

**U.S. ENVIRONMENTAL PROTECTION AGENCY  
REGION 7  
11201 RENNER BOULEVARD  
LENEXA, KANSAS 66219**

**FILED**

**May 13, 2026**

**10:01AM**

**U.S. EPA REGION 7  
HEARING CLERK**

**In the Matter of** )  
 )  
**Creative Food Ingredients, Inc.,** ) **Docket No. MM-07-2026-0187**  
 )  
**Respondent.** )

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**CONSENT AGREEMENT AND FINAL ORDER**

**Preliminary Statement**

The U.S. Environmental Protection Agency, Region 7 (EPA or Complainant), and Creative Food Ingredients, Inc. (Respondent) have agreed to a settlement of this action before the filing of a complaint, and thus this action is simultaneously commenced and concluded pursuant to Rules 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, 40 C.F.R. §§ 22.13(b) and 22.18(b)(2).

**Jurisdiction**

1. This proceeding is an administrative action for the assessment of civil penalties initiated pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and Section 325(c)(1) of the Emergency Planning and Community Right-to-Know Act (EPCRA), 42 U.S.C. § 11045(c)(1). Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the Administrator and the Attorney General jointly determined that this matter, in which the first date of alleged violation occurred more than twelve months prior to the initiation of the administrative action, was appropriate for administrative penalty action.

2. This Consent Agreement and Final Order serves as notice that the EPA has reason to believe that Respondent has violated the Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and Section 312 of EPCRA, 42 U.S.C. § 11022. Furthermore, this Consent Agreement and Final Order serves as notice pursuant to Section 113(d)(2)(A) of the CAA, 42 U.S.C. § 7413(d)(2)(A), of the EPA's intent to issue an order assessing penalties for these violations.

**Parties**

3. Complainant is the Director of the Enforcement and Compliance Assurance Division, Region 7, as duly delegated by the Administrator of EPA.

4. Respondent is Creative Food Ingredients, Inc., a corporation in good standing under the laws of the state of New York and doing business in the state of Missouri, which owns

and operates the cookie manufacturing facility located at 1400 Vance Road in Mexico, Missouri (Respondent's Facility).

## **Statutory and Regulatory Background**

### **CAA**

5. On November 15, 1990, the President signed into law the CAA Amendments of 1990. The Amendments added Section 112(r) to Title I of the CAA, 42 U.S.C. § 7412(r), which requires the Administrator of the EPA to, among other things, promulgate regulations in order to prevent accidental releases of certain regulated substances. Section 112(r)(3), 42 U.S.C. § 7412(r)(3), mandates that the Administrator promulgate a list of regulated substances, with threshold quantities, and defines the stationary sources that will be subject to the chemical accident prevention regulations mandated by Section 112(r)(7). Specifically, Section 112(r)(7), 42 U.S.C. § 7412(r)(7), requires the Administrator to promulgate regulations that address release prevention, detection, and correction requirements for these listed regulated substances.

6. On June 20, 1996, the EPA first promulgated a final rule known as the Risk Management Program, 40 C.F.R. Part 68, which implements Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7). This rule requires owners and operators of stationary sources to develop and implement a risk management program that includes a hazard assessment, a prevention program, and coordination of emergency response activities.

7. The regulations at 40 C.F.R. Part 68, titled Chemical Accident Prevention Provisions, set forth the requirements of a risk management program that must be established at each stationary source. The risk management program is described in a Risk Management Plan ("RMP") that must be submitted to the EPA.

8. Pursuant to Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), and 40 C.F.R. § 68.150, an RMP must be submitted for all covered processes by the owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process no later than the latter of June 21, 1999, or the date on which a regulated substance is first present above the threshold quantity in a process.

9. The regulations at 40 C.F.R. § 68.10 set forth how the Chemical Accident Prevention Provisions apply to covered processes. Pursuant to 40 C.F.R. § 68.10(l), a covered process is subject to Program 3 requirements if the process does not meet the eligibility requirements of Program 1, as described in 40 C.F.R. § 68.10(j), and it either falls under a specified North American Industry Classification System code or is subject to the Occupational Safety and Health Act of 1970 process safety management standard, 29 C.F.R. § 1910.119.

