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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF:

Origin One Commerce Ltd.,

Respondent.

Proceeding under Section 205(c)(1) of the
Clean Air Act, 42 U.S.C. § 7524(c)(1).

DOCKET NO. CAA-09-2026-0025

**COMPLAINT AND NOTICE OF
OPPORTUNITY FOR HEARING**

In re: Origin One Commerce Ltd
Complaint and Notice of Opportunity for Hearing

1 **I. PRELIMINARY STATEMENT**

2 1. This Complaint and Notice of Opportunity for Hearing (Complaint) initiates a civil
3 administrative penalty proceeding under Section 205(c)(1) of the Clean Air Act (“CAA” or
4 “Act”), 42 U.S.C. § 7524(c)(1), and the Consolidated Rules of Practice Governing the
5 Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of
6 Permits (Consolidated Rules of Practice), as codified at 40 C.F.R. Part 22. 40 C.F.R. §§ 22.13-
7 14.

8 2. Complainant is the Assistant Director of the Enforcement and Compliance Assurance
9 Division, U.S. Environmental Protection Agency (EPA), Region 9, who has been duly delegated
10 the authority to commence an administrative penalty action under Section 205(c)(1) of the CAA,
11 42 U.S.C. § 7524(c)(1). See Region 9 Regional Administrator Delegation R9 7-19 (Oct. 5,
12 2017).

13 3. Respondent is Origin One Commerce Ltd, a corporation formed in the State of
14 California, with its principal address at 2047 El Cajon Blvd. San Diego, California 92104.

15 4. Service of this Complaint on Respondent satisfies Complainant’s obligation to provide
16 Respondent with written notice of the proposed issuance of a final order assessing a civil penalty.
17 40 C.F.R. § 22.34(b).

18 **II. JURISDICTION**

19 5. Complainant brings this action under Section 205(c)(1) of the CAA, 42 U.S.C.
20 § 7524(c)(1), and the Consolidated Rules of Practice.

21 6. Under Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), EPA is authorized to
22 administratively assess a civil penalty for violations of Sections 203(a)(1) and 213(d) of the
23 CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d).

24 7. Under Section 205(c)(1) of the CAA, 42 U.S.C. § 7524(c)(1), an administrative penalty
25 max not exceed \$472,901 against each violator where violations occurred after November 2,

2015, and a penalty is assessed on or after January 8, 2025, unless the Administrator of EPA and the Attorney General, through their respective delegates, jointly determine that a matter involving a larger penalty amount is appropriate for administrative penalty assessment. 40 C.F.R. Part 19, 90 Fed. Reg. 1375 (Jan. 8, 2025).

8. In accordance with 40 C.F.R. § 22.1(a)(2), the Consolidated Rules of Practice govern administrative adjudicatory proceedings for the assessment of any administrative civil penalty under Section 205(c) of the CAA, 42 U.S.C. § 7524(c). A copy of the Consolidated Rules of Practice is enclosed with this Complaint.

III. STATUTORY AND REGULATORY BACKGROUND

9. This action arises under Part A of Title II of the CAA, 42 U.S.C. §§ 7521-7554, and the regulations promulgated thereunder, including 40 C.F.R. Part 1054, which establishes emissions standards for new small nonroad spark-ignition engines and equipment. These engines are also subject to the general compliance provisions applicable to highway, stationary, and nonroad programs at 40 C.F.R. Part 1068. See 40 C.F.R. § 1068.1(a)(13).

10. On October 8, 2008, EPA promulgated regulations at 40 C.F.R. Part 1054 requiring manufacturers to substantially reduce emissions from new nonroad small spark-ignition engines at or below 19 kilowatts (kW) used primarily in lawn, garden, and similar applications. 73 Fed. Reg. 59034 (Oct. 8, 2008).

11. Emissions from small nonroad spark-ignition engines contribute significantly to mobile source air pollution nationwide, including volatile organic hydrocarbon compounds (VOC), oxides of nitrogen (NO_x), carbon monoxide (CO), and particulate matter (PM_{2.5}). *Id.* at 59035.

