

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG.21
2008 JUN -5 AM 11:55
REGIONAL HEARING
CLERK

-----X
In the Matter of :
: **CONSENT AGREEMENT**
: **AND**
: **FINAL ORDER**
: **DOCKET NUMBER**
: **EPCRA-02-2008-4204**
: **DOCKET NUMBER**
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PRELIMINARY STATEMENT

This administrative proceeding for the assessment of a civil penalty was instituted pursuant to Section 325(c) of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. §11001 *et seq.* [also known as the Emergency Planning and Community Right-to-Know Act of 1986 (hereinafter, "EPCRA")]. The "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc." (40 C.F.R. Part 22 (July 1, 2000)), provide in 40 C.F.R. §22.13(b) that when the parties agree to settle 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 Final 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 Anderson Instrument Co., Inc. located at 156 Auriesville Road, Fultonville, New York 12072 violated the requirements of Section 313 of EPCRA (42 U.S.C. §11023) and the regulations promulgated pursuant to that Section, codified at 40 C.F.R. Part 372.

Under Section 313 of EPCRA and 40 C.F.R. §372.22, owners or operators of a facility subject to the requirements of Section 313(b) are required to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form R, EPA Form 9350-1

(hereinafter, "Form R"), for each toxic chemical listed under 40 C.F.R. §372.65 and/or 40 C.F.R. §372.28 that was manufactured, imported, processed, or otherwise used during the preceding calendar year in quantities exceeding the established toxic chemical thresholds. The completed and correct Form R is required to be submitted to the Regional Administrator of the EPA and to the State in which the subject facility is located.

As an alternative to the requirements set forth above, pursuant to Section 313(f)(2) of EPCRA (42 U.S.C. §11023(f)(2)), and 40 C.F.R. §372.27, owners or operators of a facility subject to the requirements of Section 313(b), with respect to the manufacture, process or otherwise use of a toxic chemical may apply an alternate threshold of one million (1,000,000) pounds per year to that chemical if the conditions set forth in 40 C.F.R. §372.27(a) are met. If the aforementioned alternate threshold for a specific toxic chemical is applicable, such owners or operators, in lieu of filing a Form R therefore, may submit an "Alternate Threshold Certification Statement" (Form A) (see 71 Fed. Reg. 76944; December 22, 2006) pursuant to 40 C.F.R. §372.27(b). Pursuant to 40 C.F.R. §372.27(e)(3), EPA has excluded the Persistent Bioaccumulative Toxic Chemical (PBT) dioxin and dioxin-like compounds from eligibility for the Alternate Thresholds described in 40 C.F.R. §372.27(a).

EPA and Anderson Instrument Co., Inc. 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 40 C.F.R. §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. No formal or adjudicated Findings of Fact or Conclusions of Law have been made. The following constitutes Complainant's Findings of Fact and Conclusions of Law based upon information EPA had obtained through March 13, 2008.

FINDINGS OF FACT
AND CONCLUSIONS OF LAW

1. Respondent is Anderson Instrument Co., Inc., TRIS Facility ID: 12072NDRSN156AU.
2. At all times relevant hereto, Respondent has owned and operated a facility located at 156 Auriesville Road, Fultonville, New York 12072 (hereinafter, "Respondent's facility").

- 3. Respondent is a "person" within the meaning of Section 329(7) of EPCRA, 42 U.S.C. §11049(7).
- 4. Respondent is an owner of a "facility" as that term is defined by Section 329(4) of EPCRA, 42 U.S.C. §11049(4), and by 40 C.F.R. §372.3.
- 5. Respondent's facility is subject to the requirements of EPCRA, Section 313(b), 42 U.S.C. §11023(b), and 40 C.F.R. §372.22.
- 6. On or about September 18, 2007, Anderson Instrument Co., Inc. sent a letter to the United States Environmental Protection Agency - Region 2 in which the company voluntarily disclosed the failure to submit Toxic Release Inventory Form R reports to the EPA for the following chemicals in a timely manner:

CHEMICAL	YEAR	POUNDS PROCESSED	DUE DATE	POSTMARK DATE	DAYS LATE
LEAD	2004	145.2	July 1, 2005	Oct. 12, 2007	> 1 YR
LEAD	2005	147.8	July 1, 2006	Oct. 02, 2007	> 1 YR
LEAD	2006	109.8	July 1, 2007	Oct. 03, 2007	94
MERCURY	2005	84	July 1, 2006	Oct. 02, 2007	> 1 YR

- 7. The established threshold amount for reporting the Persistent Bioaccumulative Toxic Chemical lead for the calendar years 2004, 2005 and 2006 was 100 pounds. [40 C.F.R. §372.28]
- 8. EPA representatives determined that Respondent failed to submit, in a timely manner, to the Administrator and to the State of New York a complete and correct Form R report for lead for each of calendar years 2004, 2005 and 2006.
- 9. Respondent's failure to submit, in a timely manner, a complete and correct Form R report for lead for each of calendar years 2004, 2005 and 2006 constitutes a failure or refusal to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.
- 10. EPA representatives determined that Respondent failed to submit, in a timely manner, to the Administrator and to the State of New York a complete and correct Form R report for mercury for calendar year 2005.
- 11. The established threshold amount for reporting the Persistent Bioaccumulative Toxic Chemical mercury for calendar year 2005 was 10 pounds. [40 C.F.R. §372.28]

12. Respondent's failure to submit, in a timely manner, a complete and correct Form R report for mercury for calendar year 2005 constitutes a failure or refusal to comply with Section 313 of EPCRA, 42 U.S.C. §11023, and with 40 C.F.R. Part 372.

13. On or about January 2008, the parties began informal settlement discussions over the telephone.

TERMS OF CONSENT AGREEMENT

Based on the foregoing, and pursuant to Section 325(c) of EPCRA, and in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Etc., 40 C.F.R. §22.18 (hereinafter, "Consolidated Rules"), it is hereby agreed by and between the parties, and Respondent voluntarily and knowingly agrees as follows:

1. Respondent certifies herein that any and all EPA Toxic Chemical Release Inventory Forms submitted for the above-described violations comply with the requirements of Section 313 of EPCRA and the regulations set forth at 40 C.F.R. Part 372.

2. For the purpose of this proceeding, Respondent: (a) admits the jurisdictional allegations of the Complaint as applied to the facility; and (b) neither admits nor denies the specific factual allegations contained in the Complaint and the Findings of Fact and Conclusions of Law section above.

3. Respondent shall pay, by cashier's or certified check, a civil penalty in the amount of **TWENTY FIVE THOUSAND Dollars (\$25,000)**, payable to the "Treasurer of the United States of America". The check shall be identified with a notation of the name and docket number of this case, set forth in the caption on the first page of this document.

Such check shall be mailed to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

Alternatively, payment may be by Electronic Fund Transfer (EFT) directed to the Federal Reserve Bank of New York. Respondent shall provide the following information to its remitter bank:

- 1) Amount of Payment
- 2) SWIFT address: FRNYUS33, 33 Liberty Street, New York, NY 10045
- 3) Account: 68010727
- 4) ABA number: 021030004

- 5) Field Tag 4200 of the Fedwire message should read:
" D 68010727 Environmental Protection Agency"
- 6) Name of Respondent: **Anderson Instrument Co., Inc.**
- 7) Docket Number: **EPCRA-02-2008-4204**

Respondent shall also send a copy of this payment to each of the following:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

And

Mr. Kenneth S. Stoller, P.E., QEP, DEE, Chief
Pesticides and Toxic Substances Branch
U.S. Environmental Protection Agency - Region 2
2890 Woodbridge Avenue, Bldg. 10, MS-105
Edison, New Jersey 08837

4. Payment must be received at the above address on or before 45 calendar days after the date of signature of the Final Order at the end of this document (the date by which payment must be received shall hereafter be referred to as the "due date").

a. Failure to pay the penalty in full according to the above provisions will result in the referral of this matter to the U.S. Department of Justice for collection.

b. Further, if payment is not received on or before the due date, interest will be assessed, at the annual rate established by the Secretary of the Treasury pursuant to 31 U.S.C. §3717, on the overdue amount from the due date through the date of payment. In addition, a late payment handling charge of \$15.00 will be assessed for each 30 day period (or any portion thereof) following the due date in which the balance remains unpaid.

c. A 6% per annum penalty also will be applied on any principal amount not paid within 90 days of the due date.