10. Section 113(d) of the CAA, 42 U.S.C. § 7413(d), states that the Administrator may issue an administrative order against any person assessing a civil administrative penalty of up to \$25,000 per day of violation whenever, on the basis of any available information, the Administrator finds that such person has violated or is violating any requirement or prohibition of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and its implementing regulations. The Debt

Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$59,114 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

## EPCRA

11. In 1986, EPCRA was created to help communities plan for chemical emergencies. It requires industry to report on the storage, use and release of hazardous substances to federal, state, and local governments. EPCRA requires state and local governments and Tribal Nations to use this information to prepare for and protect their communities from potential risks.

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

13. 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 OSHA to prepare or have available a safety data sheet (SDS) for a hazardous chemical, to prepare and submit to the State Emergency Response Commission (SERC), community emergency coordinator for the Local Emergency Planning Committee (LEPC), and fire department with jurisdiction over the facility annually by March 1, an emergency and hazardous chemical inventory form (“Tier I or “Tier II” as described in 40 C.F.R. Part 370) for the previous calendar year. 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 EPA at 40 C.F.R. Part 355, Appendices A and B, whichever is lower.

14. Section 325(c)(1) of EPCRA, 42 U.S.C. § 11045(c)(1), authorizes the Administrator to assess a civil penalty of up to \$25,000 per day of violation for violations of Section 312 of EPCRA. The Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, as amended, and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, 28 U.S.C. § 2461, and implementing regulations at 40 C.F.R. Part 19, increased these statutory maximum penalties to \$71,545 for violations that occur after November 2, 2015, and for which penalties are assessed on or after January 8, 2025.

## Definitions

### CAA

15. Section 302(e) of the CAA, 42 U.S.C. § 7602(e), defines “person” to include any individual, corporation, partnership, association, State, municipality, political subdivision of a

State, and any agency department, or instrumentality of the United States and any officer, agent, or employee thereof.

16. Section 112(a)(9) of the CAA, 42 U.S.C. § 7412(a)(9), defines “owner or operator” as any person who owns, leases, operates, controls, or supervises a stationary source.

17. Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and the regulations at 40 C.F.R. § 68.3 define “stationary source,” in part, as any buildings, structures, equipment, installations or substance-emitting stationary activities which belong to the same industrial group, which are located on one or more contiguous properties, which are under the control of the same person (or persons under common control), and from which an accidental release may occur.

18. The regulations at 40 C.F.R. § 68.3 define “regulated substance” as any substance listed pursuant to Section 112(r)(3) of the CAA, as amended, in 40 C.F.R. § 68.130.

19. The regulations at 40 C.F.R. § 68.3 define “threshold quantity” as the quantity specified for regulated substances pursuant to Section 112(r)(5) of the CAA, as amended, listed in 40 C.F.R. § 68.130 and determined to be present at a stationary source as specified in 40 C.F.R. § 68.115.

20. The regulations at 40 C.F.R. § 68.3 define “process” as any activity involving a regulated substance including any use, storage, manufacturing, handling or on-site movement of such substances, or combination of these activities. For the purposes of this definition, any group of vessels that are interconnected, or separate vessels that are located such that a regulated substance could be involved in a potential release, shall be considered a single process.

#### EPCRA

21. Section 329(3) of EPCRA, 42 U.S.C. § 11049(3), defines “extremely hazardous substance” as any substance on the list described in Section 302 of EPCRA, which is codified in 40 C.F.R. Part 355.

22. Section 329(4) of EPCRA, 42 U.S.C. § 11049(4), and 40 C.F.R. § 372.3 define “facility” as all buildings, equipment, structures, and other stationary items which are located on a single site or on contiguous or adjacent sites and which are owned and operated by the same person (or by any person which controls, is controlled by, or under common control with such person).

