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REGIONAL HEARING CLERK
EPA REGION 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1201 Elm Street, Suite 500
Dallas, Texas 75270**

In the Matter of

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§

Jotun Paints Inc.

§

Docket No. TSCA-06-2025-6194

Houston, Texas

§

§

Respondent

§

CONSENT AGREEMENT AND FINAL ORDER

A. PRELIMINARY STATEMENT

1. This is an administrative penalty assessment proceeding brought under Section 16(a) of the Toxic Substances Control Act ("TSCA" or the "Act"), 15 U.S.C. § 2615(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) 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. Complainant is the United States Environmental Protection Agency, Region 6 ("EPA"). On EPA's behalf, the Director of the Enforcement and Compliance Assurance Division, EPA Region 6, has been delegated the authority to settle civil administrative penalty and compliance proceedings under Section 16(a) of the Act, 15 U.S.C. § 2615(a).

3. Jotun Paints Inc. ("Jotun Paints" or "Respondent") is a corporation doing business in the State of Texas.

4. Complainant and Respondent, having agreed that settlement of this action is in the public interest, consent to the entry of this Consent Agreement along with the



corresponding Final Order hereinafter known together as the "CAFO" without the adjudication of any issues of law or fact herein.

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

B. JURISDICTION

6. This CAFO is initiated pursuant to Section 16(a) of the Act, as amended, 15 U.S.C. § 2615(a), and the Consolidated Rules, 40 C.F.R. Part 22.

7. This CAFO serves as notice that the EPA has reason to believe that Respondent has violated Section 8(a) of TSCA, 15 U.S.C. § 2607(a), by failing to comply with the regulatory requirements of 40 C.F.R. Part 711, TSCA Chemical Data Reporting Requirements, as promulgated thereunder.

C. STATUTORY AND REGULATORY BACKGROUND

8. Section 8(a) of TSCA, 15 U.S.C. § 2607(a), requires that each person (other than a small manufacturer or processor) who manufactures or processes or proposes to manufacture or process a chemical substance—with certain exceptions not applicable here—shall maintain such records, and shall submit to the Administrator such reports, as the Administrator may reasonably require.

9. Under the authority of section 8(a) of TSCA, 15 U.S.C. § 2607(a), EPA promulgated the Chemical Data Reporting Rule ("CDR"), 40 C.F.R. Part 711.

10. Each of the TSCA Chemical Data Reporting ("CDR") requirements codified in 40 C.F.R. Part 711 constitutes a rule promulgated under section 8(a) of TSCA, 15 U.S.C. § 2607(a).

11. According to 40 C.F.R. § 711.5, information must be reported for any chemical substance that is in the Master Inventory File at the beginning of a submission period described in section 711.20, unless the chemical substance is specifically excluded by section 711.6.

12. The regulation at 40 C.F.R. § 711.8 states that a person is subject to recurring reporting, except as provided in sections 711.9 and 711.10, who manufactured (including imported) for commercial purposes 25,000 pounds or more of a chemical substance described in section 711.5 or more or an amount of 2,500 lbs or more for chemical substances subject to the rules, orders, or actions described in § 711.8(b)), at any single site owned or controlled by that person during any calendar year since the last principal reporting year.

13. Pursuant to 40 C.F.R. § 711.20, information on the chemical substance must be submitted during the applicable Chemical Data Reporting submission period.

14. Section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), provides that it is unlawful for any person to fail or refuse to submit any reports, notices or information required by TSCA, 15 U.S.C. § 2601 et seq., or a rule promulgated thereunder.

15. Section 16 of TSCA, 15 U.S.C. § 2615, authorizes the assessment of a civil penalty for violations of TSCA Section 15, 15 U.S.C. § 2614, in an amount not to exceed \$37,500 for each day of the violation.

