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**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 HAWTHORNE STREET  
SAN FRANCISCO, CA 94105**

In the matter of:	)	Docket No. TSCA-09-2026-0017
	)	<b>CONSENT AGREEMENT</b>
AK Scientific, Inc.,	)	and
	)	<b>FINAL ORDER PURSUANT TO 40 C.F.R.</b>
Respondent.	)	<b>SECTIONS 22.13 AND 22.18</b>
_____	)	

**I. CONSENT AGREEMENT**

The United States Environmental Protection Agency ("EPA"), Region IX and AK Scientific, Inc. ("AK Scientific" or "Respondent") agree to settle this matter and consent to the entry of this Consent Agreement and Final Order ("CAFO"). This CAFO simultaneously initiates and concludes this proceeding in accordance with 40 C.F.R. §§22.13(b) and 22.18(b).

**A. AUTHORITY AND PARTIES**

1. This is an administrative proceeding for the assessment of a civil administrative

penalty initiated pursuant to Section 16(a) of the Toxic Substances Control Act (“TSCA” or “the Act”), 15 U.S.C. § 2615(a), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits at 40 C.F.R. Part 22 for violations of Section 15 of the Act.

2. Complainant is the Manager of the Toxics Section of the Enforcement and Compliance Assurance Division, EPA Region IX, who has been duly delegated the authority to commence and settle an enforcement action in this matter.

3. Respondent is a California corporation doing business at 30023 Ahern Avenue in Union City, California.

#### **B. APPLICABLE STATUTORY AND REGULATORY AUTHORITIES**

4. Section 12(b)(1) of TSCA, 15 U.S.C. § 2611(b)(1), requires any person who exports to a foreign country a chemical substance or mixture for which the submission of data is required under Section 4 of TSCA, 15 U.S.C. § 2603, to notify EPA of such exportation.

5. Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), requires any person who exports to a foreign country a chemical substance or mixture for which an order has been issued under Section 5(e) of TSCA, 15 U.S.C. § 2604(e), or a rule has been proposed or promulgated under Section 5(a)(2) of TSCA, 15 U.S.C. § 2604(a)(2), to notify EPA of such exportation.

6. Section 12(b) of TSCA requires any person who exports a chemical substance or mixture to notify EPA of such exportation to a particular country if any of the following actions have been taken under the Act with respect that chemical substance or mixture: (1) data are required under section 4 or 5(b), (2) an order has been issued under section 5, (3) a rule has been proposed or promulgated under section 5 or 6, or (4) an action is pending, or relief has

been granted under section 5 or 7. 40 C.F.R. § 707.60 (a).

7. “Person” includes 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. 40 C.F.R. § 710.3.

8. “Exporter” means the person who, as the principal party in interest in the export transaction, has the power and responsibility for determining and controlling the sending of the chemical substance or mixture to a destination out of the customs territory of the United States. 40 C.F.R. § 707.63 (b).

9. Section 15(3) of TSCA, 15 U.S.C. § 2614(3), provides that “[i]t shall be unlawful for any person to ... fail or refuse to (A) establish or maintain records, (B) submit reports, notices, or other information, or (C) permit access to or copying of records, as required by [TSCA] or a rule thereunder.

10. Failure to comply with TSCA Section 12(b) as set forth in 40 C.F.R. Part 707, Subpart D will be considered a violation of TSCA section 15(3), 15 U.S.C. § 2614(3). 40 C.F.R. § 707.60(f).

11. Section 16(a) of TSCA, 15 U.S.C. § 2615(a), as amended by the Civil Monetary Penalty Inflation Adjustment Rule at 40 C.F.R. Part 19, authorizes the Administrator of EPA to assess civil penalties not to exceed \$49,772 per day for each violation of Section 15 of TSCA, 15 U.S.C. § 2614, that occurred after November 2, 2015, and is assessed on or after January 8, 2025. See 90 Fed. Reg. 1375 (January 8, 2025).

### **C. ALLEGATIONS**

12. Respondent is a “person” as defined in 40 C.F.R. § 710.3.

13. Respondent is an “exporter” as defined in 40 C.F.R. § 707.63 (b).

14. At all times relevant to this CAFO, Respondent owned, operated or otherwise controlled a facility located at 30023 Ahern Avenue in Union City, California that exported chemical substances.

15. In 2023 and 2024, Respondent exported a chemical substance identified as CASRN 107-06-2 to four (4) different foreign countries— one export per country to two countries in 2023 and one export per country to two other countries in 2024.

16. At all times relevant to this CAFO, the chemical substance identified as CASRN 107-06-2 was subject to a test order promulgated pursuant to Section 4 of TSCA and at 40 C.F.R. § 799.5115.

