

**U.S. EPA REGION 3
HEARING CLERK**

1. This Consent Agreement is entered into by the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3 ("Complainant") and Becton Dickinson and Company, ("Respondent") (collectively the "Parties"), pursuant to Sections 3008 of the Solid Waste Disposal Act, commonly known as the Resource Conservation and Recovery Act of 1976, as amended by *inter alia*, the Hazardous and Solid Waste Amendments of 1984 (collectively referred to hereinafter as "RCRA"), 42 U.S.C. § 6928, and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation, Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22. Section 3008 of RCRA, 42 U.S.C. § 6928, authorizes the Administrator of the U.S. Environmental Protection Agency ("the EPA" or "the Agency") to assess penalties and undertake other actions required by this Consent Agreement. The Administrator of the EPA has delegated this authority to the EPA, Region 3, Regional Administrator who, in turn, has delegated the authority to enter into Consent Agreements to the Complainant. This Consent Agreement and the attached Final Order (hereinafter jointly referred to as the "Consent Agreement and Final Order") resolve Complainant's civil penalty claims against Respondent under RCRA for the violations alleged herein.
2. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant hereby simultaneously commences and resolves this administrative proceeding.

JURISDICTION

3. The EPA has jurisdiction over the above-captioned matter, as described in Paragraph 1, above.
4. The Consolidated Rules of Practice govern this administrative adjudicatory proceeding pursuant to 40 C.F.R. § 22.1(a)(4).
5. In accordance with Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2), on December 20, 2023, the EPA sent written notice to the State of Maryland, through the Maryland Department of the Environment (“MDE”), of the EPA’s intent to commence this administrative action against Respondent in response to the violations of RCRA Subtitle C that are alleged herein.

GENERAL PROVISIONS

6. For purposes of this proceeding only, Respondent admits the jurisdictional allegations set forth in this Consent Agreement and Final Order.
7. Except as provided in Paragraph 6, above, Respondent neither admits nor denies the specific factual allegations set forth in this Consent Agreement.
8. Respondent agrees not to contest the jurisdiction of the EPA with respect to the execution of this Consent Agreement, the issuance of the attached Final Order, or the enforcement of this Consent Agreement and Final Order.
9. For purposes of this proceeding only, Respondent hereby expressly waives its right to contest the allegations set forth in this Consent Agreement and waives its right to appeal the accompanying Final Order.
10. Respondent consents to the assessment of the civil penalty stated herein, to the issuance of any specified compliance order herein, and to any conditions specified herein.
11. Respondent shall bear its own costs and attorney’s fees in connection with this proceeding.
12. 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.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

13. In accordance with 40 C.F.R. §§ 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice, Complainant alleges and adopts the Findings of Fact and Conclusions of Law set forth immediately below.

14. On February 11, 1985, pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), and 40 C.F.R. Part 271, Subpart A, EPA granted the State of Maryland authorization to administer the Maryland Hazardous Waste Management Regulations (“MdHWM Regulations”), set forth at the Code of Maryland Regulations (“COMAR”), Title 10, Subtitle 51 et seq., in lieu of the certain federal hazardous waste management regulations established pursuant to RCRA Subtitle C, 42 U.S.C. §§ 6921-6939e. Through this authorization, certain provisions of the MdHWM Regulations became requirements of RCRA Subtitle C and are, accordingly, enforceable by EPA, on and after that date, pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). EPA authorized revisions to the portions of the MdHWM Regulations, set forth at COMAR, Title 26, Subtitle 13, effective on July 31, 2001, September 24, 2004, and on October 31, 2016, and, accordingly, such authorized provisions of the revised MdHWM Regulations are enforceable by EPA on and after those dates pursuant to § 3008(a) of RCRA, 42 U.S.C. § 6928(a).
15. Respondent is, and was at the time of the violations alleged herein, a corporation of the State of New Jersey.
16. Respondent is, and at the time of the violations alleged herein was, a “person” as defined in Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and COMAR § 26.13.01.03B(61).
17. Respondent is, and at the time of the violations alleged herein has been, the “owner” and “operator” of a “facility,” described in paragraph 18, below, as the terms “facility”, “owner” and “operator” are defined in COMAR 26.13.01.03B(23), (59) and (58).
18. The Facility referred to in Paragraph 17, above, including all its associated equipment and structures, is an international distribution warehouse located at 26 Loveton Circle, Sparks Maryland, 21152.
19. Respondent submitted Biennial Reports, dated February 25, 2022, and February 12, 2024, through which Respondent identified itself as a Large Quantity Generator of hazardous waste at the Facility.
20. Respondent has not applied for or obtained a RCRA permit to treat, store and/or dispose of hazardous waste at the Facility.
21. Respondent is, and at all times relevant to this Consent Agreement and Final Order has been, a “generator” of, and has engaged in the accumulation or “storage” in “containers” at the Facility of materials described below that are “solid wastes” and “hazardous wastes” as those terms are defined in COMAR §§ 26.13.01.03.B.(29), (76), (9), (73), and (31).
22. Respondent is assigned EPA RCRA ID No. MDD985399211, relating to the management of hazardous waste at the Facility.
23. On March 28-29, 2023, representatives of EPA conducted an EPA Compliance Evaluation Inspection (the “CEI” or “Inspection”) at the Facility to examine the Respondent’s compliance with applicable federally authorized MdHWM Regulations and federally

promulgated hazardous waste management regulations.