16. For 2020 Chemical Data Reporting, the original submission period was from (and including) June 1, 2020 to September 30, 2020 (hereinafter, the "2020 submission period") and ultimately was extended to January 29, 2021, pursuant to 85 Fed. Reg. 75,235 (November 25, 2020).

Definitions

17. The regulation at 40 C.F.R. § 704.3 defines "person" as any individual, firm, company, corporation, joint venture, partnership, sole proprietorship, association, or any other business entity; any State or political subdivision thereof; any municipality; any interstate body; and any department, agency, or instrumentality of the Federal Government.

18. The regulation at 40 C.F.R. § 711.3 defines "site" to mean a contiguous property unit. Property divided only by a public right-of-way shall be considered one site. More than one manufacturing plant may be located on a single site.

19. The regulation at 40 C.F.R. § 711.3 defines "manufacture" as to manufacture, produce, or import, for commercial purposes. Manufacture includes the extraction, for commercial purposes, of a component chemical substance from a previously existing chemical substance or complex combination of chemical substances. A chemical substance is co-manufactured by the person who physically performs the manufacturing and the person contracting for such production when that chemical substance, manufactured other than by import, is: (1) Produced exclusively for another person who contracts for such production, and (2) That other person dictates the specific chemical identity of the chemical substance and controls the total amount produced and the basic technology for the manufacturing process.

20. Section 3(2)(A) of TSCA, 15 U.S.C. § 2602(2)(A) defines "chemical substance" to mean any organic or inorganic substance of a particular molecular identity, including (i) any combination of such substances occurring in whole or in part as a result of a chemical reaction or occurring in nature and (ii) any element or uncombined radical. Section 3(2)(B) of TSCA, 15 U.S.C. § 2602(2) (B) states, "Such term does not include--(i) any mixture."

21. Section 3(10) of TSCA, 15 U.S.C. § 2602(10) defines "mixture" as any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include any combination which occurs, in whole or in part, as a result of a chemical reaction if none of the chemical substances comprising the combination is a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

D. FINDINGS OF FACTS AND CONCLUSIONS OF LAW

22. For the period including calendar year(s) 2016 through 2019, Respondent owned and controlled a site located at 9203 Highway 23, Belle Chasse, Louisiana 70037 (the "Facility"). The Belle Chasse site closed in 2019. The Facility is in the North American Industrial Classification System code 325510 (paint and coating manufacturing).

23. For the period including calendar year(s) 2016 through 2019, Respondent was (and continues to be) a "person" as defined by 40 C.F.R. § 704.3.

24. For the period including calendar year(s) 2016 through 2019, Respondent has been (and continues to be) a "manufacturer" as defined by 40 C.F.R. § 711.3.

25. For at least one of the calendar year(s) 2016 to 2019, Respondent imported greater than 25,000 pounds of each of the following chemical substances at the Facility, with the following Chemical Abstract Services Registry Number (CASRN):

(a) 1,3,5-Triazine-2,4,6-triamine, 108-78-1;

(b) 1,3-Propanediol, 2,2-bis(hydroxymethyl)-, 115-77-5;

- (c) 2-Propenoic acid, 1,1'-[2-ethyl-2-[[[1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, 15625-89-5;
- (d) Acetic acid, butyl ester, 123-86-4;
- (e) Benzene, dimethyl-, 1330-20-7;
- (f) Benzene, ethyl-, 100-41-4;
- (g) Benzenemethanol, 100-51-6;
- (h) Boric acid, zinc salt, 1332-07-6;
- (i) Copper oxide (Cu₂O), 1317-39-1;
- (j) Cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-, 2855-13-2;
- (k) Fatty acids, tall-oil, reaction products with bisphenol A, epichlorohydrin, glycidyl tolyl ether and triethylenetetramine, 186321-96-0;
- (l) Glass, oxide, chemicals, 65997-17-3;
- (m) Kieselguhr, 61790-53-2;
- (n) Naphtha (petroleum), hydrodesulfurized heavy, 64742-82-1;
- (o) Oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis-, 1675-54-3;
- (p) Phenol, 2,4,6-tris[(dimethylamino)methyl]-, 90-72-2;
- (q) Phenol, isobutyleneated, phosphate (3:1), 68937-40-6;
- (r) Phenol, methylstyrenated, 68512-30-1;
- (s) Phenol, styrenated, 61788-44-1;
- (t) Polyphosphoric acids, ammonium salts, 68333-79-9;
- (u) Solvent naphtha (petroleum), light arom., 64742-95-6;