12. VOC and NO_x emissions contribute to the formation of ground-level ozone pollution (smog), while exposure to ozone, CO, and PM_{2.5} can cause serious respiratory and cardiovascular problems and other adverse health and environmental effects. *Id.* at 59035, 59041.

1 13. The standards in 40 C.F.R. Part 1054 were designed to reduce these emissions, protect
2 public health, and reduce exposure for people who use or work near these engines. *Id.* at 59035.

3 14. Under Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), a manufacturer is
4 prohibited from selling, offering for sale, introducing, or delivering for introduction into
5 commerce, or any person from importing, any new motor vehicle or new motor vehicle engine
6 manufactured after the effective date of applicable regulations unless such vehicle or engine is
7 covered by an EPA-issued certificate of conformity or is properly exempt or excluded from the
8 certification requirement.

9 15. Under Section 213(d) of the CAA, 42 U.S.C. § 7547(d), the standards for nonroad
10 engines and vehicles are required to be enforced in the same manner as the standards prescribed
11 under Section 202 of the CAA for motor vehicles and motor vehicle engines, and the
12 Administrator is required to revise or promulgate regulations as may be necessary to determine
13 compliance with, and enforce, standards in effect under Section 213.

14 16. The certification and compliance provisions of 40 C.F.R. Parts 1054 and 1068 implement
15 these statutory requirements by prohibiting manufacturers from selling, offering for sale, or
16 introducing or delivering into commerce in the United States or importing into the United States
17 any new engine/equipment after emissions standards take effect for the engine/equipment, unless
18 it is covered by a valid certificate of conformity for its model year and has the required label or
19 tag. 40 C.F.R. §§ 1054.201, 1068.101(a)(1) and (b)(5).

20 17. The requirements in 40 C.F.R. Part 1054 apply to new, nonroad spark-ignition engines
21 with maximum engine power at or below 19 kW. See 40 C.F.R. § 1054.1(a)(1). These emissions
22 standards apply beginning with model year 2010 for handheld engine types. See § 1054.1(a)(3).

23 18. To obtain a certificate of conformity, a manufacturer must submit an application to EPA
24 for a certificate of conformity for each engine family and model year. 40 C.F.R. § 1054.201(a).
25 If EPA determines the application is complete and meets the requirements of 40 C.F.R. Part 1054

1 and the CAA, EPA will issue a certificate of conformity for the emission family for that model
2 year. 40 C.F.R. § 1054.255(a). EPA may deny an application if it determines the engine family
3 does not meet applicable requirements. *Id.* § 1054.255(b).

4 19. A valid certificate of conformity is one that applies for the same model year as the model
5 year of the engine or equipment (except as allowed by 40 C.F.R. § 1068.105(a)), covers the
6 appropriate category or subcategory of engines/equipment, and conforms to all requirements
7 specified for equipment in the standard-setting part. 40 C.F.R. § 1068.101(a)(1)(i). Engines or
8 equipment are not considered covered by a certificate unless they are in a configuration
9 described in the application for certification. *Id.*

10 20. Manufacturers are prohibited from importing an uncertified engine or piece of equipment
11 if it is defined to be new in the standard-setting part with a model year for which emissions
12 standards applied. 40 C.F.R. § 1068.101(b)(5).

13 21. If nonconforming engines are imported in violation of Sections 203 and 213(d) of the
14 CAA, 42 U.S.C. §§ 7522 and 7547(d), EPA may require the importer to re-export the engines in
15 accordance with 40 C.F.R. § 1068.335.

16 22. Violations of Section 203(a)(1) of the CAA, 42 U.S.C. § 7522(a)(1), are subject to civil
17 penalties of up to \$59,114 for each violation occurring after November 2, 2015, where penalties
18 are assessed on or after January 8, 2025, in accordance with Section 205(a) of the CAA, 42
19 U.S.C. § 7524(a). 40 C.F.R. § 19.4. See also 40 C.F.R. § 1068.101(a)(1). Each engine in
20 violation is a separate offense. 40 C.F.R. § 1068.101(a)(1).