17. Consequently, at all times relevant to this CAFO, Respondent was required to submit an export notification to EPA for each export of the chemical substance identified as CASRN 107-06-2 to the four (4) different foreign countries in 2023 and 2024 pursuant to Section 12(b)(1) of TSCA, 15 U.S.C. § 2611(b)(1) and 40 C.F.R. § 707.60(a) but failed to do so.

18. Respondent’s failures to submit an export notification to EPA for each export of the chemical substance identified as CASRN 107-06-2 to four (4) different foreign countries in 2023 and 2024, constitute four (4) violations of Section 12(b)(1) of TSCA, 15 U.S.C. § 2611(b)(1), and 40 C.F.R. § 707.60(a), which in turn result in four (4) violations of TSCA section 15(3), 15 U.S.C. § 2614(3), and 40 C.F.R. § 707.60(f).

19. In 2022, Respondent exported a chemical substance identified as CASRN 620-19-9 to one foreign country.

20. At all times relevant to this CAFO, the chemical substance identified as CASRN 620-19-9 was subject to a rule promulgated under TSCA Section 5(a)(2) at 40 C.F.R. § 721.11288.

21. Consequently, at all times relevant to this CAFO, Respondent was required to submit an export notification to EPA for the export of the chemical substance identified as CASRN 620-19-9 to one foreign country in 2022 pursuant to Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60 (a) but failed to do so.

22. Respondent's failure to submit an export notification to EPA for the export of the chemical substance identified as CASRN 620-19-9 to one foreign country in 2022, constitute one (1) violation of Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60(a), which in turn result in one (1) violation of TSCA section 15(3), 15 U.S.C. § 2614(3), and 40 C.F.R. § 707.60(f).

23. In 2021, 2022 and 2024, Respondent exported a chemical substance identified as CASRN 433-97-6 to five (5) different foreign countries— one export per country to 2 countries in 2021, one export per country to two other countries in 2022, and one export to another country in 2024.

24. At all times relevant to this CAFO, the chemical substance identified as CASRN 433-97-6 was subject to either a TSCA Section 5(e) order or a rule promulgated under TSCA Section 5(a)(2) and at 40 CFR § 721.11054.

25. Consequently, at all times relevant to this CAFO, Respondent was required to submit an export notification to EPA for each export of the chemical substance identified as CASRN 433-97-6 to the five (5) different foreign countries in 2021, 2022 and 2024 pursuant to

Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60 (a) but failed to do so.

26. Respondent's failures to submit an export notification to EPA for each export of the chemical substance identified as CASRN 433-97-6 to five (5) different foreign countries in 2021, 2022 and 2024, constitute five (5) violations of Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60 (a), which in turn result in five (5) violations of TSCA section 15(3), 15 U.S.C. § 2614(3), and 40 C.F.R. § 707.60(f).

27. In 2022, Respondent exported a chemical substance identified as CASRN 340-64-5 to one foreign country.

28. At all times relevant to this CAFO, the chemical substance identified as CASRN 340-64-5 was subject to a rule promulgated under TSCA section 5(a)(2) at 40 C.F.R. § 721.11473.

29. Consequently, at all times relevant to this CAFO, Respondent was required to submit an export notification to EPA for the export of the chemical substance identified as CASRN 340-64-5 to one foreign country in 2022 pursuant to Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60(a) but failed to do so.

30. Respondent's failure to submit an export notification to EPA for the export of the chemical substance identified as CASRN 620-19-9 to one foreign country in 2022 constitute one violation of Section 12(b)(2) of TSCA, 15 U.S.C. § 2611(b)(2), and 40 C.F.R. § 707.60(a), which in turn result in one violation of TSCA section 15(3), 15 U.S.C. § 2614(3), and 40 C.F.R. § 707.60(f).

#### **D. RESPONDENT'S ADMISSIONS**

31. In accordance with 40 C.F.R. § 22.18(b)(2), and for the purpose of this proceeding, Respondent (i) admits that EPA has jurisdiction over the subject matter of this

CAFO and over Respondent; (ii) neither admits nor denies the specific factual allegations contained in Section I.C of this CAFO; (iii) consents to any and all conditions specified in this CAFO, (iv) agrees to pay, and consents to the assessment of, the civil administrative penalty under Section I.E of this CAFO; (v) waives any right to contest the allegations contained in Section I.C of this CAFO; and (vi) waives the right to appeal the final order contained in this CAFO. By signing this consent agreement, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying the consent agreement.