23. Section 329(7) of EPCRA, 42 U.S.C. § 11049(7), defines “person” as any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, or interstate body.

24. Section 311(e) of EPCRA, 42 U.S.C. § 11021(e), with certain exceptions, defines the term “hazardous chemicals” as having the meaning giving such term by 29 C.F.R. § 1910.1200(c).

25. 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.

### **Factual Allegations**

26. Respondent is, and at all times referred to herein was, a “person” as defined by Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and Section 329(7) of EPCRA, 42 U.S.C. § 11049(7).

27. Respondent is the owner and operator of the Facility referenced in Paragraph 4, above, that is a “stationary source” pursuant to Section 112(r)(2)(C) of the CAA, 42 U.S.C. § 7412(r)(2)(C), and in 40 C.F.R. § 68.3.

28. 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 are owned and operated by the same person and therefore is a “facility” as defined by Section 329(4) of EPCRA, 42 U.S.C. § 11049(4) and 40 C.F.R. § 372.3. Respondent is the “owner or operator” of the Facility within the meaning of Section 312 of EPCRA, 42 U.S.C. § 11022.

29. Sulfuric acid, Chemical Abstract Service No. 7664-93-9, is an “extremely hazardous substance” according to Section 302(a)(2) of EPCRA, 42 U.S.C. § 11002(a)(2). Sulfuric acid has a threshold planning quantity of 1,000 pounds, as listed in 40 C.F.R. Part 355, Appendix A, but because it is an extremely hazardous substance, a facility must report sulfuric acid if it has 500 pounds or more present at any time during the year pursuant to Section 312 of EPCRA and 40 C.F.R. § 370.10(a)(1).

30. Anhydrous ammonia is classified as a physical or health hazard, a simple asphyxiant, combustible gas, or hazard not otherwise classified and is therefore a “hazardous chemical” within the meaning of Section 311(e) of EPCRA, 42 U.S.C. § 11021(e) and 29 C.F.R. § 19.1200(c), with a minimum threshold level of 10,000 pounds, as set forth in Section 312 of EPCRA and 40 C.F.R. § 370.10(a)(2).

31. Anhydrous ammonia is also a “regulated substance” pursuant to 40 C.F.R. § 68.3. The threshold quantity for anhydrous ammonia, as listed in 40 C.F.R. § 68.130, is 10,000 pounds.

32. On or about February 25 and 26, 2025, a representative of the EPA conducted an inspection of Respondent’s Facility to determine compliance with Section 112(r) of the CAA and 40 C.F.R. Part 68, and with the hazardous chemical reporting requirements of EPCRA.

33. Information gathered during the EPA inspection and review of Respondent's EPCRA emergency and hazardous chemical inventory forms (also known as "Tier II Forms") revealed that Respondent had greater than 500 pounds of sulfuric acid at its Facility from at least 2022 to 2025.

34. Information gathered during the EPA inspection revealed that Respondent had greater than 10,000 pounds of anhydrous ammonia in a process at its Facility.

35. Information gathered during the EPA inspection revealed that Respondent stores and uses anhydrous ammonia in its refrigeration system at its Facility and therefore is engaged in a process at its Facility.

36. Respondent must, by March 1 every year, submit inventory information regarding any hazardous chemicals present at its Facility at any time during the previous calendar year in an amount equal to or in excess of its threshold level, pursuant to 40 C.F.R. § 370.40.

37. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was subject to the requirements of Section 112(r) of the CAA, 42 U.S.C. § 7412(r), and 40 C.F.R. Part 68 because it was an owner and operator of a stationary source that had more than a threshold quantity of a regulated substance in a process.

38. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was subject to Program 3 prevention program requirements because pursuant to 40 C.F.R. § 68.10(l), the covered process at its facility did not meet the eligibility requirements of Program 1 and was subject to the OSHA process safety management standard, 29 C.F.R. § 1910.119.

