

**FILED**

**Mar 23, 2026**

**11:00 am**

**U.S. EPA REGION 4  
HEARING CLERK**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**IGM Resins USA, Inc.**

Respondent.

Docket No. **TSCA-04-2026-6002(b)**

**CONSENT AGREEMENT**

**I. NATURE OF ACTION**

1. This is an administrative penalty assessment proceeding brought under Section 16(a) of the Toxic Substances Control Act (TSCA or the Act), 15 U.S.C. § 2615(a), and Sections 22.13(b) 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 Title 40 of the Code of Federal Regulations (C.F.R.), Part 22.
2. This Consent Agreement and the attached Final Order shall collectively be referred to as the CAFO.
3. Having found that settlement is consistent with the provisions and objectives of the Act and applicable regulations, the Parties have agreed to settle this action pursuant to 40 C.F.R. § 22.18 and consent to the entry of this CAFO without Respondent's admission of violation or adjudication of any issues of law or fact herein.

**II. PARTIES**

4. Complainant is the Director of the Enforcement and Compliance Assurance Division, United States Environmental Protection Agency (EPA), Region 4, who has been delegated the authority on behalf of the Administrator of the EPA to enter into this CAFO pursuant to 40 C.F.R. Part 22 and Section 16(a) of TSCA, 15 U.S.C. § 2615(a).
5. Respondent is IGM Resins USA, Inc., a company doing business in the State of North Carolina at all times relevant to this enforcement action. IGM Coop B.V., located in Gompensstraat 49, 5145 RM Waalwijk, The Netherlands, is the parent company of IGM Resins USA, Inc. This proceeding

pertains to Respondent's facility located at 3300 Westinghouse Boulevard, Charlotte, North Carolina 28273 (Facility).

### III. GOVERNING LAW

6. Pursuant to Section 8(b) of TSCA, 15 U.S.C. § 2607(b), the EPA is required to compile, keep current, and publish a list of each chemical substance that is manufactured or processed, including imports, in the United States for uses under TSCA. The list is commonly known as the "TSCA Inventory," but is also referred to as the TSCA "Master Inventory File," as defined in 40 C.F.R. § 711.3.
7. Pursuant to Section 8(a) of TSCA, 15 U.S.C. § 2607(a), the EPA promulgated rules pertaining to Chemical Data Reporting (CDR) found at 40 C.F.R. Part 711.
8. Pursuant to Section 15 of TSCA, 15 U.S.C. § 2614, and 40 C.F.R. § 711.1(c), it is unlawful for any person to fail or refuse to comply with any rule or order promulgated under TSCA, and to fail or refuse to establish or maintain records, submit reports, notices, or other information, or permit access to or copying of records, as required by TSCA or a rule promulgated thereunder.

#### Definitions

9. Pursuant to 40 C.F.R. § 711.3, the definitions specified in 40 C.F.R. § 711.3, and the definitions in Section 3 of TSCA, apply to 40 C.F.R. Part 711. In addition, the definitions in 40 C.F.R. § 704.3 also apply to 40 C.F.R. Part 711, except the definitions of "manufacture" and "manufacturer" found in 40 C.F.R. § 704.3.
10. The term "import" is defined in 40 C.F.R. § 704.3, to mean to import for commercial purposes.
11. The term "import for commercial purposes" is defined in 40 C.F.R. § 704.3, to mean to import with the purpose of obtaining an immediate or eventual commercial advantage for the importer, and includes the importation of any amount of a chemical substance or mixture.
12. The term "importer" is defined in 40 C.F.R. § 704.3, to mean any person who imports any chemical substance or any chemical substance as part of a mixture or article into the customs territory of the United States.
13. The term "manufacture" is defined in 40 C.F.R. § 711.3, to mean to manufacture, produce, or import for commercial purposes.
14. The term "manufacture for commercial purposes" is defined in 40 C.F.R. § 704.3, to mean to import, produce, or manufacture with the purpose of obtaining an immediate or eventual commercial advantage for the manufacturer, and includes among other things, such "manufacture" of any amount of a chemical substance or mixture: (i) for commercial distribution, including for test marketing; or (ii) for use by the manufacturer, including use for product research and development, or as an intermediate.