#### **E. CIVIL ADMINISTRATIVE PENALTY**

32. Respondent consents to the assessment of a civil administrative penalty in the amount of **ONE-HUNDRED AND EIGHT THOUSAND, EIGHT HUNDRED AND FIFTY-TWO DOLLARS AND SEVENTY CENTS (\$108,852.70)** (“Assessed Penalty”) as final settlement and complete satisfaction of the civil claims against Respondent arising under the Act from the facts alleged in Section I.C of the CAFO.

a. No later than thirty (30) days from the effective date of this CAFO, Respondent shall pay the Assessed Penalty using any method or combination of the methods provided on the EPA website: <https://www.epa.gov/financial/make> payment. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>. If clarification regarding a particular method of payment remittance is needed, Respondent can contact the EPA Cincinnati Finance Center at (513) 487-2092.

b. Payment shall be accompanied by a transmittal letter identifying Respondent, the case name, the case docket number and this CAFO. Concurrent with delivery of the payment, Respondent shall send a copy of the notification that the payment has been made by any of the methods provided, including proof of the date payment was made, and the transmittal letter to the following addresses:

Regional Hearing Clerk  
U.S. EPA, Region IX  
[r9HearingClerk@epa.gov](mailto:r9HearingClerk@epa.gov)

Savannah Merritt  
Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. EPA, Region IX  
[Merritt.Savannah.L@epa.gov](mailto:Merritt.Savannah.L@epa.gov)

If Respondent fails to pay the Assessed Penalty by the deadline specified in Paragraph 32, Respondent shall pay to EPA a stipulated penalty in the amount of **FIVE HUNDRED DOLLARS (\$500)** for each day that payment is late in addition to the Assessed Penalty upon EPA's written demand. In addition, failure to pay the Assessed Penalty by the deadline specified in Paragraph 32 may lead to any or all of the following actions:

- a. The debt being referred to a credit reporting agency, a collection agency, or to the Department of Justice for filing of a collection action in the appropriate United States District Court. 40 C.F.R. §§ 13.13, 13.14, and 13.33. In any such collection action, the validity, amount, and appropriateness of the assessed penalty and of this CAFO shall not be subject to review.
- b. The debt being collected by administrative offset (i.e., the withholding of money payable by the United States to, or held by the United States for, a person to satisfy the debt

the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds. 40 C.F.R. Part 13, Subparts C and H.

c. EPA may (i) suspend or revoke Respondent's licenses or other privileges; or (ii) suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds. 40 C.F.R. § 13.17.

d. In accordance with the Debt Collection Act of 1982 and 40 C.F.R. Part 13, interest, penalties charges, and administrative costs will be assessed against the outstanding amount that Respondent owes to EPA for Respondent's failure to pay the Assessed Penalty by the deadline specified in Paragraph 32. Interest will be assessed at an annual rate that is equal to the rate of current value of funds to the United States Treasury (i.e., the Treasury tax and loan account rate) as prescribed and published by the Secretary of the Treasury in the Federal Register and the Treasury Fiscal Requirements Manual Bulletins. 40 C.F.R. § 13.11(a)(1). Penalty charges will be assessed monthly at a rate of 6% per annum. 40 C.F.R. § 13.11(c). Administrative costs for handling and collecting Respondent's overdue debt will be based on either actual or average cost incurred and will include both direct and indirect costs. 40 C.F.R. § 13.11(b). In addition, if this matter is referred to another department or agency (e.g., the Department of Justice, the Internal Revenue Service), that department or agency may assess its own administrative costs, in addition to EPA's administrative costs, for handling and collecting Respondent's overdue debt.

#### **F. TAX REPORTING**

33. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines,

Penalties, and Other Amounts”) with respect to any court order or settlement agreement (including administrative settlements), that requires a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor’s violation of any law or the investigation or inquiry into the payor’s potential violation of any law, including amounts paid for “restitution or remediation of property” or to come “into compliance with a law.” EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number (“TIN”), as described below, may subject Respondent to a penalty, pursuant to 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

- a. Respondent shall complete an IRS Form W-9 (“Request for Taxpayer Identification Number and Certification”), which is available at <https://www.irs.gov/pub/irs-pdf/fw9.pdf>;
- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent’s correct TIN or that Respondent has applied and is waiting for issuance of a TIN;
- c. Respondent shall email its completed Form W-9 to EPA’s Cincinnati Finance Center to Dana Sherrer at [sherrer.dana@epa.gov](mailto:sherrer.dana@epa.gov), within 30 days after the Final Order ratifying this Agreement is filed (EPA recommends encrypting IRS Form W-9 email correspondence); and
- d. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date of this CAFO, then Respondent, using the same email address identified in the

preceding sub-paragraph, shall further:

i. Notify EPA's Cincinnati Finance Center of this fact via email within 30 days after the effective date of this CAFO; and

ii. Provide EPA's Cincinnati Finance Center with Respondent's TIN via email within five (5) days of Respondent's issuance and receipt of the TIN.

#### **G. CERTIFICATION OF COMPLIANCE**

34. In executing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission and is at the time of signature to this CAFO, truthful, accurate, and complete; and that, to the best of its knowledge, Respondent is currently in compliance with any and all TSCA requirements that apply to its ongoing operations. Under 18 U.S.C. § 1001, submitting false or misleading information can result in significant penalties, including the possibility of fines and imprisonment for knowing submission of such information.

