



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2  
2890 WOODBRIDGE AVENUE  
EDISON, NEW JERSEY 08837

DEC 31 2014

CERTIFIED MAIL-  
RETURN RECEIPT REQUESTED

Raymond McCreary, Chief Operating Officer  
Spectra Colors Corporation  
25 Rizzolo Avenue  
Kearny, New Jersey 07032

Re: In the Matter of Spectra Colors Corporation  
Docket No. TSCA-02-2015-9127

Dear Mr. McCreary:

Enclosed is a signed copy of the Consent Agreement and Final Order in the above referenced proceeding.

Please note that the period for the payment of the civil penalty commences as of the date this Final Order is signed by the Regional Judicial Officer. Please arrange for payment of this penalty according to the instructions given in the Consent Agreement (see "Terms of Consent Agreement"). Specifically, please remember to send a copy of your payment check to the Complainant, as detailed in the Consent Agreement.

Sincerely,

A handwritten signature in cursive script that reads "Michael Bious".

Michael Bious  
Toxic Substances Section

Enclosure

U.S. Environmental  
Protection Agency-Reg 2  
2015 JAN -6 AM 8:29  
REGIONAL HEARING  
CLERK

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2

-----X  
In the Matter of :  
Spectra Colors Corporation : CONSENT AGREEMENT AND  
Respondent. : FINAL ORDER  
Proceeding under Section 16(a) of : Docket No. TSCA-02-2015-9107  
the Toxic Substances Control Act. :  
-----X

REGIONAL HEARING  
CLERK

2015 JAN -6 AM 8:29

U.S. Environmental  
Protection Agency-Reg 2

PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 16(a) of the Toxic Substances Control Act ("TSCA"), 15 U.S.C. § 2615(a). Pursuant to 40 C.F.R. § 22.13(b) of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits," 40 C.F.R. Part 22 (July 1, 2000), where the parties agree to settlement of one or more causes of action before the filing of an administrative complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a consent agreement and order pursuant to 40 C.F.R. § 22.18(b)(2) and (3).

The Director of the Division of Enforcement and Compliance Assistance of The United States Environmental Protection Agency, Region 2 ("EPA" or "Complainant"), alleges that Spectra Colors Corporation, ("Spectra Colors" or "Respondent") violated Sections 5 and 13 of TSCA, 15 U.S.C. §§ 2604 and 2612, and the regulations established under the authority of

TSCA, set forth at 40 C.F.R. Part 720 (Premanufacture Notification) and 19 C.F.R. Parts 12.118 - 12.121 (Import Certification) and that Respondent has thereby violated Section 15 of TSCA, 15 U.S.C. § 2614.

EPA and Spectra Colors agree that settling this matter by entering into this Consent Agreement and Final Order ("CAFO") pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving this case without further litigation. This CAFO is being issued pursuant to said provisions of 40 C.F.R. Part 22.

#### FINDINGS OF FACT

1. Respondent is Spectra Colors Corporation.
2. Respondent is a "person" within the meaning of 40 C.F.R. § 720.3(x).
3. Respondent is a "manufacturer" as that term is defined at 40 C.F.R. § 720(t).
4. Respondent is an "importer" as that term is defined at 40 C.F.R. § 720.3(l) and 19 C.F.R. § 101.1.
5. Respondent owns, operates and/or controls the facility in and around 25 Rizzolo Road, Kearny, New Jersey 07032 (hereinafter, "Respondent's facility"), that is the subject of this Consent Agreement.
6. On or about April 2, 2014, EPA conducted an inspection of and at Respondent's facility pursuant to Section 11 of TSCA (hereinafter "the inspection").
7. Information gathered during the inspection revealed that from June 2011 through January 2014, Respondent imported a new chemical substance, Malachite Green Oxalate.
8. Information gathered during the course of the inspection showed that Respondent failed to properly certify the imports described in paragraph 7, above, as required by Section 13 of TSCA and the regulations promulgated pursuant to Section 13 of TSCA set forth at 19 C.F.R. Parts 12.118 - 12.121.

9. Malachite Green Oxalate is a "chemical substance" as that term is defined at 40 C.F.R. § 720.3.

10. Malachite Green Oxalate did not appear on the TSCA Chemical Substance Inventory during the time period described in paragraph 7, above.

11. Respondent did not submit a Premanufacture Notification (PMN) to the Administrator of the EPA at least 90 days prior to Respondent's importation of Malachite Green Oxalate.

12. Section 15(1)(B) and (C), 15 U.S.C. §§ 2614(1)(B) and (C), provide that it is unlawful for any person to fail or refuse to comply with any requirement prescribed by Section 5 of TSCA, 15 U.S.C. § 2604, or the regulations promulgated thereunder.

#### CONCLUSIONS OF LAW

1. Respondent is an importer of chemical substances and new chemical substances and is subject to the requirements of Section 5 of TSCA and the regulations promulgated pursuant to Section 5 of TSCA set forth at 40 C.F.R. Part 720.

2. Respondent is an importer of chemical substances and is subject to the requirements of Section 13 of TSCA and the regulations promulgated pursuant to Section 13 of TSCA set forth at 19 C.F.R. Parts 12.118 - 12.121.

3. As an importer, Respondent is required to submit to EPA a Premanufacture Notification 90 days before importing a new chemical substance, as specified at 40 C.F.R. § 720.

4. Failure to submit a Premanufacture Notification in accordance with the requirements of 40 C.F.R. § 720 is a violation of TSCA Sections 5 and 15, 15 U.S.C. §§ 2607 and 2614.

5. As an importer, Respondent is required to certify imports of chemical substances as specified at 19 C.F.R. Parts 12.118 - 12.121.

6. Failure to certify a chemical import in accordance with 19 C.F.R. Parts 12.118 - 12.121 is a violation of Sections 13 and 15 of TSCA.

