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U.S. Environmental Protection Agency  
Region 2

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**Region 2**

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In the Matter of	:	<b><u>CONSENT AGREEMENT AND</u></b>
	:	<b><u>FINAL ORDER</u></b>
Henry RAC Holding Corp. dba	:	
Henry Repeating Arms Corp.,	:	
	:	<b>Docket No.</b>
Respondent.	:	<b><u>EPCRA-02-2017-4105</u></b>
	:	
Proceeding under the Emergency	:	
Planning and Community Right-to-	:	
Know Act	:	
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This administrative proceeding for the assessment of a civil penalty is being commenced pursuant to Section 325 of the Emergency Planning and Community Right to Know Act, 42 U.S.C. § 11045 (“EPCRA” or the “Act”). The United States Environmental Protection Agency (“EPA” or “Agency”), under authority of EPCRA, has promulgated regulations, codified at 40 C.F.R. Part 372, that govern, *inter alia*, the reporting of manufacturing, processing and otherwise using “toxic chemicals” (as defined in 40 C.F.R. § 372.3). Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), provides, in part, that “[a]ny person...who violates a provision of section...11023 of this title [Section 313 of EPCRA] shall be liable to the United States for a civil penalty....”

Pursuant to Section 22.13 of the revised Consolidated Rules of Practice, 40 C.F.R. § 22.13(b), where parties agree to settlement of one or more causes of action before the filing of a Complaint, a proceeding may be simultaneously commenced and concluded by the issuance of a Consent Agreement and Final Order (“CA/FO”) pursuant to 40 C.F.R. §§ 22.18(b)(2) and (3). This administrative proceeding constitutes one that is simultaneously being commenced and concluded pursuant to said provisions of 40 C.F.R. § 22.18(b).

It has been agreed by the parties that settling this matter by entering into this consent agreement pursuant to 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) is an appropriate means of resolving specified claims against Henry RAC Holding Corp. doing business as Henry Repeating Arms Corp. without further litigation. To that end, the parties have met and discussed settlement. No adjudicated findings of fact or conclusions of law have been made in either a judicial or administrative forum. The following constitute EPA's Findings of Fact and Conclusions of Law based on information of which EPA, Region 2, was aware as of the date this CA/FO has been executed.

Complainant in this proceeding is the Director of the Division of Enforcement and Compliance Assistance ("Complainant") of EPA, Region 2, and Complainant has been duly delegated the authority to commence this proceeding. Respondent is Henry RAC Holding Corp. doing business as Henry Repeating Arms Corp. ("Henry").

### **FINDINGS OF FACT**

1. Henry RAC Holding Corp. is a corporation that has existed for a period including calendar years 2011 through 2015, doing business as the Henry Repeating Arms Corp, with its headquarters and a production facility located at 59 East 1<sup>st</sup> Street in Bayonne, New Jersey. Respondent owns and operates the Bayonne facility (and has owned and operated that facility for a period including calendar years 2011 through 2015).
2. At its Bayonne facility, Respondent manufactures (and has done so for a period including calendar years 2011 through 2015) rifles used primarily for recreational activities such as hunting. The rifles are sold to gun dealers and sporting goods stores throughout the United States. The Bayonne facility is an establishment with a primary North American Industry Classification System (NAICS) subsector or industry code listed in 40 C.F.R. § 372.23(b) (subsector code or industry code 332 ["Fabricated Metal Product Manufacturing"]).
3. In each of calendar years 2011, 2012, 2013, 2014 and 2015, Respondent had more than 50 full-time employees (having, for example, 230 in 2015). In each of these years, Respondent enjoyed gross annual sales of over \$10 million (having, for example, gross annual sales of approximately \$123 million in 2015).
4. As part of its manufacturing process, Respondent test-fires each rifle to determine its operability, and in the course of doing so, Respondent uses (and has for the period including each of calendar years 2011 through 2015) jacketed lead-core bullets that consist of at least 60% lead.
5. The aforementioned test firing occurs at Respondent's Bayonne facility. The spent bullets are collected in a "bullet trap," known as the "Wet Snail System," for subsequent recycling by a scrap metal recycler.
6. On March 24, 2016, representatives of EPA conducted an inspection of Respondent's