21 23. For purposes of this Complaint, and as set forth in Sections 216 and 302 the CAA, 42
22 U.S.C. §§ 7550, 7602, and implementing regulations, including 40 C.F.R. Parts 1054 and 1068,
23 the following definitions apply:

- 24 a. The term “commerce” means commerce between any place in any State and any
25 place outside thereof. CAA Section 216(6), 42 U.S.C. § 7550(6).

- 1 b. “Person” includes an individual, corporation, partnership, association, State,
2 municipality, political subdivision of a State, and any agency, department, or
3 instrumentality of the United States and any officer, agent, or employee thereof.
4 CAA Section 302(e), 42 U.S.C. § 7602(e).
- 5 c. “Manufacturer” means any person engaged in the manufacturing or assembling of
6 new motor vehicles, new motor vehicle engines, new nonroad vehicles or new
7 nonroad engines, or importing such vehicles or engines for resale, or who acts for
8 and is under the control of any such person in connection with the distribution of
9 new motor vehicles, new motor vehicle engines, new nonroad vehicles or new
10 nonroad engines, but shall not include any dealer with respect to new motor
11 vehicles, new motor vehicle engines, new nonroad vehicles or new nonroad
12 engines received by him in commerce. CAA Section 216(1), 42 U.S.C. § 7550(1).
13 “Manufacturer” further includes any person that introduces a new engine or piece
14 of equipment into U.S. commerce, including importers that import new engines or
15 new equipment into the United States for resale. 40 C.F.R. § 1068.30.
- 16 d. “New nonroad engine” means, among other things, a freshly manufactured
17 nonroad engine for which the ultimate purchaser has never received the equitable
18 or legal title, as defined in 40 C.F. R. §§ 1054.801 and 1068.30.
- 19 e. “Engine family” means a group of engines of a single model year that are
20 expected to have similar emissions characteristics throughout their useful life. 40
21 C.F.R. § 1054.230.
- 22 f. The “model year” of a new engine that is neither certified or nor exempt is
23 deemed to be the calendar year in which it is sold, offered for sale, imported, or
24 delivered or otherwise introduced into U.S. commerce. 40 C.F.R. § 1068.30.
- 25

g. “Handheld” means, among other things, equipment that is carried by the operator throughout the performance of its intended function. 40 C.F.R. § 1068.30.

IV. FACTUAL ALLEGATIONS

24. On or about December 8, 2024, Respondent imported approximately 550 new nonroad gasoline engines (Subject Engines) into the United States, as identified on Customs Entry No. 8G8-56031155-5.

25. Table 1, below, identifies the equipment containing the Subject Engines, the engine manufacturer, the equipment model, and the engine family (if any), and approximate quantity imported.

Table 1 – Description of Equipment Containing the Subject Engines				
Equipment Description	Engine Manufacturer	Equipment Model	Engine Family	Approx. Quantity Imported
Gasoline-powered chainsaws (63cc engine)	None listed	EB-650	None listed	450
Gasoline-powered blowers (63cc engine)	None listed	6220	None listed	100

26. The Subject Engines were manufactured in and exported from China and entered the United States through the Los Angeles/Long Beach Seaport, California (Port Code 2704).

27. On December 9, 2024, U.S. Customs and Border Protection (CBP) placed a hold on the Subject Engines.

28. As a result, the Subject Engines remained under CBP custody and were not released to Respondent.

29. Following CBP’s hold, the Subject Engines were transported to the Price Transfer (3) Warehouse, a CBP Centralized Examination Station located in Carson, California.

30. On December 23, 2024, EPA inspectors conducted an inspection of the Price Transfer (3) Warehouse and examined the Subject Engines.