Supplemental Environmental Project

5. Respondent agrees to undertake the following Supplemental Environmental Project ("SEP") which the parties agree is intended to secure significant environmental or public health protection and improvements:

a. Within five months of receiving a copy of this Agreement signed by the Regional Administrator, Respondent shall replace the 50/50 lead/tin solder used in the assembly of its temperature probes used in the food and pharmaceutical industry with 3/96.5 silver/tin solder. This Supplemental Environmental Project is a Pollution Reduction Project. The project will be sustained for at least 5 years. It will reduce the amount of lead used at the plant by 48%. The facility anticipates replacing the remaining lead used at the plant in its circuit boards over the next several years. The MSDS for the silver/tin solder is in Attachment A.

b. Respondent hereby certifies that, as of the date of this Consent Agreement and Final Order, Respondent is not required to perform or develop the SEP by any federal, state, or local law or regulation; nor is Respondent required to perform or develop the SEP by agreement, grant, or as injunctive relief in this or any other case or in compliance with state or local requirements. Respondent further certifies that Respondent has not received, and is not presently negotiating to receive, credit in any other enforcement action for the SEP.

c. The total expenditure for the SEP shall be not less than \$8,353.

d. Whether Respondent has complied with the terms of this Consent Agreement and Final Order through implementation of the SEP project as herein required shall be the sole determination of EPA.

6. a. Respondent shall submit a SEP Progress Report to EPA annually from the date of receiving a copy of this Agreement signed by the Regional Administrator. Each SEP Progress Report shall contain the following information:

(i) Itemized costs, documented by copies of purchase orders and receipts or canceled checks;

b. Respondent shall submit a SEP Completion Report to EPA by 1 month of the five year anniversary of the date in 6(a) above. The SEP Completion Report shall contain the following information:

(i) Itemized costs, documented by copies of purchase orders and receipts or canceled checks;

c. Respondent agrees that failure to submit the SEP Completion Report or any Periodic Report required by subsection (a) above shall be deemed a violation of this Consent Agreement and Final Order, and Respondent shall become liable for stipulated penalties pursuant to paragraph 10, below.

7. Respondent agrees that EPA may contact Anderson Instrument Co., Inc. at any time in order to confirm that the SEP was carried out as agreed above.

8. Respondent shall maintain legible copies of documentation for any and all documents or reports submitted to EPA pursuant to this Consent Agreement and Final Order, and Respondent shall provide the documentation of any such data to EPA within seven days of a request for such information. In all documents or reports, including, without limitation, the SEP Report, submitted to EPA pursuant to this Consent Agreement and Final Order, Respondent shall, by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

9. a. Following receipt of the SEP Report described in paragraph 6, above, EPA will do one of the following:

- (i) Accept the report;
- (ii) Reject the SEP Report, notify Respondent in writing of deficiencies in the SEP Report and grant Respondent an additional thirty (30) days in which to correct any deficiencies; or
- (iii) Reject the SEP Report and seek stipulated penalties in accordance with paragraph 10 herein.

b. If EPA elects to exercise option (ii) or (iii) above, EPA shall permit Respondent the opportunity to object in writing to the notification of deficiency or disapproval given pursuant to this paragraph within ten (10) days of receipt of such notification. EPA and Respondent shall have an additional thirty (30) days from the receipt by EPA of the notification of objection to reach agreement. If agreement cannot be reached on any such issue within this thirty (30) day period, EPA shall provide a written statement of its decision to Respondent, which decision shall be final and binding upon Respondent. Respondent agrees to comply with any requirements imposed by EPA as a result of any such deficiency or failure to comply with the terms of this

Consent Agreement and Final Order. In the event the SEP is not completed as contemplated herein, as determined by EPA, stipulated penalties shall be due and payable by Respondent to EPA in accordance with paragraph 10 herein.

