 700.40(a), “The purpose of this subpart [40 C.F.R. Part 700, Subpart C; 40 C.F.R. §§ 700.40-700.49] is to establish and collect fees from manufacturers and processors to defray part of EPA's cost of administering the” TSCA, as amended.
214. In 40 C.F.R. § 700.40(b), it states, in relevant part, that 40 C.F.R. Part 700, Subpart C “applies to all manufacturers...who manufacture a chemical substance that is subject to a risk evaluation under TSCA section 6(b)(4) of [TSCA]....”
215. Pursuant to 40 C.F.R. § 700.43, the definitions applicable to subpart C of 40 C.F.R. Part 700 (40 C.F.R. §§ 700.40-700.49) include the definitions contained in, *inter alia*, 40 C.F.R. § 720.3
216. Pursuant to 40 C.F.R. § 720.3, “Manufacture means to...import into the customs territory of the United States.”
217. Forty C.F.R. § 700.45(a)(3) states, in part, “Manufacturers of a chemical substance that is subject to a risk evaluation under section 6(b) of [TSCA] shall remit for each such chemical risk evaluation the applicable fee identified in paragraph (c) of this section in accordance with the evaluation procedures in paragraphs (f) and (g) of this section.”
218. Forty C.F.R. § 700.45(b)(1) states, in part, “For purposes of identifying manufacturers subject to fees for...section 6 EPA-initiated risk evaluations, EPA will publish a preliminary list of manufacturers identified through a review of data sources

described in paragraph (b)(2) of this subsection...and publish a final list specifying the manufacturers responsible for payment.”

219. Forty C.F.R. § 700.45(b)(5) states, in relevant part, “All manufacturers other than those listed in paragraphs (a)(2)(i) through (iii) and (a)(3)(i) through (iii) of this section who have manufactured (including imported) the chemical substance [that is subject to risk evaluation under section 6(b) of TSCA] in the previous five years must submit notice to EPA, irrespective of whether they are included in the preliminary list specified in paragraph (b)(3) of this section.”
220. Forty C.F.R. § 700.45(b)(5)(iii), denominated “Certification of no manufacture,” states, in relevant part, “If a manufacturer is identified on the preliminary list but has not manufactured the chemical [that is subject to risk evaluation under section 6(b) of TSCA] in the five-year period preceding publication of the preliminary list, the manufacturer may submit a certification statement attesting to these facts.”
221. By Federal Register notice dated January 27, 2020, “Carbon Tetrachloride; Draft Toxic Substances Control Act (TSCA) Risk Evaluation and TSCA Science Advisory Committee on Chemicals (SACC) Meetings; Notice of Availability, Public Meetings, and Request for Comment,” 85 *Fed. Reg.* 4661, EPA identified the preliminary lists of manufacturers (including importers) of 20 chemical substances that had been designated as a High-Priority Substance for risk evaluation and for which fees would be charged.
222. In the preliminary lists, “Wego Chemical & Mineral Corp.” with listed parent company D&B number 07-310-8664, was identified as the importer for dibutyl phthalate, CAS # 84-74-2, docket number EPA-HQ-OPPT-2019-0677-0019 (hereinafter “DBP”). D&B number 07-310-8664 presently pertains to Wego Chemical and Mineral LLC.
223. Respondents imported DBP into the customs territory of the United States in the following years, as follows: **(a)** 216,161 pounds in 2016; and **(b)** 44,092 pounds in 2018.
224. On or about July 7, 2020, Respondent Wego Chemical Group submitted to EPA its Central Data Exchange a *Certification of no manufacture* form pursuant to 40 CFR 700.45(b)(5)(iii) attesting that Respondents had not imported the DBP in the five-year period preceding publication of the preliminary list (*i.e.*, in the five-year period prior to January 27, 2020).
225. The *Certification of no manufacture* contained false and erroneous information, specifically regarding the assertion that Respondents had not imported DBP in the five years period preceding January 2020.
226. The submission of a false and erroneous *Certification of no manufacture* constitutes a failure to comply with, and thus a violation of, 40 C.F.R. 700.45(b)(5).
227. The 40 C.F.R. 700.45(b)(5) violation constitutes an unlawful act pursuant to, and a violation of: **(a)** Section 15(1) of TSCA, 15 U.S.C. § 2614(1), and **(b)** Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B).

