



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590  
June 9, 2022

**ELECTRONIC MAIL**  
**RETURN EMAIL REQUESTED**

Ronald E. Baylor, Attorney  
Miller, Canfield, Paddock and Stone, P.L.C.  
277 South Rose Street, Suite 5000  
Kalamazoo, Michigan 49007

Re: Packers Canning Company, Inc., Lawton Michigan, Consent Agreement and Final Order,  
Docket No. EPCRA-05-2022-0009

Dear Mr. Baylor:

Enclosed please find a copy of the fully executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The U.S. Environmental Protection Agency has filed the original CAFO with the Regional Hearing Clerk on June 9, 2022.

Please have your client pay the Emergency Planning and Community Right-to-Know Act civil penalty in the amount of \$45,000 in the manner prescribed in paragraph 98 and reference your check with the docket number EPCRA-05-2022-0009.

Your client's payment is due on July 11, 2022.

Please feel free to contact Robert Blaesing at (312) 353-3758 if you have any questions regarding the enclosed documents. Please direct any legal questions to Puja Lakhani, Attorney Advisor Regional Counsel, at (312) 353-3190. Thank you for your assistance in resolving this matter.

Sincerely,

MICHAEL  
HANS

Digitally signed by  
MICHAEL HANS  
Date: 2022.06.01  
13:34:52 -05'00'

Michael E. Hans, Chief  
Chemical Emergency Preparedness  
and Prevention Section

Enclosure

cc: Captain Kevin Sweeney, Chairperson  
State Emergency Response Commission  
EMHSD/Michigan Department of State Police  
Post Office Box 30634  
Lansing, Michigan 48909

Brenna L. Roos  
State Emergency Response Commission  
EMHSD/Michigan Department of State Police  
Post Office Box 30634  
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Michael Young  
State Emergency Response Commission  
Michigan Department EGLE  
Post Office Box 30457  
Lansing, Michigan 48909

Jay Eickholt  
State Emergency Response Commission  
Michigan Department EGLE  
Post Office Box 30457  
Lansing, Michigan 48909

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	Docket No. EPCRA-05-2022-0009
	)	
<b>Packers Canning Company, Inc., d.b.a. Honee Bear Canning Co. Lawton, Michigan,</b>	)	<b>Proceeding to Assess a Civil Penalty Under Section 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986</b>
	)	
<b>Respondent.</b>		

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**Consent Agreement and Final Order  
Preliminary Statement**

1. This is an administrative action commenced and concluded under Sections 325(c)(1) and (c)(2) of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), 42 U.S.C. §§ 11045(c)(1) and (c)(2), and Sections 22.13(b) and 22.18(b)(2) and (3) 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 40 C.F.R. Part 22.

2. The Complainant is, by lawful delegation, the Chief of Emergency Response Branch 1, Superfund & Emergency Management Division, United States Environmental Protection Agency (U.S. EPA), Region 5.

3. Respondent is Packers Canning Company, Inc. a Michigan corporation doing business in the State of Michigan.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

5. The parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to the assessment of the civil penalty specified in this CAFO, and the terms of the CAFO.

**Jurisdiction and Waiver of Right to Hearing**

7. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

8. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO and its right to appeal this CAFO.

**Statutory and Regulatory Background**

9. Section 311 of EPCRA, 42 U.S.C. § 11021, and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the Occupational Safety and Health Act (OSHA) to prepare or have available a material safety data sheet (MSDS) or safety data sheet (SDS) for a hazardous chemical, to submit to the state emergency response commission (SERC), community emergency coordinator for the local emergency planning committee (LEPC) and the fire department with jurisdiction over the facility an MSDS or SDS for each such hazardous chemical present at the facility at any one time in an amount equal to or greater than 10,000 pounds, and for each extremely hazardous substance present at the facility in an amount equal to or greater than 500 pounds, or the threshold planning quantity (TPQ), whichever is lower, or to submit a list of such chemicals. The owner or operator must submit the required MSDS or SDS or list within three months after the owner or operator is first required to have the MSDS or SDS available or after the hazardous chemical requiring an MSDS or SDS first becomes present at the facility in an amount exceeding the threshold level.

10. Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370, require the owner or operator of a facility, which is required by the OSHA

to prepare or have available an MSDS or SDS for a hazardous chemical, to submit to the SERC, community coordinator for the LEPC and fire department with jurisdiction over the facility by March 1, 1988, and annually thereafter, an emergency and hazardous chemical inventory form (Tier I or Tier II as described in 40 C.F.R. Part 370). The form must contain the information required by Section 312(d) of EPCRA, covering all hazardous chemicals present at the facility at any one time during the preceding year in amounts equal to or exceeding 10,000 pounds and all extremely hazardous chemicals present at the facility at any one time in amounts equal to or greater than 500 pounds or the threshold planning quantity designated by U.S. EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

11. Sections 311 and 312(a) of EPCRA, 42 U.S.C. §§ 11021 and 11022(a), assist state commissions, local committees, and fire departments in planning for emergencies and make information on chemical presence and hazards available to the public. A delay in reporting could result in harm to human health and the environment.