#### **H. RETENTION OF RIGHTS, BINDING EFFECT, ETC.**

35. This Consent Agreement constitutes the entire agreement between the Respondent and EPA. Full payment of the civil penalty and any applicable interest charges or late fees or penalties as set forth in this CAFO shall constitute full settlement and satisfaction of civil penalty liability against Respondent for the violations alleged in Section I.C of this CAFO.

36. In accordance with 40 C.F.R. § 22.18(c), this CAFO only resolves Respondent's liability for federal civil penalties for the violations and facts specifically alleged in Section I.C of this CAFO. Nothing in this CAFO is intended to or shall be construed to resolve: (i) any civil liability for violations of any provision of any federal, state, or local law, statute, regulation,

rule, ordinance, or permit not specifically alleged in Section I.C of this CAFO; or (ii) any criminal liability. EPA specifically reserves any and all authorities, rights, and remedies available to it (including, but not limited to, injunctive or other equitable relief or criminal sanctions) to address any violation of this CAFO or any violation not specifically alleged in Section I.C of this CAFO. This CAFO does not exempt, relieve, modify, or affect in any way Respondent's duties to comply with all applicable federal, state, and local laws, regulations, rules, ordinances, and permits.

37. Except as set forth in Paragraph above, each party shall bear its own attorneys' fees, costs, and disbursements in this action.

38. Payment of the Assessed Penalty shall not be used by Respondent or any other person as a tax deduction from Respondent's federal, state or local taxes.

39. This CAFO constitutes an enforcement action for purposes of considering Respondent's compliance history in any subsequent enforcement action. This CAFO will be available to the public and does not contain any confidential business information. Respondent further consents to accept electronic service of the fully executed CAFO, by electronic mail, to the following address: [clarkg@khlaw.com](mailto:clarkg@khlaw.com) with a copy to: [mary.ni@aksci.com](mailto:mary.ni@aksci.com). Respondent understands that these e-mail addresses may be made public when the CAFO and Certificate of Service are filed and uploaded to a searchable database.

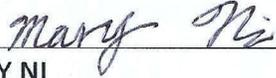
40. In accordance with 40 C.F.R. §§ 22.18(b)(3) and 22.31(b), the effective date of this CAFO shall be the date on which the accompanying Final Order, having been signed by the Regional Judicial Officer, is filed.

41. The provisions of this CAFO shall be binding on Respondent and on Respondent's

officers, directors, employees, agents, servants, authorized representatives, successors, and assigns.

42. The undersigned representatives of each party to this Consent Agreement certify that each is duly authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and to bind the party that he or she represents to this CAFO.

**FOR RESPONDENT, AK SCIENTIFIC, INC.:**

Date: 12/16/2025 By:   
MARY NI  
Chief Executive Officer  
AK Scientific, Inc.

**FOR COMPLAINANT, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, REGION IX:**

Date: 1/26/2026 By:   
MATT SALAZAR, PE  
Manager, Toxics Section  
Enforcement and Compliance Assurance Division  
U.S. Environmental Protection Agency, Region IX

Digitally signed by  
MATTHEW SALAZAR  
Date: 2026.01.26  
10:38:15 -08'00'

**II. FINAL ORDER**

Complainant and Respondent, having entered into the foregoing Consent Agreement,

IT IS HEREBY ORDERED that this Consent Agreement and Final Order (Docket No. TSCA-09-2026-0017) be entered and that Respondent shall pay a civil administrative penalty in the amount of **ONE-HUNDRED AND EIGHT THOUSAND, EIGHT HUNDRED AND FIFTY-TWO DOLLARS AND SEVENTY CENTS (\$108,852.70)** in accordance with the terms and conditions set forth in the Consent Agreement. This Consent Agreement and Final Order shall become effective upon filing.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Beatrice Wong  
Regional Judicial Officer  
U.S. EPA, Region IX

**CERTIFICATE OF SERVICE**

I certify that the original of the fully executed Consent Agreement and Final Order in the matter of AK Scientific, Inc. (Docket No. TSCA-09-2026-0017) was filed with Regional Hearing Clerk, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105, and that a true and correct copy of the same was served on the parties, via electronic mail, as indicated below:

**RESPONDENT:**

Mary Ni  
Chief Executive Officer  
AK Scientific, Inc.  
30023 Ahern Ave  
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Mary.ni@aksci.com

Gregory Clark  
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(202) 434-4302  
CC: Allison Payne, Legal Counsel, payne@khlaw.com

**COMPLAINANT:**

Catherine Lee  
Attorney Advisor  
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U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
Lee.Catherine@epa.gov

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Ponly Tu  
Regional Hearing Clerk  
U.S. EPA – Region IX