39. From the time Respondent first had onsite greater than 10,000 pounds of anhydrous ammonia in a process, Respondent was required under Section 112(r)(7) of the CAA, 42 U.S.C. § 7412(r)(7), to submit an RMP pursuant to 40 C.F.R. § 68.12(a) and comply with the Program 3 requirements provided at 40 C.F.R. § 68.12(d) and detailed in Subpart D.

### **Allegations of Violation**

40. Complainant hereby states and alleges that Respondent has violated the CAA and EPCRA and federal regulations promulgated thereunder as follows:

#### **40 C.F.R. Part 68 Program 3 Prevention Requirements**

41. The facts stated in Paragraphs 26 through 39 above are herein incorporated.

42. The regulation at 40 C.F.R. § 68.12(d)(3) requires the owner or operator of a stationary source with a process subject to Program 3 to implement the prevention requirements of 40 C.F.R. §§ 68.65 through 68.87.

43. The EPA inspection revealed that Respondent failed to ensure and document that the process is designed and maintained in compliance with recognized and generally accepted good engineering practices, as required by 40 C.F.R. § 68.65(d)(2). Specifically:

- (a) Respondent failed to label an ammonia piping branch going into a spiral freezer. ANSI/IIAR 9-2020 Addendum A-2024, Standard for Minimum System Safety Requirements for Existing Closed-Circuit Ammonia Refrigeration Systems, Chapter 7.2.9.4 requires ammonia piping mains, headers, and branches to be identified with the following information: 1) “AMMONIA”; 2) physical state of the ammonia; 3) relative pressure level of ammonia, being low or high as applicable; 4) pipe service, which shall be permitted to be abbreviated; and 5) direction of flow.
- (b) Respondent had ammonia piping with exposed insulation. ANSI/IIAR 6-2019, Standard for Inspection, Testing, and Maintenance of Closed-Circuit Ammonia Refrigeration Systems, Table 11.1, require regular inspections of piping for pitting or surface damage, moisture incursion, degradation of protective coating, and insulation protective jacketing.

44. Respondent’s failures to comply with process design and maintenance requirements of 40 C.F.R. § 68.65(d)(2), as required by 40 C.F.R. § 68.12(d)(3), violate Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

#### Emergency Coordination

45. The facts stated in Paragraphs 26 through 39 above are herein incorporated.

46. The regulation at 40 C.F.R. § 68.12(d)(4) requires the owner or operator of a stationary source with a process subject to Program 3 to coordinate response actions with local emergency planning and response agencies, as provided in 40 C.F.R. § 68.93.

47. The EPA inspection revealed that Respondent failed to coordinate response action requirements of 40 C.F.R. § 68.93 by not coordinating with local emergency planning and response agencies from 2022 to 2024. Respondent did not coordinate response needs with local first responders from the time the Facility was purchased in 2022, until 2024.

48. Respondent’s failure to comply with the emergency response coordination requirements of 40 C.F.R. § 68.93, as required by 40 C.F.R. § 68.12(d)(4), violates Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

#### Risk Management Plan

49. The facts stated in Paragraphs 26 through 39 above are herein incorporated.

50. The regulation at 40 C.F.R. § 68.195 requires the owner or operator of a stationary source subject to the Risk Management Program, 40 C.F.R. Part 68, to correct emergency

contact information in the RMP within one month of any change in the name, title, telephone number, 24-hour telephone number, and the email address of the emergency contact for the covered process.

51. The EPA inspection revealed that Respondent did not correct the emergency contact listed in the RMP for over a year prior to the Respondent's updated RMP submission in March 2023, and for about eight (8) months prior to the Respondent's updated RMP submission in June 2024.

52. Respondent's failures to submit a corrected RMP within one month of changes to emergency contact information for covered processes, as required by 40 C.F.R. § 68.195, violate Section 112(r) of the CAA, 42 U.S.C. § 7412(r).

