



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

AUG 23 2018

REPLY TO THE ATTENTION OF:

LC-17J

CERTIFIED MAIL 7014 2870 0001 9580 6798  
RETURN RECEIPT REQUESTED

David T. Woods  
Fibertec Industrial Hygiene Services, Inc.  
1914 Holloway Drive  
Holt, Michigan 48842

Expedited Settlement Agreement and Final Order In the Matter of  
Fibertec Industrial Hygiene Services, Inc., Docket Number TSCA-05-2018-0012

Dear Mr. Woods:

Enclosed please find a copy of a fully executed Expedited Settlement Agreement and Final Order in resolution of the above case. This document was filed on August 23, 2018, 2018 with the Regional Hearing Clerk.

The civil penalty in the amount of \$1,000 is to be paid in the manner described in paragraphs 6 and 7. Please be certain that the docket number is written on both the transmittal letter and on the check. Payment is due by September 24, 2018, 2018 (within 30 calendar days of the filing date).

Thank you for your cooperation in resolving this matter.

Sincerely,

Pamela Grace  
Pesticides and Toxics Compliance Section  
Land and Chemicals Division

Enclosure

Please be advised that providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties of up to \$10,000 or up to five years of imprisonment, or both, under 18 U.S.C. § 1001. This letter is not subject to the approval requirements of the Paperwork Reduction Act of 1989, 44 U.S.C. §§ 3501, *et seq.*

Please direct any questions you may have regarding this letter to Ms. Grace at (312) 353-2833, or you may email her at [grace.pamela@epa.gov](mailto:grace.pamela@epa.gov). Thank you for your cooperation in this matter.

Sincerely,



Tinka G. Hyde  
Director  
Land and Chemicals Division

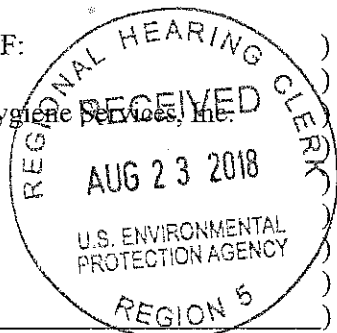
Enclosure: Expedited Settlement Agreement

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

Fibertec Industrial Hygiene Services, Inc.  
Holt, Michigan

Respondent



Docket No. TSCA-05-2018-0012

EXPEDITED SETTLEMENT  
AGREEMENT AND  
FINAL ORDER

EXPEDITED SETTLEMENT AGREEMENT AND FINAL ORDER

1. The United States Environmental Protection Agency (EPA) alleges that Fibertec Industrial Hygiene Services, Inc. (Respondent) failed to comply with regulations promulgated under Section 402 of the Toxic Substances Control Act (TSCA), 42 U.S.C. § 2682, in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
2. EPA alleges that on September 22, 2017, the Respondent's training program provided an EPA accredited lead-based paint activities course in violation of TSCA as follows:

The training program's principal instructor and/or training manager failed to ensure that courses offered by the training program teach the work practice standards contain in 40 C.F.R. § 745.85 in such a manner that trainees are provided with the knowledge needed to perform the renovations they will be responsible for conducting, pursuant to 40 C.F.R. § 745.225(c)(10), in violation of Section 409 of TSCA, 15 U.S.C. § 2689.
3. EPA and Respondent agree that settlement of this matter for a civil penalty of \$1,000 is in the public interest.
4. EPA is authorized to enter into this Expedited Settlement Agreement and Final Order (Agreement) pursuant to Section 16 of TSCA and 40 C.F.R. § 22.13(b).
5. In signing this Agreement, Respondent: (1) admits that Respondent is subject to 40 C.F.R. § 745.225(a); (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; and (4) consents to the assessment of this penalty.
6. Within 30 days after the effective date of this Agreement, Respondent shall pay a civil penalty of \$1,000 for the TSCA violations identified in this Agreement by sending a cashier's or certified check, payable to "Treasurer, United States of America" to:

U.S. EPA  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must state the case title ("In the Matter of: Fibertec Industrial Hygiene Services, Inc."), and the docket number of this Agreement.

7. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number (along with a photocopy of the check) to EPA, ATTN: Pamela Grace, 77 West Jackson Boulevard (LC-17J), Chicago, Illinois 60604, when it pays the penalty.
8. This civil penalty is not deductible for federal tax purposes.
9. If Respondent does not pay timely the civil penalty, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States under Section 16(a) of TSCA, 15 U.S.C. § 2615(a). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.
10. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a 6 percent per year penalty on any principal amount 90 days past due.
11. This Agreement resolves Respondent's liability only for federal civil penalties for the violations alleged in the Agreement.
12. This Agreement does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
13. 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.
14. This Agreement does not affect Respondent's responsibility to comply with TSCA, 15 U.S.C. §§ 2601 *et seq.*, and other applicable federal, state, and local laws.
15. Respondent certifies that it is complying with Section 402 of TSCA, 15 U.S.C. § 2682, and its implementing regulations at 40 C.F.R. Part 745.
16. The terms of this Agreement bind Respondent, and its successors and assigns.
17. Each person signing this agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.
18. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief and other available rights to judicial or administrative review Respondent may have with respect to any issue of fact or law set forth in this Expedited Settlement Agreement, including the opportunity for a hearing or appeal pursuant to TSCA and 40 C.F.R. Part 22 and any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

19. Each party shall bear its own costs and fees.

20. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b) is effective upon filing.