(v) Sulfuric acid, barium salt (1:1), 7727-43-7;

(w) Talc ($\text{Mg}_3\text{H}_2(\text{SiO}_3)_4$), 14807-96-6; and

(x) Zinc oxide (ZnO), 1314-13-2.

26. The chemical substances described in Paragraph 25 were imported for commercial use as defined by 40 C.F.R. § 711.3.

27. The chemical substances described in Paragraph 25 were included in the Master Inventory File prior to the submission period for the 2020 CDR and were therefore reportable chemical substances as defined in 40 C.F.R. § 711.5

28. For the 2020 reporting period, because Respondent was a person who must report under 40 C.F.R. § 711.8, and because it imported 24 reportable chemical substances described in Paragraph 25 at the Facility in an amount exceeding the threshold for any one of the applicable years for the 2020 CDR Rule, Respondent was required to submit a Form U for each chemical substance for the 2020 CDR reporting period to EPA pursuant to 40 C.F.R. § 711.15.

29. On or about June 29, 2022, EPA initiated an onsite compliance monitoring inspection at Respondent's office, located at 842 West Sam Houston Parkway North, City Center Three, Suite 300, Houston, TX 77024, to conduct a record review and assess Respondent's compliance with TSCA.

30. On January 12, 2024, EPA Region 6 issued a notice of violation to the Respondent identifying the TSCA Section 8(a) potential violations related to the failure to report chemical substances subject to the 2020 CDR Rule.

31. On February 7, 2024, representatives of EPA Region 6 met with Respondent to describe potential violations of the 2020 CDR requirements, to provide Respondent an opportunity to confer with EPA about those potential violations, and to facilitate resolution through settlement.

32. From October 7, 2024, to August 20, 2025, representatives of EPA Region 6 reviewed additional information provided by the Respondent to address the potential violations of the 2020 CDR requirements.

E. ALLEGED VIOLATIONS

33. The facts stated in the EPA Findings of Facts and Conclusions of Law above are herein incorporated.

34. Complainant hereby states and alleged that Respondent has violated TSCA, and federal regulations promulgated thereunder as follows:

Count 1: 1,3,5-Triazine-2,4,6-triamine

35. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured 1,3,5-triazine-2,4,6-triamine, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

36. Respondent failed to report to EPA for 1,3,5-triazine-2,4,6-triamine during the 2020 submission period.

37. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 2: 1,3-Propanediol, 2,2-bis(hydroxymethyl)-

38. During calendar years 2016, 2017, and 2018, Respondent manufactured 1,3-propanediol, 2,2-bis(hydroxymethyl)-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

39. Respondent failed to report to EPA for 1,3-propanediol, 2,2-bis(hydroxymethyl)- during the 2020 submission period.

40. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 3: 2-Propenoic acid, 1,1'-[2-ethyl-2-[[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester

41. During calendar year 2018, Respondent manufactured 2-propenoic acid, 1,1'-[2-ethyl-2-[[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

42. Respondent failed to report to EPA for 2-propenoic acid, 1,1'-[2-ethyl-2-[[[(1-oxo-2-propen-1-yl)oxy]methyl]-1,3-propanediyl] ester during the 2020 submission period.

43. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 4: Acetic acid, butyl ester

44. During calendar year 2019, Respondent manufactured acetic acid, butyl ester, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

45. Respondent failed to report to EPA for acetic acid, butyl ester during the 2020 submission period.

46. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 5: Benzene, dimethyl-

47. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured benzene, dimethyl-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

48. Respondent failed to report to EPA for benzene, dimethyl- during the 2020 submission period.

49. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 6: Benzene, ethyl-

50. During calendar year 2017, Respondent manufactured benzene, ethyl-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

51. Respondent failed to report to EPA for benzene, ethyl- during the 2020 submission period.

52. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 7: Benzenemethanol

53. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured benzenemethanol, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

54. Respondent failed to report to EPA for benzenemethanol during the 2020 submission period.

55. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 8: Boric acid, zinc salt

56. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured boric acid, zinc salt, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

57. Respondent failed to report to EPA for boric acid, zinc salt during the 2020 submission period.

58. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 9: Copper oxide (Cu₂O)

59. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured copper oxide (Cu₂O), identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

60. Respondent failed to report to EPA for copper oxide (Cu₂O) during the 2020 submission period.

61. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 10: *Cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-*

62. During calendar years 2017 and 2018, Respondent manufactured cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

63. Respondent failed to report to EPA for cyclohexanemethanamine, 5-amino-1,3,3-trimethyl-, during the 2020 submission period.

64. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 11: *Fatty acids, tall-oil, reaction products with bisphenol A, epichlorohydrin, glycidyl tolyl ether and triethylenetetramine*

65. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured fatty acids, tall-oil, reaction products with bisphenol A, epichlorohydrin, glycidyl tolyl ether and triethylenetetramine, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

66. Respondent failed to report to EPA for fatty acids, tall-oil, reaction products with bisphenol A, epichlorohydrin, glycidyl tolyl ether and triethylenetetramine during the 2020 submission period.

67. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 12: Glass, oxide, chemicals

68. During calendar years 2017 and 2018, Respondent manufactured glass, oxide, chemicals, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

69. Respondent failed to report to EPA for glass, oxide, chemicals during the 2020 submission period.

70. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 13: Kieselguhr

71. During calendar year 2018, Respondent manufactured kieselguhr, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

72. Respondent failed to report to EPA for kieselguhr during the 2020 submission period.

73. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 14: Naphtha (petroleum), hydrodesulfurized heavy

74. During calendar year 2017, Respondent manufactured naphtha (petroleum), hydrodesulfurized heavy, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

75. Respondent failed to report to EPA for naphtha (petroleum), hydrodesulfurized heavy during the 2020 submission period.

76. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 15: Oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis-

77. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

78. Respondent failed to report to EPA for oxirane, 2,2'-[(1-methylethylidene)bis(4,1-phenyleneoxymethylene)]bis- during the 2020 submission period.

79. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 16: Phenol, 2,4,6-tris[(dimethylamino)methyl]-

80. During calendar years 2017 and 2018, Respondent manufactured phenol, 2,4,6-tris[(dimethylamino)methyl]-, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

81. Respondent failed to report to EPA for phenol, 2,4,6-tris[(dimethylamino)methyl]- during the 2020 submission period.

82. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 17: Phenol, isobutyleneated, phosphate (3:1)

83. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured phenol, isobutyleneated, phosphate (3:1), identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

84. Respondent failed to report to EPA for phenol, isobutyleneated, phosphate (3:1) during the 2020 submission period.

85. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 18: Phenol, methylstyrenated

86. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured phenol, methylstyrenated, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

87. Respondent failed to report to EPA for phenol, methylstyrenated during the 2020 submission period.

88. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 19: Phenol, styrenated

89. During calendar year 2018, Respondent manufactured phenol, styrenated, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

90. Respondent failed to report to EPA for phenol, styrenated during the 2020 submission period.

91. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 20: Polyphosphoric acids, ammonium salts

92. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured polyphosphoric acids, ammonium salts, identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

93. Respondent failed to report to EPA for polyphosphoric acids, ammonium salts during the 2020 submission period.

94. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 21: Solvent naphtha (petroleum), light arom.

95. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured solvent naphtha (petroleum), light arom., identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

96. Respondent failed to report to EPA for solvent naphtha (petroleum), light arom. during the 2020 submission period.

97. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 22: Sulfuric acid, barium salt (1:1)

98. During calendar years 2017, 2018, and 2019, Respondent manufactured sulfuric acid, barium salt (1:1), identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

99. Respondent failed to report to EPA for sulfuric acid, barium salt (1:1) during the 2020 submission period.

100. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 23: Talc ($Mg_3H_2(SiO_3)_4$)

101. During calendar years 2016, 2017, 2018, and 2019, Respondent manufactured talc ($Mg_3H_2(SiO_3)_4$), identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

102. Respondent failed to report to EPA for talc ($Mg_3H_2(SiO_3)_4$) during the 2020 submission period.

103. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

Count 24: Zinc oxide (ZnO)

104. During calendar year 2019, Respondent manufactured zinc oxide (ZnO), identified in Paragraph 25, in excess of the applicable threshold quantity for reporting for the 2020 CDR Rule.

105. Respondent failed to report to EPA for zinc oxide (ZnO) during the 2020 submission period.

106. Respondent violated section 15(3)(B) of TSCA, 15 U.S.C. § 2614(3)(B), by failing to submit this report as required by a rule promulgated under TSCA.

F. CONSENT AGREEMENT AND CIVIL PENALTY

107. For the purpose of this proceeding, as required by 40 C.F.R. § 22.18(b)(2), Respondent:

- a. admits the jurisdictional allegations set forth herein;
- b. neither admits nor denies the specific factual allegations stated herein;
- c. consents to the assessment of a civil penalty, as stated herein;
- d. consents to the issuance of any specified compliance or corrective action order;
- e. consents to any conditions specified herein;
- f. consents to any stated Permit Action;
- g. waives any right to contest the allegations set forth herein; and
- h. waives its rights to appeal the Final Order accompanying this CAFO.

108. By signing this CAFO, Respondent waives any rights or defenses that Respondent has or may have for this matter to be resolved in federal court, including but not limited to any right to a jury trial, and waives any right to challenge the lawfulness of the final order accompanying this CAFO.

109. Respondent consents to the issuance of this CAFO and consents for the purposes of settlement to the payment of the civil penalty specified herein.

110. Respondent and EPA agree to conciliate this matter without the necessity of a formal hearing and to bear their respective costs and attorneys' fees.

Penalty Assessment and Collection

111. Upon consideration of the entire record herein, including the Findings of Fact and Conclusions of Law, which are hereby adopted and made a part hereof, and upon consideration of the size of the business, the effect of Respondent's ability to continue business, the gravity of the violations, and other factors as justice may require, EPA has assessed a civil penalty in the amount of \$393,000.00 (the "EPA Penalty"). The EPA Penalty has been determined in accordance with Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and at no time exceeded EPA's statutory authority.

112. Respondent agrees to pay the EPA Penalty within 30 calendar days of the Effective Date of this CAFO. Respondent shall pay the EPA Penalty and any interest, fees, and other charges due using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions see: <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

113. When making a payment, Respondent shall:

- a. Identify every payment with Respondent's name and the docket number of this Order, Docket No. TSCA-06-2025-6194. The payment shall also be accompanied by a transmittal letter that shall reference Respondent's name and address, the case name, and docket number TSCA-06-2025-6194. Respondent's adherence to this request will ensure proper credit is given when penalties are received for Region 6.

b. Concurrently with any payment, email the transmittal letter and proof of payment to the following email addresses:

David Riley
U.S. EPA Region 6
Riley.david@epa.gov

And

Region 6 Hearing Clerk
U.S. EPA Region 6
Vaughn.Lorena@epa.gov

"Proof of payment" means, as applicable, a copy of the check, confirmation of credit card or debit card payment, or confirmation of wire or automated clearinghouse transfer and any other information required to demonstrate that payment has been made according to EPA requirements, in the amount due.