15. The term “manufacturer” is defined in 40 C.F.R. § 711.3, to mean a person who manufactures a chemical substance.
16. The term “person” is defined in 40 C.F.R. § 704.3, to include any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any state or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.
17. The term “principal reporting year” is defined in 40 C.F.R. § 711.3, to mean the latest complete calendar year preceding the submission period.
18. The term “submission period” is defined in 40 C.F.R. § 711.3, to mean the period in which the manufacturing, processing, and use data are submitted to the EPA.

#### Chemical Data Reporting (CDR)

19. Pursuant to 40 C.F.R. § 711.5, any chemical substance that is in the TSCA Master Inventory File at the beginning of a submission period described in 40 C.F.R. § 711.20 must be reported pursuant to the CDR requirements under Section 8(a) of TSCA and 40 C.F.R. Part 711, unless the chemical substance is specifically excluded by 40 C.F.R. § 711.6.
20. Pursuant to 40 C.F.R. §§ 711.8(a) and 711.20, any person who manufactured (including imported) for commercial purposes 25,000 pounds or more of a chemical substance described in 40 C.F.R. § 711.5, at any single site owned or controlled by that person, in any of the calendar years 2016, 2017, 2018, or 2019, is subject to the CDR requirements for the 2020 submission period.
21. Pursuant to 40 C.F.R. § 711.15, any person who is subject to 40 C.F.R. § 711.8 must submit the information described in 40 C.F.R. §§ 711.15(a)-(b) 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 pounds (11,340 kilograms (kgs)) or more, or in an amount of 2,500 pounds (1,134 kgs) 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). The principal reporting year for each submission period is the previous calendar year (e.g., the principal reporting year for the 2020 submission period is calendar year 2019).
22. Pursuant to 40 C.F.R. § 711.20, the 2020 CDR submission period was from June 1, 2020, to January 29, 2021.<sup>1</sup> Subsequent recurring submission periods were from June 1 to September 30 at 4-year intervals, beginning in 2024. In each submission period, any person described in 40 C.F.R. § 711.8 must report as described in Part 711.
23. Any information Respondent has claimed as Confidential Business Information which may

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<sup>1</sup> The 2020 CDR submission deadline was originally September 30, 2020. As a result of amendments in 85 FR 19890 (published April 9, 2020) and 85 FR 75235 (published November 25, 2020), the 2020 CDR submission deadline was extended to January 29, 2021.

support or form the basis for this CAFO has been intentionally redacted. To determine the identity of the chemical substances referenced in this CAFO or to identify any other information designated as CBI, Respondent and/or Complainant should refer to the Opportunity to Show Cause letter dated August 31, 2023, sent to Respondent identifying potential violations of TSCA and notifying Respondent of the opportunity to show cause why the EPA should not proceed with an enforcement action.

#### IV. FINDINGS OF FACTS

24. Respondent is a “person,” “manufacturer,” and an “importer” of chemicals as defined in 40 C.F.R. § 704.3 and 40 C.F.R. § 711.3.
25. On July 22, 2022, the EPA sent Respondent a Notice of Inspection pursuant to Section 11(a) of TSCA, 15 U.S.C. § 2610(a), notifying Respondent that the EPA would be conducting an inspection of Respondent’s Facility to evaluate its compliance with TSCA. Pursuant to a request in the Notice, Respondent submitted certain records to the EPA prior to the inspection pertaining to its manufacture, processing, exportation, and research and development of chemicals. On August 31, 2022, authorized agents of the EPA Region 4 conducted a TSCA inspection at Respondent’s Facility pursuant to Section 11(a) of TSCA, 15 U.S.C. § 2610(a).
26. On August 31, 2023, after reviewing the records submitted by Respondent on December 12 and 16, 2022, the EPA issued Respondent an Opportunity to Show Cause letter alleging that Respondent had potentially violated Sections 8 and 15 of TSCA, 15 U.S.C. §§ 2607 and 2614, by failing to comply with the CDR requirements found in 40 C.F.R. Part 711.