228. As a consequence of the 40 C.F.R. 700.45(b)(5) violation, Respondents are jointly and severally liable to the United States pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a).

PROPOSED CIVIL PENALTY

For purposes of determining the amount of any penalty to be assessed, Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), requires the following: “In determining the amount of a civil penalty, the Administrator [of EPA] shall take into account the nature, circumstances, extent, and gravity of the violation or violations, and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.” This Complaint does not specify a proposed penalty. EPA will do so pursuant to 40 C.F.R. § 22.19(a)(4), which provides:

If the proceeding is for the assessment of a penalty and complainant has not specified a proposed penalty, each party shall include in its prehearing information exchange all factual information it considers relevant to the assessment of a penalty. Within 15 days after respondent files its prehearing information exchange, complainant shall file a document specifying a proposed penalty and explaining how the proposed penalty was calculated in accordance with any criteria set forth in [TSCA].

At such time as it proposes a specified penalty for the violations alleged in this Complaint, EPA will consider the above-listed statutory factors set forth in Section 16(a)(2)(B) of TSCA, 15 U.S.C. § 2615(a)(2)(B), and such consideration will include any credible documentary information any respondent has introduced into the litigation or has otherwise provided EPA for settlement purposes. In developing a specified penalty for each of the set of violations alleged in this Complaint, EPA will utilize the guidance set forth in EPA’s Enforcement Response Policy for Reporting and Recordkeeping Rules and Requirements for TSCA Sections 8, 12 and 13 (revised March 31, 1999 and effective June 1, 1999) for counts 1, 2, 4 and 6; and for counts 3 and 5, EPA’s TSCA Section 5 Enforcement Response policy (last amended July 1, 1993), as both documents have been further updated. *See* 40 C.F.R. § 19.4. These enforcement response policies provide guidance to effect rational, consistent, and equitable calculation methodologies for applying the statutory penalty criteria (enumerated above) to particular cases and are available upon request to EPA or may be obtained from the Internet, at https://www.epa.gov/sites/production/files/documents/erp8_12r.pdf and <https://www.epa.gov/sites/default/files/2016-06/documents/amendedtscasection5-erp.pdf>.

As set forth above in paragraphs 10 and 11 of the allegations, at the time of TSCA’s passage in 1976, \$25,000 constituted the maximum dollar amount per violation EPA could seek and obtain for any violation of Section 15 of TSCA, 15 U.S.C. § 2614; that amount has been increased to \$49,772 for any such violation occurring on or after November 2, 2015 and for which a penalty has been assessed on or after January 8, 2025. 40 C.F.R. § 19.4, Table 1. Accordingly, this \$49,772 amount constitutes the maximum penalty authorized under the Inflation Adjustment Act for each of the aforementioned alleged violations, as more specifically detailed below.

Complainant thus sets forth the following with regard to the civil penalties to be sought for the violations herein alleged:

Count 1: TSCA Section 8(a): Failure to Submit 2020 Form U for 209 Reportable Chemical Substances (25,000 pound threshold)

Requirement: The applicable requirement: 40 C.F.R. § 711.8(a).

Violation: Respondents failed to file a 2020 Form U CDR within the prescribed reporting period (June 1, 2020 through January 29, 2021) for 209 chemical substances.

Penalty: A penalty of up to \$49,772 for each of the 209 Attachment 1 chemicals listed in the 2020 Form U that Respondents failed timely to submit.

Count 2: TSCA Section 8(a): Failure to Submit 2020 Form U Chemical Data Report for Five Reportable Chemical Substances (2,500 pound threshold)

Requirement: The applicable requirements: 40 C.F.R. § 711.8(b).

Violation: Respondents failed to file a 2020 Form U CDR within the prescribed reporting period (June 1, 2020 through January 29, 2021) for five chemical substances for which the reporting threshold was 2,500 pounds,

Penalty: A penalty of up to \$49,772 for each of these five chemical substances listed in the 2020 Form U that Respondents failed timely to submit.

Count 3: TSCA Section 8(a): Failure to Report Required Information in 2020 Form U

Requirement: The applicable requirement: 40 C.F.R. § 711.15.