10. a. In the event that Respondent fails to comply with any of the terms or provisions of this Consent Agreement and Final Order relating to the performance of the SEP described in paragraph 5, above, and/or to the extent that the actual expenditures for the SEP do not equal or exceed the cost of the SEP described in paragraph 5 above, Respondent shall be liable for stipulated penalties according to the provisions set forth below:

(i) Except as provided in subparagraph (ii) immediately below, for a SEP which has not been completed satisfactorily pursuant to paragraph 9, Respondent shall pay a stipulated penalty to the United States in the amount of **\$8,353**.

(ii) If the SEP is not completed satisfactorily, but Respondent: a) made good faith and timely efforts to complete the project; and b) certifies, with supporting documentation, that at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

(iii) If the SEP is satisfactorily completed, but Respondent spent less than 90 percent of the amount of money required to be spent for the project, Respondent shall pay a stipulated penalty to the United States in the amount determined as follows:

$$\text{Stipulated penalty} = [1 - \frac{\text{\$amount SEP cost expended}}{\$8,353}] \times \$8,353$$

(iv) If the SEP is satisfactorily completed, and Respondent spent at least 90 percent of the amount of money which was required to be spent was expended on the SEP, Respondent shall not pay any stipulated penalty.

(v) For failure to submit the SEP Completion Report required by paragraph 6 above, Respondent shall pay a stipulated penalty in the amount of \$100 for each day after each respective due date until the report is submitted.

b. The determinations of whether the SEP has been satisfactorily completed, whether Respondent has made a good faith timely effort to implement the SEP and/or whether the reason for submitting a late completion report is acceptable shall be in the sole discretion of EPA.

c. Stipulated penalties for subparagraph (iii) above shall begin to accrue on the day after performance is due, and shall continue to accrue through the final day of the completion of the activity.

d. Respondent shall pay stipulated penalties within fifteen (15) days of receipt of written demand by EPA for such penalties. Method of payment shall be in accordance with the provisions of paragraph 3. Interest and late charges shall be paid as stated in paragraph 4 herein.

11. Complainant at its discretion may waive any stipulated penalties specified above.

12. Any public statement, oral or written, made by Respondent making reference to the SEP shall include the following language, "This project was undertaken in connection with the settlement of an enforcement action taken by the U.S. Environmental Protection Agency for violations of Section 313 of EPCRA, 42 U.S.C. § 11023 and regulations pursuant to that Section, 40 C.F.R. Part 372."

13. a. If any event occurs which causes or may cause delays in the completion of the SEP as required under this Agreement, Respondent shall notify EPA in writing within 10 days of the delay or Respondent's knowledge of the anticipated delay, whichever is earlier. The notice shall describe in detail the anticipated length of delay, the precise cause of delay, the measures taken by Respondent to prevent or minimize delay, and the timetable by which those measures will be implemented. Respondent shall adopt all reasonable measures to avoid or minimize any such delay. Failure by Respondent to comply with the notice requirements of this paragraph shall render this paragraph void and of no effect as to the particular incident involved and constitute a waiver of Respondent's right to request an extension of its obligation under this Agreement based on such incident.

b. If the parties agree that the delay or anticipated delay in compliance with this Agreement has been or will be caused by circumstances entirely beyond the control of Respondent, the time for performance hereunder may be extended for a period no longer than the delay resulting from such circumstances. In such event, the parties shall stipulate to such extension of time.

c. In the event that EPA does not agree that a delay in achieving compliance with the requirements of this Agreement has been or will be caused by circumstances beyond the control of Respondent, EPA will notify Respondent in writing of its decision and any delays in completion of the SEP shall not be excused.

d. The burden of proving that any delay is caused by circumstances entirely beyond the control of Respondent shall rest with Respondent. Increased cost or expenses associated with the implementation of actions called for by this Agreement shall not, in any event, be a basis for changes in this Agreement or extensions of time under section (b) of this paragraph. Delay in achievement of one interim step shall not necessarily justify or excuse delay in achievement of subsequent steps.