31. EPA inspectors documented their inspection in two inspection worksheets—one for the gasoline-powered chainsaws and one for the gasoline-powered blowers—and transmitted copies of these worksheets to Respondent by email on January 21, 2025.

32. As documented in the inspection worksheets, the Subject Engines did not have the required Emissions Control Information labels.

33. The Subject Engines were not covered by any certificates of conformity issued by EPA under 40 C.F.R. Part 1054, and no exemption or exclusion from the certification requirements applied to these engines under 40 C.F.R. §§ 1068.301-1068.325.

34. On or around January 13, 2025, CBP issued CBP Form 7512 to Respondent’s customs broker requiring the re-export of the Subject Engines.

35. On or about January 22, 2025, at the request of Respondent’s customs broker, the Subject Engines were re-exported from the United States.

V. GENERAL ALLEGATIONS

36. Respondent is a “person” within the meaning of Section 302(e) of the CAA, 42 U.S.C. § 7602(e).

37. Respondent is a “manufacturer” within the meaning of CAA Section 216(1), 42 U.S.C. § 7550(1) and 40 C.F.R. § 1054.801.

38. The Subject Engines that Respondent imported are new, handheld nonroad spark-ignition engines at or below 19 kW. See 40 C.F.R. §§ 1054.801, 1068.1(a)(13), and 1068.30.

39. Respondent did not submit an application to EPA for a certificate of conformity for the applicable model year, and as a result, did not hold a valid certificate of conformity for the Subject Engines, as required by 40 C.F.R. §§ 1054.201 and 1068.101(a)(1) and (b)(5).

1 40. Respondent did not obtain an exemption or exclusion from the certification requirements
2 for the Subject Engines under 40 C.F.R. §§ 1068.301-1068.325.

3 41. By importing new nonroad spark-ignition engines without a valid certificate of
4 conformity issued by EPA under 40 C.F.R. Part 1054, or an exemption or exclusion under 40
5 C.F.R. Part 1068, Respondent violated Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C.
6 §§ 7522(a)(1) and 7547(d), and the corresponding implementing regulations at 40 C.F.R. Parts
7 1054 and 1068. Each uncertified engine that Respondent imported constitutes a separate
8 violation of the CAA, resulting in 550 violations.

9 **VI. RELIEF SOUGHT**

10 42. Section 205(a) of the CAA, 42 U.S.C. § 7524(a), as amended by the Debt Collection
11 Improvement Act 1996 and the subsequent Civil Monetary Penalty Inflation Adjustment Rule,
12 40 C.F.R. Part 19, provides that any person who violates Sections 203(a)(1) and 213(d) of the
13 CAA, 42 U.S.C. §§ 7522(a)(1) and 7547(d), shall be subject to a civil penalty of not more than
14 \$59,114 per violation.

15 43. Based on the violations of the CAA alleged in this Complaint, Complainant has
16 determined that Respondent is subject to a civil penalty under Section 205(a) of the CAA, 42
17 U.S.C. § 7524(a).

18 44. In accordance with 40 C.F.R. § 22.14(a)(4)(ii) of the Consolidated Rules of Practice,
19 Complainant is not proposing a specific penalty in this Complaint but will do so at a later date
20 after an exchange of information has occurred. See 40 C.F.R. § 22.19(a)(4). Complainant seeks a
21 penalty for 550 violations of Sections 203(a)(1) and 213(d) of the CAA, 42 U.S.C. §§ 7522(a)(1)
22 and 7547(d). Complainant considers each of the alleged violations to be severe.

23 45. For purposes of determination the amount of any penalty to be assessed, Section
24 205(c)(2) of the CAA, 42 U.S.C. § 7524(c)(2), requires that EPA take into account: the gravity
25 of the violation, the economic benefit or savings (if any) resulting from the violation, the size of

1 the violator's business, the violator's history of compliance [with Title II of the Act], action
2 taken to remedy the violation, the effect of the penalty on the violator's ability to continue in
3 business, and such other matters as justice may require.