Violation: Respondents in the 2020 Form U failed to provide information required by 40 C.F.R. 711.15, for the 209 chemical substances listed in Attachment 1.

Penalty: A penalty of up to \$49,772 for each of the 209 chemical substances for which Respondents failed to report required information.

Count 4: TSCA Section 8(a): Failure to Report Required Information in 2024 Form U

Requirement: The applicable requirement: 40 C.F.R. § 711.15.

Violation: Respondents in the 2024 Form U failed to provide information required by 40 C.F.R. 711.15, for 247 chemical substances.

Penalty: A penalty of up to \$49,772 for each of the 247 chemical substances for which Respondents failed to report required information.

Count 5: Seven Pre-Manufacture Notice Violations

Requirement: The applicable requirement: 40 C.F.R. § 720.22(b)(1).

Violation: Respondents on seven separate occasions imported a new chemical substance known as trans-crotonic acid (“TCA”) without the required antecedent pre-manufacture notice ever having been submitted to EPA for this chemical substance.

Penalty: A penalty of up to \$49,772 for each of the seven alleged pre-manufacture notice violations.

Count 6: Failure to Provide Requisite TSCA Certifications for TCA Importations

Requirement: The applicable requirement: 40 C.F.R. § 707.20(b)(2).

Violation: For the same importations at issue in Count 5, Respondents failed to certify whether any such importation complied with TSCA provisions or were exempt from TSCA provisions.

Penalty: A penalty of up to \$49,772 for each of the seven alleged certification violations.

PROCEDURES GOVERNING THIS ADMINISTRATIVE LITIGATION

The rules of procedure governing this administrative litigation, originally published in the Federal Register on July 23, 1999 (64 *Fed. Reg.* 40138), are entitled, “CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENTS OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION COMPLIANCE ORDERS, AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS” (“Consolidated Rules”) and are codified at 40 C.F.R. Part 22. These rules have been amended to simplify the administrative processing of cases by expanding the availability of electronic filing and service procedures and eliminating inconsistencies. 82 *Fed. Reg.* 2230 (January 9, 2017). These amendments became effective on May 22, 2017 and apply to all Part 22 case filings after that date. A copy of the current version of the Consolidated Rules, incorporating these recent amendments, accompanies service of this Complaint.

A. Answering the Complaint

Where Respondents (each respondent may answer for itself, or a respondent may answer on behalf of itself and other respondents; henceforth, for the discussion below, the term “Respondents” refers to a respondent individually or collectively to two or more respondents in concert as appropriate to the specific context) intend to contest any material fact upon which the Complaint is based, to contend that the proposed penalty is inappropriate or to contend that a Respondent(s) is entitled to judgment as a matter of law, such Respondent(s) are directed to file with the Regional Hearing Clerk of EPA, Region 2, both an original and one copy of a written Answer(s) to the Complaint, and such Answer(s) must be filed within thirty (30) days after service of the Complaint. 40 C.F.R. § 22.15(a). The address of the Regional Hearing Clerk of EPA, Region 2 is:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region 2
290 Broadway, 17th Floor
New York, NY 10007-1866

The attached Standing Order from the Regional Judicial Officer of U.S. Environmental Protection Agency, Region 2, dated August 3, 2020, authorizes electronic service of certain Part 22 documents, including the Respondents' Answer(s) to this Complaint (Attachment A). Respondent should therefore serve the Answer(s) upon the Regional Hearing Clerk electronically to the following address: region2_regionalhearingclerk@epa.gov

A copy of Respondents' Answer(s), including any request for hearing, must also be sent to Complainant. 40 C.F.R. § 22.15(a). Complainant has designated Assistant Regional Counsel Lee Spielmann to receive service on his behalf. Respondents may send documents filed in this matter to Mr. Spielmann electronically at Spielmann.Lee@epa.gov.

Respondents' Answer(s) to the Complaint must clearly and directly admit, deny, or explain each of the factual allegations that are contained in the Complaint and with regard to which Respondents have any knowledge. 40 C.F.R. § 22.15(b). Where Respondents lack knowledge of a particular factual allegation and so state in their Answer(s), the allegation is deemed denied. 40 C.F.R. § 22.15(b). The Answer(s) shall also set forth: (1) the circumstances or arguments that are alleged to constitute the grounds of defense, (2) the facts that Respondents dispute (and thus intend to place at issue in the proceeding) and (3) whether Respondent(s) requests a hearing. 40 C.F.R. § 22.15(b).