14. Respondent certifies that it will not claim as a deduction or charitable contribution or capitalize or otherwise take any credit for the purposes of federal, state, or local taxes for the monies expended in the performance of the SEP.

15. This Consent Agreement is being voluntarily and knowingly entered into by the parties in full and final settlement of the civil liabilities that might have attached as a result of the allegations contained in the Complaint. Respondent has read the Consent Agreement, understands its terms, finds it to be reasonable and consents to the issuance and its terms. Respondent consents to the issuance of the accompanying Final Order. Respondent agrees that all terms of settlement are set forth herein.

16. Respondent explicitly and knowingly consents to the assessment of the civil penalty as set forth in this Consent Agreement and agrees to pay the penalty in accordance with the terms of this Consent Agreement.

17. Respondent explicitly waives its right to request or to seek any Hearing on the Complaint or any of the allegations therein asserted, on this Consent Agreement or on the Findings of Fact and Conclusions of Law herein, or the accompanying Final Order.

18. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.08 to be present during discussions with or to be served with and to reply to any memorandum or communication addressed to the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to discuss a proposed settlement of this matter or to recommend that such official accept this Consent Agreement and issue the attached Final Order.

19. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect respondent's obligation to comply with all applicable provisions of EPCRA and the regulations promulgated thereunder.

20. Each undersigned signatory to this Consent Agreement certifies that he or she is duly and fully authorized to enter into and ratify this Consent Agreement and all the terms and conditions set forth in this Consent Agreement.

21. Each party hereto agrees to bear its own costs and fees in this matter.

22. Respondent consents to service upon Respondent by a copy of this Consent Agreement and Final Order by an EPA employee other than the Regional Hearing Clerk.

RESPONDENT:

Anderson Instrument Co., Inc.

BY: Brian R. Guiberson
Authorizing Signature


NAME: Brian R. Guiberson

(PLEASE PRINT)

TITLE: Director of Operations

DATE: 5/9/2008

COMPLAINANT:


Dore LaPosta, Director
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

DATE: May 20, 2008

In the Matter of Anderson Instrument Co., Inc.
Docket Number EPCRA-02-2008-4204

FINAL ORDER

The Regional Administrator of the U.S. Environmental Protection Agency, Region 2, ratifies the foregoing Consent Agreement. The Agreement entered into by the parties in full settlement of EPA's Complaint bearing Docket No. EPCRA-02-2008-4204, issued In the Matter of Anderson Instrument Co., Inc. is hereby approved, incorporated herein, and issued as an Order. The effective date of this Order shall be the date of filing with the Regional Hearing Clerk, U.S. EPA Region 2, New York, New York.

DATE: _____

5-28-08



Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection Agency - Region 2
290 Broadway
New York, New York 10007

ANDERSON INSTRUMENT CO., INC.
SUPPLEMENTAL ENVIRONMENTAL PROJECT
ATTACHMENT A



"Kozakowski, Art"
<Akozakowski@andinst.com
>

02/19/2008 01:49 PM

To Mary Kowalski/R2/USEPA/US@EPA

cc

bcc

Subject Lead Reduction

History:

This message has been replied to.

Mary Ann

The information you requested was:

- MSDS for new solder - Attached
- How many years we are willing to use this (or another lead free) solder - forever
- What are the present & proposed process costs -
 - Labor: should not change
 - Material: Present - \$1559/yr
 - Proposed - \$2646/yr
 - Cost Increase - \$1087/yr (I said \$1863/yr previously but I have found more favorable

pricing)

- What are the costs to conduct the tests of new solder -
 - Cost to build sensor - \$1078
 - Labor to perform testing - \$2600
- Per our last conversation we will start using the lead free solder by 5/19/08 if testing goes as expected. We do not anticipate any problems. This is a simple process.

Is there anything else you require?