12. Under 29 C.F.R. § 1910.1200(b)(1), all employers are required to provide information to their employees about the hazardous chemicals to which they are exposed including, but not limited to, MSDS or SDS.

13. Under Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, the term “hazardous chemical” has the meaning given such term by 29 C.F.R. § 1910.1200(c).

14. Under 29 C.F.R. § 1910.1200(c), a hazardous chemical is any chemical which is classified as a physical or health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified.

15. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes U.S. EPA to assess a civil penalty of up to \$25,000 per day of violation of EPCRA Section 312. The Federal

Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. No. 114-74, § 701, 129 Stat. 584, 599 (2015), amending 28 U.S.C. § 2461 note, and the implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$62,689 per day of violation for each day that occurred after November 2, 2015, and for which penalties are assessed on or after January 12, 2022.

16. Section 325(c)(2) of EPCRA, 42 U.S.C. § 11045(c)(2), authorizes U.S. EPA to assess a civil penalty of up to \$10,000 for each EPCRA Section 311 violation. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and its implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty. The Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. No. 114-74, § 701, 129 Stat. 584, 599 (2015), amending 28 U.S.C. § 2461 note, and the implementing regulations at 40 C.F.R. Part 19 increased the statutory maximum penalty to \$25,076 per day of violation for each day that occurred after November 2, 2015, and for which penalties are assessed on or after January 12, 2022.

### **Factual Allegations and Alleged Violations**

17. Respondent is a “person” as that term is defined under Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

18. At all times relevant to this CAFO, Respondent was an owner or operator of the facility located at 72100 South M-40 Highway, Lawton, Michigan (facility).

19. At all times relevant to this CAFO, Respondent was an employer at the facility.

20. Respondent’s facility consists of buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites, and which are owned or operated by the same person.

21. Respondent's facility is a "facility" as that term is defined under Section 329(4) of EPCRA, 42 U.S.C. § 11049(4).

### **ANHYDROUS AMMONIA**

22. Anhydrous ammonia (CAS #7664-41-7) is a "hazardous chemical" within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

23. Anhydrous ammonia (CAS #7664-41-7) is an "extremely hazardous substance" according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

24. Anhydrous ammonia (CAS #7664-41-7) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

25. As of January 1, 2016, anhydrous ammonia was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

26. During 2016, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

27. During 2017, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

28. During 2018, anhydrous ammonia was present at the facility in an amount equal to or greater than the minimum threshold level.

29. OSHA requires Packers Canning Company, Inc. to prepare, or have available, an MSDS or SDS for anhydrous ammonia.

30. Section 311 of EPCRA required Packers Canning Company, Inc. to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before April 1, 2016, an MSDS or SDS for anhydrous ammonia or a list including anhydrous ammonia.

## **SULFURIC ACID**

31. Sulfuric acid (CAS #7664-93-9) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).

32. Sulfuric acid (CAS #7664-93-9) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

33. Sulfuric acid (CAS #7664-93-9) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

34. As of January 1, 2016, sulfuric acid was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

35. During 2016, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

36. During 2017, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

37. During 2018, sulfuric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

38. OSHA requires Packers Canning Company, Inc. to prepare, or have available, an MSDS or SDS for sulfuric acid.

39. Section 311 of EPCRA required Packers Canning Company, Inc. to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before April 1, 2016, an MSDS or SDS for sulfuric acid or a list including sulfuric acid.

## **NITRIC ACID**

40. Nitric acid (CAS #7697-37-2) is a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), and 29 C.F.R. § 1910.1200(c).



41. Nitric acid (CAS #7697-37-2) is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2).

42. Nitric acid (CAS #7697-37-2) has a minimum threshold level of 500 pounds, as provided in 40 C.F.R. Part 370.

43. As of January 1, 2016, nitric acid was present at the facility at any one time in an amount equal to or greater than the minimum threshold level.

44. During 2016, nitric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

45. During 2017, nitric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

46. During 2018, nitric acid was present at the facility in an amount equal to or greater than the minimum threshold level.

47. OSHA requires Packers Canning Company, Inc. to prepare, or have available, an MSDS or SDS for nitric acid.

48. Section 311 of EPCRA required Packers Canning Company, Inc. to submit to the SERC, LEPC, and fire department with jurisdiction over the facility on or before April 1, 2016, an MSDS or SDS for nitric acid or a list including nitric acid.

49. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before December 31, 2016, a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and nitric acid on or before March 1, 2017, for calendar year 2016.

50. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before December 31, 2017, a completed

emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and nitric acid on or before March 1, 2018, for calendar year 2017.

51. Section 312 of EPCRA required Respondent to submit to the SERC, LEPC and fire department with jurisdiction over the facility on or before December 31, 2018, a completed emergency and hazardous chemical inventory form including anhydrous ammonia, sulfuric acid, and nitric acid on or before March 1, 2019, for calendar year 2018.

52. At all times relevant to this CAFO, the Michigan SERC was the SERC for the State of Michigan under Section 301(a) of EPCRA, 42 U.S.C. § 11001(a).

53. At all times relevant to this CAFO, the Van Buren County LEPC was the LEPC for Van Buren County, Michigan, under Section 301(c) of EPCRA, 42 U.S.C. § 11001(c).

54. At all times relevant to this CAFO, the Lawton Fire Department was the fire department with jurisdiction over the facility.

### **Count 1**

(EPCRA 311/SERC) (anhydrous ammonia)

55. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

56. On February 25, 2020, Respondent submitted to the SERC an MSDS or SDS for anhydrous ammonia or a list showing anhydrous ammonia.

57. Each day Respondent failed to submit to the SERC an MSDS or SDS or a list of all hazardous chemicals that included anhydrous ammonia after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

### **Count 2**

(EPCRA 311/LEPC) (anhydrous ammonia)

58. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

59. On February 25, 2020, Respondent submitted to the LEPC an MSDS or SDS for anhydrous ammonia or a list showing anhydrous ammonia.

60. Each day Respondent failed to submit to the LEPC an MSDS or SDS or a list of all hazardous chemicals that included anhydrous ammonia after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 3**

(EPCRA 311/fire department) (anhydrous ammonia)

61. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

62. On February 25, 2020, Respondent submitted to the Lawton Fire Department an MSDS or SDS for anhydrous ammonia or a list showing anhydrous ammonia.

63. Each day Respondent failed to submit to the Lawton Fire Department an MSDS or SDS or a list of all hazardous chemicals that included anhydrous ammonia after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 4**

(EPCRA 311/SERC) (sulfuric acid)

64. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

65. On February 25, 2020, Respondent submitted to the SERC an MSDS or SDS for sulfuric acid or a list showing sulfuric acid.

66. Each day Respondent failed to submit to the SERC an MSDS or SDS or a list of all

hazardous chemicals that included sulfuric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 5**

(EPCRA 311/LEPC) (sulfuric acid)

67. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

68. On February 25, 2020, Respondent submitted to the LEPC an MSDS or SDS for sulfuric acid or a list showing sulfuric acid.

69. Each day Respondent failed to submit to the LEPC an MSDS or SDS or a list of all hazardous chemicals that included sulfuric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 6**

(EPCRA 311/fire department) (sulfuric acid)

70. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

71. On February 25, 2020, Respondent submitted to the Lawton Fire Department an MSDS or SDS for sulfuric acid or a list showing sulfuric acid.

72. Each day Respondent failed to submit to the Lawton Fire Department an MSDS or SDS or a list of all hazardous chemicals that included sulfuric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 7**

(EPCRA 311/SERC) (nitric acid)

73. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in

this paragraph.

74. On February 25, 2020, Respondent submitted to the SERC an MSDS or SDS for nitric acid or a list showing nitric acid.

75. Each day Respondent failed to submit to the SERC an MSDS or SDS or a list of all hazardous chemicals that included nitric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 8**

(EPCRA 311/LEPC) (nitric acid)

76. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

77. On February 25, 2020, Respondent submitted to the LEPC an MSDS or SDS for nitric acid or a list showing nitric acid.

78. Each day Respondent failed to submit to the LEPC an MSDS or SDS or a list of all hazardous chemicals that included nitric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 9**

(EPCRA 311/fire department) (nitric acid)

79. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

80. On February 25, 2020, Respondent submitted to the Lawton Fire Department an MSDS or SDS for nitric acid or a list showing nitric acid.

81. Each day Respondent failed to submit to the Lawton Fire Department an MSDS or

SDS or a list of all hazardous chemicals that included nitric acid after April 1, 2016, constitutes a separate violation of Section 311 of EPCRA, 42 U.S.C. § 11021.

**Count 10**

(EPCRA 312/SERC)

82. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

83. On February 25, 2020, Respondent submitted to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid for calendar year 2018.

84. Each day Respondent failed to submit to the SERC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid by March 1, 2019, for calendar year 2018 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 11**

(EPCRA 312/LEPC)

85. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

86. On February 25, 2020, Respondent submitted to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid for calendar year 2018.