4 46. Complainant also takes into account the particular facts and circumstances of the case
5 with specific reference to the January 2021 Clean Air Act Title II Vehicle & Engine Civil
6 Penalty Policy (Penalty Policy), *available at* [https://www.epa.gov/sites/default/files/2021-](https://www.epa.gov/sites/default/files/2021-01/documents/caatitleiivehicleenginepenaltypolicy011821.pdf)
7 [01/documents/caatitleiivehicleenginepenaltypolicy011821.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/caatitleiivehicleenginepenaltypolicy011821.pdf).

8 47. The Penalty Policy seeks to provide a rational, consistent and equitable methodology for
9 applying to particular cases the statutory penalty factors set forth above and calculates civil
10 penalties based on the economic benefit derived from noncompliance, the number of violative
11 engines or products and their horsepower, the egregiousness of the violations, company size, and
12 remedial actions taken, and other legal and equitable factors.

13 48. As its basis for calculating a specific penalty after an exchange of information has
14 occurred in accordance with 40 C.F.R. § 22.19(a)(4) of the Consolidated Rules of Practice,
15 Complainant will consider, among other factors, facts or circumstances unknown to Complainant
16 at the time of issuance of the Complaint that become known after the Complaint was issued.

17 49. In assessing a specific penalty following an exchange of information in accordance with
18 40 C.F.R. § 22.19(a)(4), Complainant reserves the right to consider, among other factors, any
19 facts or circumstances that were unknown to Complainant at the time of issuance of the
20 Complaint but are later discovered during this proceeding.

21 50. Complainant may adjust the proposed penalty further if Respondent produces information
22 or documentation to demonstrate an issue of ability to pay the proposed penalty. A violator who
23 raises this issue has the burden of providing information to demonstrate extreme financial
24 hardship.
25

1 **VII. ANSWER AND OPPORTUNITY TO REQUEST A HEARING**

2 51. If Respondent intends to contest any material fact upon which the Complaint is based, or
3 wishes to contend that the proposed penalty is inappropriate or that Respondent is entitled to
4 judgment as a matter of law, the Consolidated Rules of Practice at 40 C.F.R. § 22.15(a) require
5 that Respondent file an original and one copy of a written Answer with EPA Region 9's
6 Regional Hearing Clerk within 30 days after service of this Complaint at the address below:

7 Ponly Tu
8 Regional Hearing Clerk
9 U.S. Environmental Protection Agency, Region 9
10 75 Hawthorne Street (mail code: ORC-1)
11 San Francisco, CA 94105
12 R9HearingClerk@epa.gov

13 52. The Consolidated Rules of Practice at 40 C.F.R. § 22.15(a) also require that Respondent
14 serve an additional copy of the Answer on EPA to the following person, who is authorized to
15 receive service related to this proceeding:

16 Desean Garnett
17 Office of Regional Counsel
18 U.S. Environmental Protection Agency, Region 9
19 75 Hawthorne Street (mail code: ORC 2-3)
20 San Francisco, CA 94105
21 (415) 972-3046
22 garnett.desean@epa.gov

23 53. In accordance with 40 C.F.R. § 22.15(b), the contents of the Answer must clearly and
24 directly admit, deny, or explain each of the factual allegations contained in the Complaint with
25 regard to which Respondent has any knowledge. Where Respondent has no knowledge of a
particular factual allegation and so states in his Answer, the allegation is deemed denied. The
Answer must also state, (1) the circumstances or arguments that are alleged to constitute the
grounds of any defense, (2) the facts that Respondent disputes, (3) the basis for opposing the
proposed relief, and (4) whether a hearing is requested. 40 C.F.R. § 22.15(b).

1 54. Respondent's failure to admit, deny, or explain any material factual allegation contained
2 in this Complaint constitutes an admission of the allegation. 40 C.F.R. § 22.15(d).