IT IS SO AGREED.

NAME (print): Phillip A. Peterson

TITLE (print): Vice President

SIGNATURE: Phillip A. Peterson

DATE: 8/25/18

APPROVED BY EPA:

Michael D. Harris <sup>for T.H.</sup>

DATE: 8/17/2018

Tinka G. Hyde  
Division Director  
Land and Chemicals Division  
United States Environmental Protection Agency  
Region 5

In the Matter of:

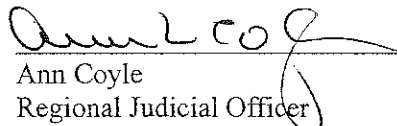
Fibertec Industrial Hygiene Services, Inc.  
Holt, Michigan TSCA-05-2018-0012

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED.

8/22/18 \_\_\_\_\_  
Date

 \_\_\_\_\_  
Ann Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

Cashier's Check - Customer Copy

No. [REDACTED]  
Date 08/02/18 01:54:12 PM

Void After 90 Days  
NTX

**BANK OF AMERICA**  
ONE ZERO ZERO ZERO CTSCS

\*\*\$1,000.00\*\*

Not-Negotiable  
Customer Copy  
Retain for your Records

Notice to Purchaser - In the event that this check is lost, misplaced or stolen, a sworn statement and 90-day waiting period will be required prior to replacement. This check should be negotiated within 90 days.

SOUTH POINTE

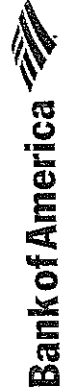
Pay

\*\*One Thousand and 00/100 Dollars\*\*

To The TREASURER, UNITED STATES OF AMERICA  
Order Of

"In the matter of:  
FIBERTEC INDUSTRIAL HYGIENE SERVICES INC"

Remitter (Purchased By):  
Bank of America, N.A.  
SAN ANTONIO, TX  
Docket No. TSCA-05-2018-0012  
Expedited Settlement  
Agreement and Final Order



Cashier's Check

No. [REDACTED]

Date 08/02/18 01:54:12 PM

Void After 90 Days  
NTX

**BANK OF AMERICA**  
ONE ZERO ZERO ZERO CTSCS

\*\*\$1,000.00\*\*

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\*\*One Thousand and 00/100 Dollars\*\*

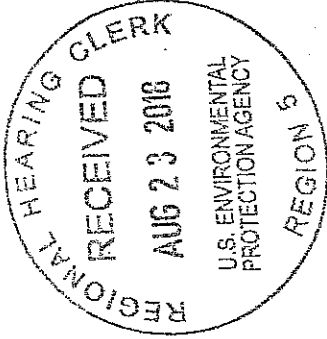
To The TREASURER, UNITED STATES OF AMERICA  
Order Of

"In the matter of:  
FIBERTEC INDUSTRIAL HYGIENE SERVICES INC"

Remitter (Purchased By):  
Bank of America, N.A.  
SAN ANTONIO, TX  
Docket No. Expedited Settlement  
Agreement and Final Order

AUTHORIZED SIGNATURE  
[Signature]

Manila  
08/12/18  
09/11/18  
09/11/18



THE ORIGINAL DOCUMENT HAS A REFLECTIVE WATERMARK ON THE BACK. HOLD AT AN ANGLE TO VIEW WHEN CHECKING THE ENDORSEMENTS.

In the matter of: Fibertec Industrial Hygiene Services, Inc.

Docket Number: TSCA-05-2018-0012

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, which was filed on August 23, 2018, in the following manner to the addressees:

Copy by Certified Mail  
Return-receipt:

David T. Woods  
Industrial Hygiene Manager  
Fibertec Industrial Hygiene Services, Inc.  
1914 Holloway Drive  
Holt, Michigan 48842

Copy by E-mail to  
Attorney for Complainant:

Terry Stanuch  
[stanuch.terry@epa.gov](mailto:stanuch.terry@epa.gov)

Copy by E-mail to  
Regional Judicial Officer:

Ann Coyle  
[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated:

August 23, 2018 

LaDawn Whitehead  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5

CERTIFIED MAIL RECEIPT NUMBER:

7014 2870 0001 9580 6798