24. As part of the normal course of operations at the Facility, Respondent's personnel assess damaged or expired products for disposition as waste, including a determination of whether such waste is appropriately characterized as "Hazardous Waste," pursuant to the applicable regulations. Hazardous waste manifests, signed by Respondent's personnel and electronically filed the EPA, reveal that, during January through March 2023, at least fifteen containers, of varying sizes, of solid wastes identified as EPA Hazardous Waste Codes D001 were shipped off-site. According to such manifests, approximately 8,604 total pounds of D001 hazardous waste was shipped off-site during such time period.
25. At the time of the Inspection, Respondent had accumulated hazardous waste in containers at the Facility, including hazardous waste identified as either EPA Hazardous Waste No. D001 or EPA Hazardous Waste No. D002, which are each hazardous waste within the meaning of COMAR 26.13.02.11 because such waste exhibits either the characteristic of ignitability (EPA Hazardous Waste No. D001) or corrosivity (EPA Hazardous Waste No. D002).
26. On the basis of EPA's findings during the Inspection, and other information provided to EPA by the Respondent after the Inspection, EPA concludes that Respondent has violated certain federally authorized MdHWM Regulations requirements, as enumerated below.

Count 1

Operating a Treatment, Storage, and Disposal

Facility without a Permit or Interim Status or valid exemption to the permitting requirement

27. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
28. COMAR § 26.13.07.01 states, subject to certain exceptions, no person may own or operate a facility that treats, stores or disposes of hazardous waste without first obtaining a permit or interim status for such facility.
29. At the time of the Inspection, the Facility did not have a Hazardous Waste Permit or a valid exemption to the permitting requirement or interim status.
30. Pursuant to COMAR § 26.13.03.05E, a large quantity generator of hazardous waste may accumulate hazardous waste on site without a permit or interim status for 90 days or less provided that all of the requirements of the exemptions set forth at COMAR § 26.13.03.05E are met.
31. During the below time periods, Respondent did not meet the following requirements for the exemption in COMAR 26.13.03.05E:

- (a) Respondent did not meet the requirements of COMAR § 26.13.03.05E(1)(d), which references COMAR § 26.13.05.9D, at the time of the Inspection, when it failed to keep two containers of waste aerosol cans, each of which was labeled with the words “Hazardous Waste” and dated “3/28/23,” closed during storage and during a time period when it was not necessary to add or remove waste.
 - (b) Respondent did not meet the requirements of COMAR § 26.13.03.05E(1)(d), which references COMAR § 26.13.05.9E, when it failed to conduct weekly inspections for a period of 45 consecutive calendar weeks during calendar year 2020 and one additional week during calendar year 2021, in accordance with the requirements set forth at COMAR 26.13.05.09E.
 - (c) Respondent did not meet the requirements of COMAR 26.13.03.05E(1)(e) and (f), at the time of the Inspection, when it failed to label or mark each individual container, located on three (3) shrink wrapped pallets of fiber containers, with the words “Hazardous Waste” and the date on which each period of accumulation for each such container. Each shrink wrapped group of fiber containers, located on such pallets, was clearly labeled as “Hazardous Waste” and dated “3/3/23.”
32. At the time of the Inspection, Respondent violated COMAR § 26.13.07.01, by operating a hazardous waste storage facility without a permit, interim status, or valid exemption to the permitting requirement.
33. At the time of the Inspection, by operating a hazardous waste storage facility without a permit, interim status, or valid exemption to the permitting requirement, Respondent was in violation of COMAR 26.13.07.01 and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 2

Failure to Keep Containers of Stored Hazardous Waste Closed

34. The information and allegations in the preceding paragraphs of this Consent Agreement are incorporated herein by reference.
35. COMAR 26.13.05.09D requires:
- A container holding hazardous waste shall always be closed during storage, except when it is necessary to add or remove waste, and the container may not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.
36. At the time of the Inspection, within a hazardous waste accumulation area at the Facility, an EPA Inspector observed two (2) open containers of waste aerosol cans, each of which was labeled with the words “Hazardous Waste” and dated “3/28/23.” At the time of such observation it was not necessary to add or remove waste from either of such containers.

37. At the time of Inspection, Respondent failed to keep two containers holding hazardous waste closed during storage in accordance with COMAR § 26.13.05.09D.
38. At the time of the Inspection, by failing to keep containers closed during storage at a time when it was not necessary to add or remove waste, Respondent was in violation of COMAR 26.13.05.09D and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 3

Failure to Conduct Weekly Hazardous Waste Inspections

39. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
40. COMAR 26.13.05.09E requires:
- The owner or operator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration of containers and the containment system caused by corrosion or other factors.
41. During the forty-five calendar weeks listed in Table 1 (Weekly Inspections Missed), Respondent failed to conduct weekly inspections, in areas of the Facility where containers of hazardous waste were stored, to look for leaks and for deterioration of containers and the containment system caused by corrosion or other factors. See Table 1 (Weekly Inspections Missed), below.