3 55. In accordance with Section 205(c)(1) of the Act, 42 U.S.C. § 7524(c)(1), EPA gives
4 Respondent this written notice of the Complaint for penalties and of the opportunity to request a
5 hearing upon the issues raised by the Complaint and Answer, and on the appropriateness of the
6 relief sought in the Complaint. As provided under 40 C.F.R. § 22.15(c), if Respondent wishes to
7 request such a hearing, he must include the request in his Answer.

8 56. Respondent's failure to affirmatively raise in the Answer facts that constitute or might
9 constitute grounds for his defense may preclude Respondent from raising such facts and/or from
10 having such facts admitted into evidence at a hearing.

11 57. Respondent may be found to be in default: after motion, upon failure to file a timely
12 answer to the Complaint; upon failure to comply with the information exchange requirements of
13 § 22.19(a) or an order of the Presiding Officer, or upon failure to appear at a conference or
14 hearing. 40 C.F.R. § 22.17(a).

15 58. Default by Respondent constitutes, for purposes of this proceeding only, an admission of
16 all facts alleged in the Complaint and a waiver of Respondent's right to contest such factual
17 allegations. 40 C.F.R. § 22.17(a).

18 **VIII. SETTLEMENT CONFERENCE**

19 59. Complainant encourages settlement of this proceeding at any time after issuance of the
20 Complaint if the settlement is consistent with the provisions and objectives of the CAA and
21 applicable regulations.

22 60. Whether or not Respondent requests a hearing, Respondent may request an informal
23 settlement conference to discuss the facts of this case, the penalty proposed in the Complaint,
24 and settlement. 40 C.F.R. § 22.18(b).
25

1 61. To request a settlement conference with EPA, please contact the following person:

2 Desean Garnett
3 Office of Regional Counsel
4 U.S. Environmental Protection Agency, Region 9
5 75 Hawthorne Street (mail code: ORC 2-3)
6 San Francisco, CA 94105
7 (415) 972-3046
8 garnett.desean@epa.gov

9 62. A request for a settlement conference constitutes neither an admission nor a denial of any
10 of the matters alleged herein. EPA does not deem a request for a settlement conference to be a
11 request for a hearing as specified in 40 C.F.R. § 22.15(c), or as provided for by Section 205(c)(1)
12 of the Act, 42 U.S.C. § 7524(c)(1).

13 63. Settlement discussions do not affect Respondent's obligation to file a timely Answer to
14 the Complaint. 40 C.F.R. §§ 22.15 and 22.18(b)(1). EPA will not modify the penalty proposed in
15 the Complaint simply because a settlement conference is held.

16 64. The terms and conditions of any settlement that may be reached as a result of a settlement
17 conference will be recorded in a written Consent Agreement signed by all parties. 40 C.F.R.
18 § 22.18(b)(2). To conclude the proceeding, EPA will execute any Final Order ratifying the
19 parties' Consent Agreement. 40 C.F.R. § 22.18(b)(3). In accepting the Consent Agreement,
20 Respondent would waive any right to contest the allegations herein and waive any right to appeal
21 the Final Order accompanying the Consent Agreement. 40 C.F.R. § 22.18(b)(2).

22 65. Respondent entering into a Consent Agreement would not extinguish, waive, satisfy, or
23 otherwise affect Respondent's obligation to comply with all applicable statutory and regulatory
24 requirements and legal orders.
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IX. APPEARANCES

66. In accordance with 40 C.F.R. § 22.10, any party may appear in person or by counsel or other representative. A partner may appear on behalf of a partnership and an officer may appear on behalf of a corporation. Persons who appear as counsel or other representatives must conform to the standards of conduct and ethics required of practitioners before the courts of the United States.

Dated this 30th day of October 2025

**RICHARD
SAKOW**

Digitally signed by
RICHARD SAKOW
Date: 2025.10.30
14:39:23 -07'00'

Rick Sakow, Acting Assistant Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 9