Art

This message (including any attachments) contains confidential and/or proprietary information intended only for the addressee. Any unauthorized disclosure, copying, distribution or reliance on the contents of this information is strictly prohibited and may constitute a violation of law. If you are not the intended recipient, please notify the sender immediately by responding to this e-mail, and delete the message from your system. If you have any questions about this e-mail please notify the sender



immediately. MSDS%20ALLOY%20SAC305.pdf



Material Safety Data Sheet

Section 1. Product and Company Identification			
Common Name	Alloy SAC 305	Code	Not available
Product type	Metal alloy	Validation Date	2004-08-30
Synonym	Alloy LF 218	Version number	2
Material Uses	Industrial applications: Soldering		
Supplier	AIM	In Case of Emergency INFOTRAC (North America): (800) 535-5053 (International): (352) 323-3500	
Manufacturer	AIM		

Section 2. Hazardous Components			
Name	CAS #	% by Weight	Toxicity Data (LC50/LD50, TLV)
1) Tin	7440-31-5	96.5	TWA: 2 (mg/m ³) from OSHA (PEL) [United States] [1997] INHALATION Respirable. TWA: 2 (mg/m ³) from ACGIH (TLV) [United States] [1994] INHALATION Respirable.
2) Silver	7440-22-4	3	TWA: 0.1 (mg/m ³) from ACGIH (TLV) [United States] [1994] INHALATION

Section 3. Hazards Identification	
Physical State and Appearance	Solid.
Emergency Overview	WARNING!! Avoid contact with eyes. Avoid prolonged or repeated contact with skin. Wash thoroughly after handling.
Routes of Entry	Inhalation. Ingestion.
Potential Acute Health Effects	<i>Eyes</i> This product may be hazardous in case of eye contact (irritant). <i>Skin</i> This product may be hazardous in case of skin contact (irritant, sensitizer). <i>Inhalation</i> Fumes and/or dusts produced by this product may be hazardous in case of inhalation. <i>Ingestion</i> This product may be hazardous in case of ingestion.
Potential Chronic Health Effects	Chronic effects: Chronic effects: Fumes and/or dusts produced by this product may be hazardous in case of ingestion, of inhalation. This product may be hazardous in case of skin contact (irritant, sensitizer), of eye contact (irritant). Non-corrosive for skin. Non-permeator by skin.
Medical Conditions Aggravated by Overexposure:	Repeated or prolonged exposure is not known to aggravate medical condition.
Overexposure /Signs/Symptoms	Not available.
See Toxicological Information (section 11)	

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Section 4. First Aid Measures

Eye Contact	Check for and remove any contact lenses. In case of contact, immediately flush eyes with plenty of water for at least 15 minutes. Get medical attention.
Skin Contact	In case of contact, immediately flush skin with plenty of water for at least 15 minutes while removing contaminated clothing and shoes. Cover the irritated skin with an emollient. Wash clothing before reuse. Thoroughly clean shoes before reuse. Get medical attention.
Hazardous Skin Contact	Wash with a disinfectant soap and cover the contaminated skin with an anti-bacterial cream. Seek medical attention.
Inhalation	If inhaled, remove to fresh air. If not breathing, give artificial respiration. If breathing is difficult, give oxygen. Get medical attention.
Hazardous Inhalation	Not available.
Ingestion	Do NOT induce vomiting unless directed to do so by medical personnel. Never give anything by mouth to an unconscious person. If large quantities of this material are swallowed, call a physician immediately. Loosen tight clothing such as a collar, tie, belt or waistband.
Hazardous Ingestion	Not available.
Notes to Physician	Not available.

Section 5. Fire Fighting Measures

Flammability of the Product	Non-flammable.
Auto-Ignition Temperature	Not applicable.
Flash Points	Not applicable.
Flammable Limits	Not applicable.
Products of Combustion	Not available.
Fire Hazards in Presence of Various Substances	Not applicable.
Explosion Hazards in Presence of Various Substances	Non-explosive in presence of open flames and sparks, of shocks.
Fire Fighting Media and Instructions	Not applicable.
Protective Clothing (Fire)	Not applicable.
Special Remarks on Fire Hazards	Not available.
Special Remarks on Explosion Hazards	Not available.