#### **Chemical Data Reporting for Chemicals A, B, C, E, F, and H through X [CBI Deleted]**

27. The records submitted by Respondent included manufacture and import records which revealed that Respondent manufactured and/or imported, as those terms are defined in 40 C.F.R. §§ 704.3 and 711.3, a reportable quantity (greater than 25,000 pounds) of Chemicals A, B, C, E, F, and H through X for commercial purposes in 2019, the principal reporting year.
28. Chemicals A, B, C, E, F, and H through X were in the TSCA Master Inventory File at the beginning of a CDR submission period described in 40 C.F.R. § 711.20 and were not chemical substances specifically excluded from CDR reporting requirements by 40 C.F.R. § 711.6.
29. Pursuant to 40 C.F.R. § 711.15, Respondent was required to submit a 2020 CDR Report to the EPA for reportable chemical substances that were manufactured (including imported) for commercial purposes in quantities greater than 25,000 pounds in calendar years 2016, 2017, 2018, and 2019 by no later than the end of the 2020 CDR submission period, which was January 29, 2021. Chemicals A, B, C, E, F, and H through X are reportable chemical substances imported by Respondent during the 2020 CDR submission period (2016-2019) and are therefore subject to the 2020 CDR reporting requirements.
30. Respondent did not submit a CDR Report for Chemicals A, B, C, E, F, and H through X by January 29, 2021, the last day of the 2020 CDR submission period.

31. On December 15, 2022, Respondent submitted a 2020 CDR Report for Chemicals A, B, C, E, F, and H through X.

## **V. ALLEGED VIOLATIONS**

32. Based on the EPA's investigation, including a review of Respondent's records as set forth above, the EPA alleges that Respondent failed to submit a 2020 CDR Report for Chemicals A, B, C, E, F, and H through X during the 2020 CDR submission period, which ended on January 29, 2021, in violation of 40 C.F.R. § 711.15, and Sections 8 and 15 of TSCA, 15 U.S.C. §§ 2607 and 2614.

## **VI. STIPULATIONS**

33. Pursuant to 40 C.F.R. § 22.13(b), the issuance of this CAFO simultaneously commences and concludes this proceeding.

34. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits that the EPA has jurisdiction over the subject matter alleged in this CAFO;
- b. neither admits nor denies the specific factual allegations set forth in Section IV (Findings of Facts) of this CAFO;
- c. consents to the assessment of a civil penalty as stated below;
- d. consents to the conditions specified in this CAFO;
- e. waives any right to contest the allegations set forth in Section V (Alleged Violations) of this CAFO; and
- f. waives its rights to appeal the Final Order accompanying this CAFO.

35. For the purpose of this proceeding, Respondent:

- a. agrees that this CAFO states a claim upon which relief may be granted against Respondent;
- b. acknowledges that this CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement actions;
- c. 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 CAFO, and to seek an additional penalty for such noncompliance, and agrees that federal law shall govern in any such civil action;

- d. waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during any discussions with, or to be served with and reply to, any memorandum or communication addressed to EPA officials where the purpose of such discussion, memorandum, or communication is to persuade such official to accept and issue this CAFO;
- e. 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 this Consent Agreement;
- f. by executing this CAFO, certifies to the best of its knowledge that Respondent is currently in compliance with all relevant requirements of the Act and its implementing regulations, and that all violations alleged herein, which are neither admitted nor denied, have been corrected; and
- g. agrees to comply with the terms of this CAFO.

36. In accordance with 40 C.F.R. § 22.5, the individuals named in the Certificate of Service are authorized to receive service related to this proceeding and the Parties agree to receive service by electronic means.

#### **VII. TERMS OF PAYMENT**

37. Based on the Respondent's substantiated ability to pay claim, Respondent consents to the payment of a civil penalty which the EPA has determined to be an appropriate amount to settle this action, in the amount of **TWENTY-TWO THOUSAND DOLLARS (\$22,000.00)**, which is to be paid within thirty (30) days of the Effective Date of this CAFO.

38. Respondent shall pay the civil penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the following EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. In addition, Respondent shall identify every payment with Respondent's name and the docket number of this CAFO, Docket No. **TSCA-04-2026-6002(b)**.