114. Pursuant to 15 U.S.C. § 2615, 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay any portion of the EPA Penalty per this Agreement, the entire unpaid balance of the EPA Penalty and all accrued interest shall become immediately due and owing, and EPA is authorized to recover the following amounts.

a. Interest. Interest begins to accrue from the Effective Date. If the EPA Penalty is paid in full within 30 days, interest accrued is waived. If the EPA Penalty is not paid in full within 30 days, interest will continue to accrue until any unpaid portion of the EPA Penalty as well as any interest, penalties, and other charges are paid in full. To protect the interests of the United States the rate of interest is set at the IRS standard underpayment rate, any lower rate would fail to provide Respondent adequate incentive for timely payment.

b. Handling Charges. Respondent will be assessed monthly a charge to cover EPA's costs of processing and handling overdue debts. If Respondent fails to pay the EPA Penalty in accordance with this CAFO, EPA will assess a charge to cover the costs of handling any unpaid amounts for the first 30-day period after the Effective Date. Additional handling charges will be assessed each subsequent 30 days, or any portion thereof, until the unpaid portion of the EPA Penalty, as well as any accrued interest, penalties, and other charges are paid in full.

c. Late Payment Penalty. A late payment penalty of six percent (6%) per annum, will be assessed monthly on all debts, including any portion of the EPA Penalty, interest, penalties, and other charges, that remain delinquent more than 90 days.

115. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the EPA Penalty per this CAFO, EPA may take additional actions. Such actions may take include, but are not limited to, the following:

a. refer the debt to a credit reporting agency, a collection agency, or request that the Attorney General bring civil action in the appropriate United States District Court (in which the validity, amount, and appropriateness of the EPA Penalty and of this CAFO shall not be subject to review) to recover the full remaining balance, which may include the original penalty, enforcement and collection expenses, nonpayment penalty and interest, 15 U.S.C. § 2615(a) and 40 C.F.R. §§ 13.13 and 13.14;

b. collect the above-referenced debt by administrative offset (*i.e.*, the withholding of money payable by the United States to, or held by the United States for,

a person to satisfy the debt the person owes the Government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, 40 C.F.R. Part 13, Subparts C and H; and

c. suspend or revoke Respondent's licenses or other privileges or suspend or disqualify Respondent from doing business with EPA or engaging in programs EPA sponsors or funds, 40 C.F.R. § 13.17.

116. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, EPA is required to send to the Internal Revenue Service ("IRS") annually, a completed IRS Form 1098-F ("Fines, Penalties, and Other Amounts") with respect to any court order or settlement agreement (including administrative settlements), that require a payor to pay an aggregate amount that EPA reasonably believes will be equal to, or in excess of, \$50,000 for the payor's violation of any law or the investigation or inquiry into the payor's potential violation of any law, including amounts paid for "restitution or remediation of property" or to come "into compliance with a law." EPA is further required to furnish a written statement, which provides the same information provided to the IRS, to each payor (i.e., a copy of IRS Form 1098-F). Failure to comply with providing IRS Form W-9 or Tax Identification Number ("TIN"), as described below, may subject Respondent to a penalty, per 26 U.S.C. § 6723, 26 U.S.C. § 6724(d)(3), and 26 C.F.R. § 301.6723-1. In order to provide EPA with sufficient information to enable it to fulfill these obligations, EPA herein requires, and Respondent herein agrees, that:

a. Respondent shall complete an IRS Form W-9 ("Request for Taxpayer Identification Number and Certification"), which is available at

<https://www.irs.gov/pub/irs-pdf/fw9.pdf>;