Section 6. Accidental Release Measures

Small Spill and Leak	Use appropriate tools to put the spilled solid in a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and dispose of according to local and regional authority requirements.
Large Spill and Leak	Use a shovel to put the material into a convenient waste disposal container. Finish cleaning by spreading water on the contaminated surface and allow to evacuate through the sanitary system. Be careful that the product is not present at a concentration level above TLV. Check TLV on the MSDS and with local authorities.

Continued on Next Page

Handling

handling.

Storage

Keep container tightly closed. Keep container in a cool, well-ventilated area.

Section 8. Exposure Controls, Personal Protection

Engineering Controls Use process enclosures, local exhaust ventilation, or other engineering controls to keep airborne levels below recommended exposure limits. If user operations generate dust, fume or mist, use ventilation to keep exposure to airborne contaminants below the exposure limit.

Personal Protection

Eyes Splash goggles.

Body Lab coat.

Respiratory Dust respirator. Be sure to use an approved/certified respirator or equivalent. Wear appropriate respirator when ventilation is inadequate.

Hands Gloves.

Feet Not applicable.

* **Note:** Suggested protective clothing may not be adequate for a specific process. Consult a specialist before using.

Personal Protection in Case of a Large Spill Splash goggles. Full suit. Dust respirator. Boots. Gloves. A self contained breathing apparatus should be used to avoid inhalation of the product. Suggested protective clothing might not be sufficient; consult a specialist BEFORE handling this product.

Product Name**Exposure Limits**

1) TIN

TWA: 2 (mg/m³) from OSHA (PEL) [United States] [1997] **INHALATION** Respirable.

2) SILVER

TWA: 2 (mg/m³) from ACGIH (TLV) [United States] [1994] **INHALATION** Respirable.TWA: 0.1 (mg/m³) from ACGIH (TLV) [United States] [1994] **INHALATION**

Consult local authorities for acceptable exposure limits.

Section 9. Physical and Chemical Properties

Physical State and Appearance	Solid.	Odor	Not available.
Molecular Weight	Not applicable.	Taste	Not available.
Chemical formula	Not applicable.	Color	silver-grey
pH (1% Soln/Water)	Not applicable.	Specific Gravity	Weighted average: 7.38 (Water = 1)
Acid Value (IPC TM-650, 2.3.13)	Not available.		
Boiling/Condensation Point	Not available.		
Melting/Freezing Point	217-218 C		
Critical Temperature	Not available.		
Vapor Pressure	Not applicable.		
Vapor Density	Not available.		
Volatility	Not available.		
Odor Threshold	Not available.		
Evaporation Rate	Not available.		

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VOC	Not available.
Viscosity	Not available.
LogK _{ow}	The product is insoluble in water and oil.
Ionicity (in Water)	Non-ionic.
Dispersion Properties	Is not dispersed in cold water, hot water, methanol, diethyl ether, n-octanol, acetone.
Solubility	Insoluble in cold water, hot water, methanol, diethyl ether, n-octanol, acetone.
Physical Chemical Comments	Not available.

Section 10. Stability and Reactivity

Stability and Reactivity	The product is stable.
Conditions of Instability	Stable in normal conditions. Over melting point, will emit toxic tin oxides. (Tin)
Incompatibility with Various Substances	Slightly reactive with oxidizing agents, acids, moisture.
Hazardous Decomposition Products	Not available.
Hazardous Polymerization	Will not occur.
Corrosivity	Not considered to be corrosive for metals and glass according to our database.
Special Remarks on Corrosivity	Not available.

