



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2
2890 WOODBRIDGE AVENUE
EDISON, NEW JERSEY 08837-3679

MAY 29 2019

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Article Number 7017 0660 0000 9509 4026

Anthony Johnson, Training Program Manager
A.G. Johnson Consulting LLC
381 Canal Place, Suite 206
Bronx, New York 10451

Re: A.G. Johnson Consulting LLC, Docket No. TSCA-02-2019-9292

Dear Mr. Johnson:

Enclosed is a fully executed copy of the Administrative Expedited Settlement Agreement and Final Order in the above-referenced proceeding, signed by the Regional Judicial Officer of the U.S. Environmental Protection Agency, Region 2.

Please contact Jerry Somma at (732) 321-6681, should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gorman", with a long horizontal line extending to the right.

John Gorman, Chief
Pesticides and Toxic Substances Branch

Enclosure

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 2**

IN THE MATTER OF:

A.G. Johnson Consulting LLC
Respondent.

) Docket No.
) TSCA-02-2019-9292
)

) **EXPEDITED SETTLEMENT**
) **AGREEMENT AND**
) **FINAL ORDER**
)
)
)

EXPEDITED SETTLEMENT AGREEMENT


1. The U.S. Environmental Protection Agency (“EPA”) alleges A.G. Johnson Consulting LLC, (“Respondent”) failed to comply with Sections 402 and 407 of the U.S. Toxic Substances Control Act (“TSCA”), 15 U.S.C. §§ 2682 and 2687, respectively.
2. Respondent’s primary training facility is located at 381 Canal Place, Suite 206, Bronx, New York 10451.
3. Training Managers are required, pursuant to 40 C.F.R. §745.225(c)(14), to provide EPA with notification following the completion of any renovator, dust sampling technician, or lead based paint activities courses.
4. Respondent taught and/or scheduled to teach the following Renovator Initial Courses for EPA’s Renovation Repair and Painting (RRP) Rule without fulfilling its requirements as stated in Paragraph 3.
 - 3/28/2015 – 8 Students (No post-training notification received)
 - 10/24/2015 – 1 Student (No post-training notification received)
 - 10/4/2016 – 4 Students (Post-training notification received > 10 days after course completion)
 - 1/16/2017 – 3 Students (No post-training notification received)
 - 5/4/2017 – 6 Students (Post-training notification received > 10 days after course completion)
5. EPA considers Respondent’s neglect to submit timely post-training notifications (on 5 separate occasions) as violations of the Lead-based Paint Activities Rule under TSCA.
6. EPA and Respondent agree that settlement of this matter for a civil penalty of \$5,000 (five thousand dollars) is in the public interest.
7. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 16 of TSCA, 15 U.S.C. § 2615, and 40 C.F.R. § 22.13(b), and 40 C.F.R. § 22.18(b)(2).

8. In signing this Agreement, Respondent: (1) admits that Respondent is subject to the Lead-based Paint Activities Rule (40 C.F.R. § 745, Subpart L); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as described in Paragraph 4 above; (3) neither admits nor denies the factual findings contained therein; (4) consents to the assessment of the penalty; and (5) waives any right to contest the findings contained herein.
9. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the violations described in Paragraph 4, have been corrected; and (2) Respondent is submitting proof of payment of the civil penalty with this agreement.
10. The civil penalty of \$5,000 (five thousand dollars) has been paid in accordance with the *Instructions for Making a Payment* that was provided to the Respondent.
11. Respondent will also provide, if it has not already done so, a written statement outlining actions taken to correct the violations cited above.
12. Full payment of the penalty in Paragraph 6 shall only resolve Respondent's liability for federal civil penalties for the violations and facts described in Paragraph 4 above. Full payment of this penalty shall not in any case affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
13. No portion of the civil penalty or interest paid by Respondent pursuant to the requirements of this Agreement shall be claimed by Respondent as a deduction for federal, state, or local income tax purposes.
14. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of TSCA, any other federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives the opportunity for a hearing or appeal pursuant to TSCA or 40 C.F.R. Part 22.
16. Each party shall bear its own costs and fees, if any.
17. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing with the Regional Hearing Clerk.

IT IS SO AGREED, **A.G. Johnson Consulting LLC**

Name (print): Anthony L. Johnson

Title (print): Owner / Training Program Manager

Signature: 

Date 5/12/19

A.G. JOHNSON
CONSULTING

Docket No.
TSCA-02-2019-9292

Correction of Violations for 40 C.F.R § 745.225(c)(14)

1. Submit all post-training notification for Lead Renovator, Repair, & Painters course to the EPA within seven calendar days of the training course using the CDX system.
2. Mail all records to the EPA for post-training post-training notification for Lead Renovator, Repair, & Painters course to the EPA within seven calendar days of the course if I experience technical difficulties with the CDX system of business computer system.



Anthony L. Johnson
Training Program Manager
A. G. Johnson Consulting

In the Matter of A.G. Johnson Consulting LLC
Docket Number TSCA-02-2019-9292

APPROVED BY EPA:



Dore LaPosta, Director
Enforcement and Compliance Assurance Division

MAY 28 2019
Date _____

In the Matter of A.G. Johnson Consulting, LLC
Docket Number TSCA-02-2019-9292

FINAL ORDER

The Regional Judicial Officer of EPA, Region 2, concurs in the foregoing Expedited Settlement Agreement in the case of A.G. Johnson Consulting LLC bearing Docket No. TSCA-02-2019-9292. Said Expedited Settlement Agreement, having been duly accepted and entered into by the parties, is hereby ratified, incorporated into and issued as this Final Order, which shall become effective when filed with the Regional Hearing Clerk of EPA, Region 2. 40 C.F.R. § 22.31(b). This Final Order is being entered pursuant to the authority of 40 C.F.R. § 22.18(b)(3) and shall constitute an order issued under authority of Section 16(a) of TSCA 15 U.S.C. § 2615(a).

DATED: May 29, 2019
New York, New York

Helen Ferrara

Helen Ferrara
Regional Judicial Officer
U.S. Environmental Protection Agency-Region 2
290 Broadway
New York, New York 10007-1866

In the Matter of A.G. Johnson Consulting, LLC
Docket Number TSCA-02-2019-9292

CERTIFICATE OF SERVICE

This is to certify that on the *29TH* day of *May* 2019, I served a true and correct copy of the foregoing fully executed Expedited Settlement Agreement and Final Order bearing Docket Number TSCA-02-2019-9292, by certified mail, return receipt requested, to:

**Anthony Johnson, Training Program Manager
A.G. Johnson Consulting, LLC
381 Canal Place, Suite 206
Bronx, New York 10451**

On the same date, I mailed via EPA internal mail to the Region 2 Regional Hearing Clerk at 290 Broadway, New York, New York 10007 the original and one copy of the foregoing Expedited Settlement Agreement and Final Order.

A handwritten signature in black ink, appearing to read "John L. Davis", is written over a horizontal line.