Respondents' failure affirmatively to raise in the Answer(s) facts that constitute or that might constitute the grounds of their defense may preclude Respondents, at a subsequent stage in this proceeding, from raising such facts and/or from having such facts admitted into evidence at a hearing.

B. Opportunity to Request a Hearing

If requested by Respondents in the Answer(s), a hearing upon the issues raised by the Complaint and Answer(s) may be held. 40 C.F.R. § 22.15(c). *See generally* Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A). If, however, Respondents do not request a hearing, the Presiding Officer (as defined in 40 C.F.R. § 22.3) may hold a hearing if the Answer(s) raises issues appropriate for adjudication. 40 C.F.R. § 22.15(c).

Any hearing in this proceeding will be held at a location determined in accordance with 40 C.F.R. § 22.21(d). A hearing of this matter will be conducted in accordance with the applicable provisions of the Administrative Procedure Act, 5 U.S.C. §§ 551-59, and the procedures set forth in Subpart D of 40 C.F.R. Part 22. *See* Section 16(a)(2)(A) of TSCA, 15 U.S.C. § 2615(a)(2)(A), which states, in part: "A civil penalty for a violation of section 2614 ... of this title [15 U.S.C. § 2614] shall be assessed by the Administrator by an order made on the record after opportunity ... for a hearing in accordance with section 554 of Title 5 [5 U.S.C. § 554]."

If Respondents fail to request a hearing, such failure may operate to preclude Respondents from obtaining judicial review of an adverse EPA order. *See* 15 U.S.C. § 2615(a)(3), which states, in part: "Any person who requested in accordance with paragraph (2)(A) [15 U.S.C. § 2615(a)(2)(A)] a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business."

C. Failure to Answer

If Respondents fail in the Answer(s) to admit, deny, or explain any material factual allegation contained in the Complaint, such failure constitutes an admission of the allegation. 40 C.F.R. § 22.15(d). If Respondents fail to file a timely [i.e., in accordance with the thirty (30)-day period set forth in 40 C.F.R. § 22.15(a)] Answer(s) to the Complaint, such Respondents may be found in default upon motion. 40 C.F.R. § 22.17(a). Default by Respondents constitutes, for purposes of the pending proceeding only, an admission of all facts alleged in the Complaint and a waiver of Respondents' right to contest such factual allegations. 40 C.F.R. § 22.17(a). Following a default by Respondents for failure to timely file an Answer(s) to the Complaint, any order issued therefor shall be issued pursuant to 40 C.F.R. § 22.17(c).

Any penalty assessed in the default order shall become due and payable by Respondents without further proceedings thirty (30) days after the default order becomes final pursuant to 40 C.F.R. § 22.27(c). 40 C.F.R. § 22.17(d). If necessary, EPA may then seek to enforce such final order of default against Respondents, and to collect the assessed penalty amount, in federal court.

D. Filing of Documents Filed After the Answer

Unless otherwise ordered by the Presiding Officer for this proceeding, all documents filed after Respondents have filed an Answer(s) should be filed with the Headquarters Hearing Clerk acting on behalf of the Regional Hearing Clerk. Respondents should register to use the EPA e-filing system: https://yosemite.epa.gov/OA/EAB/EAB-ALJ_Upload.nsf/HomePage?ReadForm

E. Exhaustion Of Administrative Remedies

Where Respondents fail to appeal an adverse initial decision to the Environmental Appeals Board pursuant to 40 C.F.R. § 22.30, and that initial decision thereby becomes a final order pursuant to the terms of 40 C.F.R. § 22.27(c), Respondents then waive the right to judicial review. 40 C.F.R. § 22.27(d).

To appeal an initial decision to the Agency's Environmental Appeals Board ("EAB"), Respondents must do so "[w]ithin 30 days after the initial decision is served upon the parties." 40 C.F.R. § 22.30(a). Pursuant to 40 C.F.R. § 22.7(c), where service is effected by mail, "five days shall be added to the time allowed by these rules for the filing of a responsive pleading or document." Note that the 45-day period provided for in 40 C.F.R. § 22.27(c) (discussing when an initial decision becomes a final order) does not pertain to or extend the time period prescribed in 40 C.F.R. § 22.30(a) for a party to file an appeal to the EAB of an adverse initial decision.