#### Failure to Submit Tier II Form

53. The facts stated in Paragraphs 26 through 39 above are herein incorporated.

54. Respondent was required to submit to the SERC, LEPC, and local fire department on or before March 1, 2023, a completed emergency and hazardous chemical inventory form including anhydrous ammonia and sulfuric acid for calendar year 2022, pursuant to Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370.

55. Respondent was required to submit to the SERC, LEPC, and local fire department on or before March 1, 2024, a completed emergency and hazardous chemical inventory form including sulfuric acid for calendar year 2023, pursuant to Section 312(a) of EPCRA, 42 U.S.C. § 11022(a), and its implementing regulations at 40 C.F.R. Part 370.

56. The EPA inspection revealed that Respondent did not submit an emergency and hazardous chemical inventory form to the SERC, LEPC, and local fire department for either anhydrous ammonia or sulfuric acid for calendar year 2022.

57. The EPA inspection revealed that Respondent submitted an emergency and hazardous chemical inventory form for calendar year 2023 on May 16, 2024, after the March 1, 2024, deadline. Additionally, its 2023 report did not include sulfuric acid, an extremely hazardous chemical that was present at or above the threshold level.

58. Respondent's failures to submit emergency and hazardous chemical inventory forms to the SERC, community emergency coordinator for the LEPC, and fire department with jurisdiction over the facility for sulfuric acid and anhydrous ammonia, at its Facility, for calendar year 2022, and to submit a timely report for calendar year 2023 that included sulfuric acid, as required by 40 C.F.R. § 370.40(a), are violations of Section 312(a) of EPCRA, 42 U.S.C. § 11022(a).

**CONSENT AGREEMENT**

59. For the purposes 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 Consent Agreement.

60. By signing this consent agreement, 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 the Consent Agreement.

61. Respondent consents to the issuance of this Consent Agreement and Final Order and consents for the purposes of settlement to the payment of the civil penalty specified herein.

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

63. The parties consent to service of this Consent Agreement and Final Order electronically at the following e-mail addresses: vetterick.kate@epa.gov (for Complainant) and ggilezan@dykema.com (for Respondent). Respondent understands that the Consent Agreement and Final Order will become publicly available upon filing.

**Penalty Payment**

64. Respondent agrees that, in settlement of the claims alleged herein, Respondent shall pay a civil penalty of seventy-three thousand, three hundred sixty-two dollars and eighty cents (\$73,362.80), as set forth below.

65. Respondent shall pay the penalty within thirty (30) days of the effective date of the Final Order. Such payment shall identify Respondent by name and docket number and shall be made using any payment method provided at <http://www.epa.gov/financial/makepayment>. For instructions for wire transfers and additional information, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.

66. Confirmation of payment shall simultaneously be sent to the following:

Regional Hearing Clerk  
R7\_Hearing\_Clerk\_Filings@epa.gov; and

Kate Vetterick, Attorney  
Vetterick.kate@epa.gov.

67. Respondent understands that its failure to timely pay any portion of the civil penalty may result in the commencement of a civil action in Federal District Court to recover the full remaining balance, along with penalties and accumulated interest. In such case, interest shall begin to accrue on a civil or stipulated penalty from the date of delinquency until such civil or stipulated penalty and any accrued interest are paid in full. 31 C.F.R. § 901.9(b)(1). Interest will be assessed at a rate of the United States Treasury Tax and loan rates in accordance with 31 U.S.C. § 3717. Additionally, a charge will be assessed to cover the costs of debt collection including processing and handling costs, and a non-payment penalty charge on a per year, compounded annually basis will be assessed on any portion of the debt which remains delinquent more than ninety (90) days after payment is due. 31 U.S.C. § 3717(e)(2).

68. 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). Respondent’s failure to provide 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. To provide EPA with sufficient information to enable it to fulfill these obligations, 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 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;

- (c) Respondent shall email its completed Form W-9 to EPA's Cincinnati Finance Division at *sherrer.dana@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
- (d) In the event that Respondent has certified in its completed IRS Form W-9 that it does not yet have a TIN but has applied for a TIN, Respondent shall provide EPA's Cincinnati Finance Division with Respondent's TIN, via email, within five (5) days of Respondent's receipt of a TIN issued by the IRS.