39. Respondent shall send proof of payment electronically, within twenty-four (24) hours of payment of the civil penalty, to:

Regional Hearing Clerk  
U.S. EPA, Region 4  
R4\_Regional\_Hearing\_Clerk@epa.gov

and

Shanieka Pennamon  
Chemical Safety and Land Enforcement Branch

Enforcement and Compliance Assurance Division  
U.S. EPA, Region 4  
pennamon.shanieka@epa.gov

and

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
CINWD\_AcctsReceivable@epa.gov

40. "Proof of payment" means, as applicable, confirmation of credit card or debit card payment, confirmation of wire or Automated Clearing House transfer, and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due, and identified with Respondent's name and Docket No. TSCA-04-2026-6002(b).
41. Interest, Charges, and Penalties on Late Payments. Pursuant to 15 U.S.C. § 2615, 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 civil penalty under this CAFO, the entire unpaid balance of the civil penalty and all accrued interest shall become immediately due and owing, and the EPA is authorized to recover the following amounts.
- a. Interest. Interest will begin to accrue from the Effective Date of this CAFO. If the civil penalty is paid in full within thirty (30) days, interest accrued is waived. If the civil penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the civil penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States, the rate of interest is set at the IRS standard underpayment rate, as any lower rate would fail to provide Respondent adequate incentive for timely payment.
  - b. Handling Charges. Respondent will be assessed monthly a charge to cover the EPA's costs of processing and handling overdue debts. If Respondent fails to pay the civil penalty in accordance with this CAFO, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed each subsequent thirty (30) days, or any portion thereof, until the unpaid portion of the civil penalty, as well as any accrued interest, penalties, and other charges are paid in full.
  - c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum will be assessed monthly on all debts, including any unpaid portion of the civil penalty, interest, and other charges, that remain delinquent more than ninety (90) days.
42. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the civil penalty, interest, or other charges and penalties per this CAFO, the EPA may take additional actions. Such actions may include, but are not limited to, the following.

- a. Refer the debt to a credit reporting agency or a collection agency (*see* 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 (*see* 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 the EPA or engaging in programs the EPA sponsors or funds (*see* 40 C.F.R. § 13.17); and/or
  - d. Per 15 U.S.C. § 2615(a), the Attorney General will bring a civil action in the appropriate district court to recover the full remaining balance of the debt plus interest. In any such action, the validity, amount, and appropriateness of the civil penalty shall not be subject to review.
43. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding civil penalty amount.
44. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this CAFO shall not be deductible for purposes of federal taxes.

#### **VIII. EFFECT OF CAFO**

45. In accordance with 40 C.F.R. § 22.18(c), Respondent's full compliance with this CAFO shall only resolve Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Sections IV and V above.
46. In accordance with 40 C.F.R. § 22.18(c), full payment of the civil penalty, as provided in Section VII (Terms of Payment) shall satisfy the requirements of this CAFO but shall not, in any case, affect the right of the EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
47. 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, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit, except as expressly provided herein.
48. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to an imminent hazard as authorized under Section 7 of the Act.

49. The terms, conditions, and compliance requirements of this CAFO may not be modified or amended except upon the written agreement of both Parties, and approval of the Regional Judicial Officer.
50. The provisions of this CAFO shall apply to and be binding upon Respondent and its successors and assigns. Respondent shall direct its officers, directors, employees, agents, trustees, and authorized representatives to comply with the provisions of this CAFO, as appropriate.
51. Any change in the legal status of Respondent, or change in ownership, partnership, corporate or legal status relating to the Facility, will not in any way alter Respondent's obligations and responsibilities under this CAFO.
52. By signing this Consent Agreement, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential information under Section 14 of TSCA, 15 U.S.C. § 2613, and 40 C.F.R. Part 2 and the Freedom of Information Act (FOIA), or personally identifiable information.
53. By signing this Consent Agreement, the Complainant and the undersigned representative 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 to this CAFO.
54. By signing this Consent Agreement, both Parties agree that each party's obligations under this CAFO constitute sufficient consideration for the other party's obligations.
55. By signing this Consent Agreement, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and continues to be 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.
56. The EPA also reserves the right to revoke this CAFO and settlement penalty if and to the extent that the 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 the EPA. If such false or inaccurate material was provided, the EPA reserves the right to assess and collect any and all civil penalties for any violation described herein. The EPA shall give Respondent notice of its intent to revoke, which shall not be effective until received by Respondent in writing.
57. It is the intent of the Parties that the provisions of this CAFO are severable. If any provision or authority of this CAFO or the application of this CAFO to any party or circumstances is held by any judicial or administrative authority to be invalid or unenforceable, the application of such provisions to other party or circumstances and the remainder of the CAFO shall remain in force and shall not be affected thereby.
58. Unless specifically stated otherwise in this CAFO, each party shall bear its own attorney's fees, costs, and disbursements incurred in this proceeding.