INFORMAL SETTLEMENT CONFERENCE

Whether or not Respondents request a formal hearing, EPA encourages settlement of this proceeding consistent with the provisions of TSCA and its applicable regulations. 40 C.F.R. § 22.18(b). At an informal conference with a representative(s) of Complainant, Respondents may comment on the charges made in the Complaint, and Respondents may also provide whatever additional information that they believe to be relevant to the disposition of this matter, including: (1) actions Respondents has taken to correct any or all of the violations herein alleged, and/or (2) any other special facts or circumstances Respondents wish to raise.

Section 16(a)(2)(C) of TSCA, 15 U.S.C. § 2615(a)(2)(C), provides, in part, “The Administrator [of EPA] may compromise, modify, or remit, with or without conditions, any civil penalty which shall be imposed under this sub-section.” Accordingly, Complainant has the authority to modify the amount of the proposed potential penalty, where appropriate, to reflect any settlement agreement reached with Respondents, to reflect any relevant information previously not known to Complainant, or to dismiss any or all of the charges, if Respondents are able to demonstrate the relevant allegations are without merit and no causes of action as herein alleged exist. Respondents are referred to 40 C.F.R. § 22.18.

Any request for an informal conference or any questions that Respondents may have regarding this complaint should be directed to the following EPA counsel:

Lee A. Spielmann
Office of Regional Counsel
U.S. Environmental Protection Agency
290 Broadway, 16th floor
New York, New York 10007-1866
212-637-3222
spielmann.lee@epa.gov

The parties may engage in settlement discussions irrespective of whether Respondents have requested a hearing. 40 C.F.R. § 22.18(b)(1). Any request for a formal hearing does not preclude Respondents from also requesting an informal settlement conference; the informal conference procedure may be pursued simultaneously with the formal adjudicatory hearing procedure. A request(s) for an informal settlement conference constitutes neither an admission nor a denial of any of the matters alleged in the Complaint. Complainant does not deem a request for an informal settlement conference as a request for a hearing as specified in 40 C.F.R. § 22.15(c).

A request for an informal settlement conference does not affect Respondents’ obligation to file a timely Answer(s) to the Complaint pursuant to 40 C.F.R. § 22.15. No penalty reduction, however, will be made simply because an informal settlement conference is held.

Any settlement that may be reached as a result of an informal settlement conference will be embodied in a written consent agreement. 40 C.F.R. § 22.18(b)(2). In accepting the consent agreement, Respondents waive the right to contest the allegations in the Complaint and waive any right they might possess to seek administrative or judicial review of the final order that is to accompany the consent agreement. 40 C.F.R. § 22.18(b)(2). To conclude the proceeding, a final order ratifying the parties’ agreement to settle will be executed. 40 C.F.R. § 22.18(b)(3).

Respondents entering into a settlement through the signing of such Consent Agreement and their complying with the terms and conditions set forth in such Consent Agreement terminate this administrative litigation arising out of the allegations made in the Complaint. Respondents entering into a settlement does not extinguish, waive, satisfy, or otherwise affect their obligation and responsibility to comply with all applicable TSCA statutory and regulatory requirements for the operation of their importing and related-business activities, and to maintain such compliance, including the obligation pertaining to the required quadrennial submission of the Form U and the filing of documentation required by applicable statutory and/or regulatory provisions.

Attachment 1: 2020 Form U Chemical Substances (25000lb Reporting Threshold)
Attachment 2: RJO Standing Order Authorizing Electronic Service
Attachment 3: Part 22 Consolidated Rules of Practice

Dated: August 26, 2026
New York, New York

COMPLAINANT:

DOUGHLAS Digitally signed by
MCKENNA DOUGHLAS MCKENNA
Date: 2026.08.26
15:23:37 -04'00'

Douglas McKenna, Director
Enforcement and Compliance Assurance Division
Environmental Protection Agency, Region 2
290 Broadway, 21st floor
New York, New York 10007-1866

To: Julia Hanft, General Counsel
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