- b. Respondent shall therein certify that its completed IRS Form W-9 includes Respondent's correct TIN or that Respondent has applied and is waiting for issuance of a TIN; Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Center at chalifoux.jessica@epa.gov within 30 days after the Final Order ratifying this Agreement is filed, and EPA recommends encrypting IRS Form W-9 email correspondence; and
- c. In the event that Respondent has certified in its completed IRS Form W-9 that it has applied for a TIN and that TIN has not been issued to Respondent within 30 days after the effective date, then Respondent, using the same email address identified in the preceding subparagraph, shall further:
- i. Notify EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the effective date of this Order; and
 - ii. Provide EPA's Cincinnati Finance Center with Respondent's TIN, via email, within 5 days of Respondent's issuance and receipt of the TIN.

Conditions of Settlement

117. Within 60 days of the Effective date of this CAFO, the Respondent will submit the 2020 CDR reporting form (Form U) for the chemicals referenced above in Provisions Nos. 35-106.
118. The Respondent will provide EPA verification of the submission via email to David Riley at riley.david@epa.gov.

Additional Settlement Terms

119. The provisions of this CAFO shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors and assigns. Respondent shall ensure that all contractors, employees, consultants, firms, or other persons or entities acting for Respondent with respect to matters included herein comply with the terms of this CAFO.

120. Any change in the legal status of the Respondent, or change in ownership, partnership, corporate or legal status relating to the company, or changes pertaining to its ownership and/or management of will not in any way alter Respondent's obligations and responsibilities under this CAFO.

121. By signing this CAFO, Respondent acknowledges that this CAFO will be available to the public and agrees that this CAFO does not contain any confidential business information. See 40 C.F.R. Part 2, Subpart B (Confidentiality of Business Information).

122. By signing this CAFO, Respondent certifies that the information it has supplied concerning this matter was at the time of submission, and is, truthful, accurate, and complete for each submission, response, and statement. Respondent acknowledges that there are significant penalties for submitting false or misleading information, including the possibility of fines and imprisonment for knowing submission of such information, under 18 U.S.C. § 1001.

123. Respondent hereby certifies that as of the date of the execution of this CAFO, Respondent has corrected the violations alleged in this CAFO and is now, to the best of its knowledge, in compliance with the applicable provisions of the 40 C.F.R. Part 711 TSCA Chemical Data Reporting requirements.

124. By signing this CAFO, the undersigned representative of Respondent certifies that it is fully authorized to execute and enter into the terms and conditions of this CAFO and has the legal capacity to bind the party it represents to this CAFO.

125. Respondent specifically waives its right to seek reimbursement of its costs and attorney's fees under 5 U.S.C. § 504 and 40 C.F.R. Part 17.

G. EFFECT OF CONSENT AGREEMENT AND RESERVATION OF RIGHTS

126. In accordance with 40 C.F.R. § 22.18(c), completion of the terms of this CAFO resolves only Respondent's liability for federal civil penalties for the violations and facts alleged in Sections D and E above. Complainant reserves the right to take any enforcement action with respect to any other violations of TSCA or any other applicable law.

127. The terms, conditions and requirements of this CAFO may not be modified or amended except upon the written agreement of both parties, and approval of the Regional Judicial Officer.

128. Penalties paid pursuant to this CAFO shall not be deductible for purposes of Federal, State, and local taxes.

129. Any violation of the included Final Order may result in a civil judicial action for an injunction or civil penalties as provided in Section 15(a) of the Act, 15 U.S.C. § 2615(a) and adjusted for inflation pursuant to 40 C.F.R. Part 19, as well as criminal sanctions as provided in Section 15(a) of the Act, 15 U.S.C. § 2615(b). EPA may use any information submitted under this CAFO in an administrative, civil judicial, or criminal action.

130. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the Act and other federal, state, or local laws or statutes, nor shall it

restrict EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit. EPA does not, by its consent to the entry of this CAFO, warrant or aver in any manner that Respondent's compliance with any aspect of this CAFO will result in compliance with provisions of TSCA, 15 U.S.C. § 2601 *et seq.*, or with any other provisions of federal, state, or local laws, regulations, or permits.