Section 11. Toxicological Information

Toxic and Chronic Effects on Humans	<p>Fumes and/or dusts produced by this product may be hazardous in case of ingestion, of inhalation. This product may be hazardous in case of skin contact (irritant, sensitizer), of eye contact (irritant). Non-corrosive for skin. Non-permeator by skin.</p> <p>CARCINOGENIC EFFECTS: Classified NONE by NIOSH [Tin]. Classified NONE by NIOSH [Silver]. Classified NONE by NIOSH [Copper].</p> <p>MUTAGENIC EFFECTS Not available.</p> <p>TERATOGENIC EFFECTS Not available.</p> <p>DEVELOPMENTAL TOXICITY Not available.</p> <p>The product may be toxic to kidneys, lungs, liver, mucous membranes, upper respiratory tract, skin, eye, lens or cornea.</p> <p>Repeated or prolonged exposure to the substance can produce target organs damage.</p>
Toxicity to Animals	<p>LD50: Not available.</p> <p>LC50: Not available.</p>
Special Remarks on Chronic Effects on Humans	Prolonged and repeated exposure to tin oxide fumes may result in benign pneumoconiosis (stannosis). (Tin)
Special Remarks on Other Toxic Effects on Humans	<p>MOLTEN METAL can cause severe BURNS!</p> <p>Fumes and dust may irritate eyes, digestive system and respiratory tract.</p> <p>(Tin)</p>
Special Remarks on Toxicity to Animals	No additional remark. (Tin)


Section 12. Ecological Information

Ecotoxicity	Not available.
BOD5 and COD	Not available.
Biodegradable/OECD	Not available.
Mobility	Not available. Possibly hazardous short term degradation products are not likely. However, long term degradation products may arise.
Toxicity of the Products of Biodegradation	The product itself and its products of degradation are not toxic.
Special Remarks on the Products of Biodegradation	Not available.

Section 13. Disposal Considerations

Waste Information	Waste must be disposed of in accordance with federal, state and local environmental control regulations.
Waste Stream	Not available.
Consult your local or regional authorities.	

Section 14. Transport Information

DOT Classification	Not a DOT controlled material (United States).	
	Not regulated	
Special Provisions for Transport	Not applicable.	
Special Provisions for Transport		
IMO/IMDG Classification	Not controlled under IMDG.	
Marine Pollutant	Not available.	
ADR/RID Classification	Not controlled under ADR (Europe).	
ICAO/IATA Classification	Not controlled under IATA.	

Section 15. Regulatory Information

HCS Classification	Class: Sensitizing substance. Class: Target organ effects.
U.S. Federal Regulations	TSCA 8(a) PAIR: Silver TSCA inventory: Tin; Silver; Copper SARA 302/304/311/312 extremely hazardous substances: No products were found. SARA 302/304 emergency planning and notification: No products were found. SARA 302/304/311/312 hazardous chemicals: Tin; Silver; Copper SARA 311/312 MSDS distribution - chemical inventory - hazard identification: Tin: immediate health hazard; Silver: immediate health hazard; Copper: immediate health hazard SARA 313 toxic chemical notification and release reporting: Silver: 1%; Copper: 1% Clean water act (CWA) 307: Silver; Copper Clean water act (CWA) 311: No products were found.

Continued on Next Page

In the Matter of Anderson Instrument Co. Inc.

Docket No. EPCRA-02-2008-4204

CERTIFICATE OF SERVICE

I certify that I have this day caused to be sent the Foregoing fully executed CONSENT AGREEMENT and FINAL ORDER, bearing the above-referenced Docket Number, in the following manner to the respective addressees below:

Original and One Copy
by Interoffice Mail:

Ms. Karen Maples, Regional Hearing Clerk
Office of the Regional Hearing Clerk
U.S. Environmental Protection Agency -Region 2
290 Broadway, 16th Floor (1631)
New York, New York 10007-1866

Copy by Certified Mail,
Return Receipt Requested:

Mr. Brian Guiberson, Director of Operations
Anderson Instrument Co. Inc.
156 Auriesville, Road
Fultonville, New York 12072

Copy by Mail:

Ms. Suzanne Wither
Division of Environmental Remediation
Office of Air and Waste Management
New York State Department of Environmental Conservation
625 Broadway - 11th Floor
Albany, New York 12233-7020

Mr. Arthur Kozakowski, Senior Manufacturing Engineer
Anderson Instrument Co. Inc.
156 Auriesville, Road
Fultonville, New York 12072

Mr. Gregory Grabinski, Director of Environmental Affairs
Danaher Corporation
1500 Mittel Boulevard
Wood Dale, Illinois 60191

Dated: June 4, 2008



Mary Ann Kowalski, MS, MPH
Pesticides and Toxic Substances Branch
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