**IX. EFFECTIVE DATE**

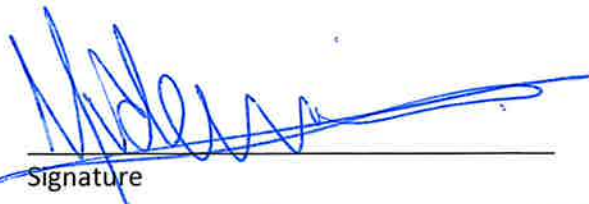
59. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer, on the date of filing with the Regional Hearing Clerk.

**[Remainder of the Page Intentionally Left Blank**

**Complainant and Respondent will Each Sign on Separate Pages]**

The foregoing Consent Agreement In the Matter of **IGM Resins USA, Inc.**, Docket No. **TSCA-04-2026-6002(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:

  
\_\_\_\_\_  
Signature

5 March 2026  
\_\_\_\_\_  
Date

Printed Name: Matthijs van der Heide  
\_\_\_\_\_

Title: Director / CFO  
\_\_\_\_\_

Address: 8700 Red Oak Blvd Suite M, Charlotte NC 28227 USA  
\_\_\_\_\_

The foregoing Consent Agreement In the Matter of **IGM Resins USA, Inc.**, Docket No. **TSCA-04-2026-6002(b)**, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR COMPLAINANT:

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Keriema S. Newman  
Director  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4

In the Matter of:

**IGM Resins USA, Inc.**

Respondent.

Docket No. **TSCA-04-2026-6002(b)**

**FINAL ORDER**

The Regional Judicial Officer is authorized to ratify this Consent Agreement which memorializes a settlement between Complainant and Respondent. 40 C.F.R. §§ 22.4(b) and 22.18(b)(3). The foregoing Consent Agreement is, therefore, hereby approved, ratified, and incorporated by reference into this Final Order in accordance with the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits*, 40 C.F.R. Part 22.

Respondent is hereby ORDERED to comply with all of the terms of the foregoing Consent Agreement effective immediately upon filing of this Consent Agreement and Final Order with the Regional Hearing Clerk. This Final Order disposes of this matter pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**BEING AGREED, IT IS SO ORDERED.**

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Regional Judicial Officer

**CERTIFICATE OF SERVICE**

I certify that the foregoing Consent Agreement and Final Order, In the Matter of **IGM Resins USA, Inc.**, Docket No. **TSCA-04-2026-6002(b)**, were filed and copies of the same were emailed to the Parties as indicated below.

**Via email to all Parties at the following email addresses:**

To Respondent:       Matthijs van der Heide  
                                  Chief Financial Officer  
                                  IGM Coop B.V.  
                                  t.vanderheide@igmresins.com  
                                  +31-0-41-67-42-734

                                  Lawrence E. Culleen  
                                  Partner  
                                  Arnold & Porter  
                                  lawrence.culleen@arnoldporter.com  
                                  202-942-5477

To EPA:                   Shanieka Pennamon  
                                  Case Development Officer  
                                  pennamon.shanieka@epa.gov  
                                  404-562-9213

                                  Ximena Vasquez  
                                  Attorney  
                                  vasquez.maria-ximena@epa.gov  
                                  404-562-9548

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Regional Hearing Clerk  
R4\_Regional\_Hearing\_Clerk@epa.gov