131. Nothing herein shall be construed to limit the power of EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.

132. If and to the extent EPA finds, after signing this CAFO, that any information provided by Respondent was materially false or inaccurate at the time such information was provided to EPA, EPA reserves any and all of its legal and equitable rights.

H. EFFECTIVE DATE

133. Respondent and Complainant agree to the issuance of the included Final Order. Upon filing, EPA will transmit a copy of the filed CAFO to Respondent. This CAFO shall become effective after execution of the Final Order by the Regional Judicial Officer on the date of filing with the Regional Hearing Clerk. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

The foregoing Consent Agreement In the Matter of Jotun Paints Inc. Docket No. TSCA-06-2025-6194, is Hereby Stipulated, Agreed, and Approved for Entry.

FOR RESPONDENT:
Jotun Paints Inc.

Date:

9/29/2025

By:


Signature

STEIN KJOELBERG

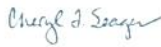
Print Name

PRESIDENT

Title

FOR THE COMPLAINANT:
U.S. ENVIRONMENTAL PROTECTION AGENCY

Date: September 30, 2025



Digitally signed by
CHERYL SEAGER
Date: 2025.09.30
15:55:55 -05'00'

Cheryl T. Seager
Director
Enforcement and Compliance Assurance
Division
U.S. EPA Region 6
Dallas, TX 75270-2102

FINAL ORDER

Pursuant to Section 16(a) of TSCA, 15 U.S.C. § 2615(a), and 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, the foregoing Consent Agreement resolving this matter is hereby ratified and incorporated by reference into this Final Order.

Jotun Paints Inc. is ORDERED to comply with all of the terms of the Consent Agreement. In accordance with 40 C.F.R. § 22.31(b), the effective date of the foregoing Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

This Final Order shall resolve only those causes of action alleged in the Consent Agreement. Nothing in this Final Order shall be construed to waive, extinguish, or otherwise affect Respondents' (or its officers, agents, servants, employees, successors, or assigns) obligation to comply with all applicable federal, state, and local statutes and regulations, including the regulations that were the subject of this action.

IT IS SO ORDERED.

Dated _____

THOMAS
RUCKI

Digitally signed by
THOMAS RUCKI
Date: 2025.09.30
17:22:44 -04'00'

Thomas Rucki
Regional Judicial Officer, Region 6

CERTIFICATE OF SERVICE

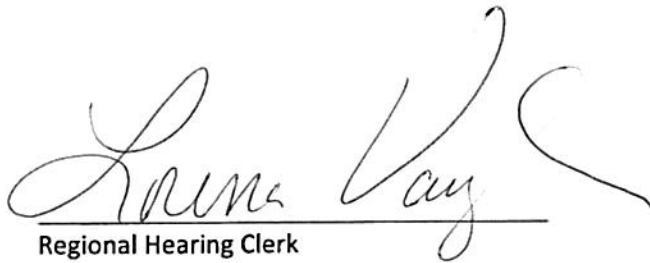
I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was filed with me, the Regional Hearing Clerk, U.S. EPA - Region 6, 1201 Elm Street, Suite 500, Dallas, Texas 75270-2102, and that I sent a true and correct copy on this day in the following manner to the email addresses:

Copy via Email to Complainant:

Mcdonald.ashley@epa.gov
Riley.david@epa.gov

Copy via Email to Respondent:

Stephen Hanneman, Attorney
stephen.hanemann@keanmiller.com
Jotun Paints Inc.
842 W. Sam Houston Parkway North,
City Center Three, Ste. 300,
Houston, Texas 77024



A handwritten signature in blue ink, appearing to read "Laura Vay", is written over a horizontal line.

Regional Hearing Clerk
U.S. EPA, Region 6



A small, stylized blue handwritten mark or signature in the bottom right corner of the page.