### **Effect of Settlement and Reservation of Rights**

69. Full payment of the penalty proposed in this Consent Agreement shall only resolve Respondent's liability for federal civil penalties for the violations alleged herein. Complainant reserves the right to take any enforcement action with respect to any other violations of the CAA or any other applicable law.

70. The effect of settlement described in the immediately preceding paragraph is conditioned upon the accuracy of Respondent's representations to the EPA, as memorialized in the paragraph directly below.

71. Respondent certifies by the signing of this Consent Agreement that it is presently in compliance with all requirements of the CAA and EPCRA and their implementing regulations.

72. Full payment of the penalty proposed in this Consent Agreement shall not in any case affect the right of the Agency or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law. This Consent Agreement and Final Order does not waive, extinguish, or otherwise affect Respondent's obligation to comply with all applicable provisions of the CAA, EPCRA, and regulations promulgated thereunder.

73. This Consent Agreement and Final Order constitutes an "enforcement response" as that term is used in EPA's *Clean Air Act Combined Enforcement Response Policy for Clean Air Act Sections 112(r)(1), 112(r)(7) and 40 C.F.R. Part 68* to determine Respondent's "full compliance history" under Section 113(e) of the CAA, 42 U.S.C. § 7413(e).

74. The EPCRA allegations in the Consent Agreement and Final Order constitute "prior violations" as that term is used in EPA's *Enforcement Response Policy for Sections 304, 311, and 312 of EPCRA and Section 103 of CERCLA* to determine Respondent's "prior enforcement history."

75. Complainant reserves the right to enforce the terms and conditions of this Consent Agreement and Final Order.

**General Provisions**

76. By signing this Consent Agreement, the undersigned representative of Respondent certifies that they are fully authorized to execute and enter into the terms and conditions of this Consent Agreement and have the legal capacity to bind the party they represent to this Consent Agreement.

77. This Consent Agreement shall not dispose of the proceeding without a final order from the Regional Judicial Officer or Regional Administrator ratifying the terms of this Consent Agreement. This Consent Agreement and Final Order shall be effective upon the filing of the Final Order by the Regional Hearing Clerk for EPA, Region 7. Unless otherwise stated, all time periods stated herein shall be calculated in calendar days from such date.

78. The penalty specified herein shall represent civil penalties assessed by EPA and shall not be deductible for purposes of Federal, State, or local taxes.

79. This Consent Agreement and Final Order shall apply to and be binding upon Respondent and Respondent's agents, successors and/or 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 Consent Agreement and Final Order.

**RESPONDENT:**  
**CREATIVE FOOD INGREDIENTS, INC.**

Date: 5/5/2026

Signed by:  
*Rick Lauro*  
737975DFDCA9441...

\_\_\_\_\_  
Signature

Rick Lauro  
Name

CFO  
Title

**COMPLAINANT:**  
**U.S. ENVIRONMENTAL PROTECTION AGENCY**

Date: \_\_\_\_\_

\_\_\_\_\_  
Alyse Stoy  
Acting Director  
Enforcement and Compliance Assurance Division

Date: \_\_\_\_\_

\_\_\_\_\_  
Kate Vetterick  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 7

**FINAL ORDER**

Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), Section 325(c) of EPCRA, 42 U.S.C. § 11045(c), 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.

Respondent 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.

IT IS SO ORDERED.

\_\_\_\_\_  
Karina Borromeo  
Regional Judicial Officer

\_\_\_\_\_  
Date

**CERTIFICATE OF SERVICE**

*(to be completed by EPA)*

I certify that a true and correct copy of the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

Copy via E-mail to Complainant:

vetterick.kate@epa.gov,

rodriguez.luke@epa.gov,

stoy.alyse@epa.gov,

venerable.carrie@epa.gov.

Copy via E-mail to Respondent:

ggilezan@dykema.com.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Signed