87. Each day Respondent failed to submit to the LEPC a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric

acid by March 1, 2019, for calendar year 2018 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 12**

(EPCRA 312/fire department)

88. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

89. On February 25, 2020, Respondent submitted to the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid for calendar year 2018.

90. Each day Respondent failed to submit to the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid by March 1, 2019, for calendar year 2018 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 13**

(EPCRA 312/prior year)

91. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

92. On February 25, 2020, Respondent submitted to the SERC, LEPC and the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid for calendar year 2017.

93. Each day Respondent failed to submit to the SERC, LEPC, and the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid by March 1, 2018, for calendar year 2017

constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Count 14**

(EPCRA 312/prior year)

94. Complainant incorporates paragraphs 1 through 54 of this CAFO as if set forth in this paragraph.

95. On February 5, 2020, Respondent submitted to the SERC, LEPC, and the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid for calendar year 2016.

96. Each day Respondent failed to submit to the SERC, LEPC and the Lawton Fire Department a completed Emergency and Hazardous Chemical Inventory Form including anhydrous ammonia, sulfuric acid, and nitric acid by March 1, 2017, for calendar year 2016 constitutes a separate violation of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**Civil Penalty**

97. Complainant has determined that an appropriate civil penalty to settle this action is \$45,000 for the EPCRA violations. In determining the penalty amount, Complainant considered the nature, circumstances, extent and gravity of the violations, and with respect to Respondent, its ability to pay, effect on ability to continue to do business, prior history of violations, economic benefit or savings resulting from the violations and any other matters as justice may require. Complainant also considered U.S. EPA's Enforcement Response Policy for Sections 304, 311, and 312 of the Emergency Planning and Community Right-to-Know Act and Section 103 of the Comprehensive Environmental Response Compensation and Liability Act, dated September 30, 1999.



98. Within 30 days after the effective date of this CAFO, Respondent must pay a \$45,000 civil penalty for the EPCRA violations. Respondent must pay the penalty by electronic funds transfer, payable to “Treasurer, United States of America,” and sent to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, NY 10045  
SWIFT address: FRNYUS33

[In the comment or description field of the electronic funds transfer, state the following: [case name] and the docket number[s] of this CAFO.]

99. This civil penalty is not deductible for federal tax purposes.

100. If Respondent does not timely pay the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States enforcement expenses for the collection action. The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

101. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date the payment was due 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, U.S. EPA will assess a 6 percent per year penalty on any principal amount 90 days past due.

### **General Provisions**

102. [If Respondent consents to service by email]The parties consent to service of this CAFO by email at the following valid email addresses: lakhani.puja@epa.gov (for Complainant)

and Baylor@MillerCanfield.com (for Respondent).

103. Full payment of the penalty and compliance with this CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the CAFO.

104. This CAFO does not affect the rights of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

105. Respondent certifies that it is complying with Sections 311, 312(a) of EPCRA, 42 U.S.C. §§ 11021, 11022(a).

106. This CAFO does not affect Respondent's responsibility to comply with EPCRA and other applicable federal, state and local laws and regulations.

107. This CAFO is a "final order" for purposes of U.S. EPA's EPCRA/CERCLA Enforcement Response Policy.

108. The terms of this CAFO bind Respondent and its successors and assigns.

109. Each person signing this consent 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.


110. Each party agrees to bear its own costs and attorney's fees in this action.

111. This CAFO constitutes the entire agreement between the parties.

In the Matter of: Packers Canning Company, Inc., d.b.a. Honce Bear Canning Co.,  
Lawton, Michigan  
Docket No. EPCRA-05-2022-0009

Packers Canning Company, Inc., Respondent

3/18/2022  
Date

  
Steve Packer  
President

U.S. Environmental Protection Agency, Complainant

\_\_\_\_\_  
Date

**Jason El-Zein** Digitally signed by  
Jason El-Zein  
Date: 2022.06.02  
08:59:05 -04'00'

\_\_\_\_\_  
Jason El-Zein  
Chief, Emergency Response Branch 1  
Superfund & Emergency Management Division  
U.S. Environmental Protection Agency  
Region 5

\_\_\_\_\_  
Date

**THOMAS SHORT** Digitally signed by  
THOMAS SHORT  
Date: 2022.06.02  
09:58:18 -05'00'

\_\_\_\_\_  
Douglas Ballotti  
Director  
Superfund & Emergency Management Division  
U.S. Environmental Protection Agency  
Region 5

**In the Matter of: Packers Canning Company, Inc., d.b.a. Honee Bear Canning Co.,  
Lawton, Michigan**  
Docket No. EPCRA-05-2022-0009

**Final Order**

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

**ANN  
COYLE**

Digitally signed by ANN  
COYLE  
Date: 2022.06.07  
10:41:25 -05'00'

\_\_\_\_\_  
Date

\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
U.S. Environmental Protection Agency  
Region 5