Table 1 Weekly Inspections Missed

Calendar Week During Which Required Weekly Inspection Was Missed		Area of Facility
Start Date	End Date	
1/5/2020	1/11/2020	Hazardous Waste Accumulation Area (HWAA)
1/12/2020	1/18/2020	HWAA
1/19/2020	1/25/2020	HWAA
1/26/2020	2/1/2020	HWAA
2/2/2020	2/8/2020	HWAA
2/9/2020	2/15/2020	HWAA
2/16/2020	2/22/2020	HWAA
2/23/2020	2/29/2020	HWAA
3/1/2020	3/7/2020	HWAA
3/8/2020	3/14/2020	HWAA
3/15/2020	3/21/2020	HWAA
3/22/2020	3/28/2020	HWAA
3/29/2020	4/4/2020	HWAA

4/5/2020	4/11/2020	HWAA
4/12/2020	4/18/2020	HWAA
4/19/2020	4/25/2020	HWAA
4/26/2020	5/2/2020	HWAA
5/3/2020	5/9/2020	HWAA
5/10/2020	5/16/2020	HWAA
5/17/2020	5/23/2020	HWAA
5/24/2020	5/30/2020	HWAA
5/31/2020	6/6/2020	HWAA
6/7/2020	6/13/2020	HWAA
6/14/2020	6/20/2020	HWAA
6/21/2020	6/27/2020	HWAA
6/28/2020	7/4/2020	HWAA
7/5/2020	7/11/2020	HWAA
7/12/2020	7/18/2020	HWAA
7/19/2020	7/25/2020	HWAA
7/26/2020	8/1/2020	HWAA
8/2/2020	8/8/2020	HWAA
8/9/2020	8/15/2020	HWAA
8/16/2020	8/22/2020	HWAA
8/23/2020	8/29/2020	HWAA
8/30/2020	9/5/2020	HWAA
9/6/2020	9/12/2020	HWAA
9/13/2020	9/19/2020	HWAA
9/20/2020	9/26/2020	HWAA
9/27/2020	10/3/2020	HWAA
10/4/2020	10/10/2020	HWAA
10/11/2020	10/17/2020	HWAA
10/18/2020	10/24/2020	HWAA
10/25/2020	10/31/2020	HWAA
11/1/2020	11/7/2020	HWAA
10/4/2020	1/25/2020	HWAA
11/8/2020	11/14/2020	HWAA
1/16/2022	1/22/2022	HWAA

42. Respondent failed to conduct weekly inspections, during the time periods listed in Table 1 (Weekly Inspections Missed), above, in areas of the Facility where containers of hazardous waste were stored, in accordance with COMAR § 26.13.05.09E.
43. In failing to conduct weekly inspections, in areas of the Facility where containers of hazardous waste were stored, Respondent was in violation of COMAR 26.13.05.09E at the time periods provided in Table 1 (Weekly Inspections Missed) and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

Count 4
Failure to Document RCRA Annual Refresher Training

44. The information and allegations in the preceding Paragraphs of this Consent Agreement are incorporated herein by reference.
45. COMAR § 26.13.05.02G(3)-(5), includes the following requirements:
- (3) Facility personnel shall take part in an annual review of the initial training required in § G(1), of this regulation.
 - (4) The owner or operator shall maintain the following documents and records at the facility: ...
 - (d) Records that document that the training or job experience required under §G(1), (2), and (3) of this regulation, has been given to, and completed by, facility personnel.
 - (5) Training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least 3 years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.
46. At the time of the Inspection, for calendar years 2020 and 2021, Respondent failed to maintain records relating to annual refresher hazardous waste training.
47. In failing to maintain annual refresher hazardous waste training records, required pursuant to COMAR § 26.13.05.02G(5), for at least a three year time period, at the time of the Inspection, Respondent was in violation of COMAR § 26.13.05.02G(5) and is subject to the assessment of penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

CIVIL PENALTY

48. In settlement of the EPA's claims for civil penalties for the violations alleged in this Consent Agreement, Respondent consents to the assessment of a civil penalty in the amount of **TWENTY-THREE THOUSAND NINETY-ONE DOLLARS (\$23,091)**, which Respondent shall be liable to pay in accordance with the terms set forth below.
49. The civil penalty is based upon the EPA's consideration of a number of factors, including the penalty criteria ("statutory factors") set forth in Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), including, the following: the seriousness of the violation and any good faith efforts to comply with the applicable requirements. These statutory factors were applied to the particular facts and circumstances of this case with specific reference to the EPA's October, 1990 RCRA Civil Penalty Policy, as revised in June 2003 ("RCRA Penalty Policy"), which reflect the statutory penalty criteria and factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. §§ 6928(a)(3), the appropriate Adjustment of Civil Monetary Penalties for

Inflation, pursuant to 40 C.F.R. Part 19, and the applicable EPA memoranda addressing the EPA's civil penalty policies to account for inflation.

50. Respondent agrees to pay a civil penalty in the amount of **TWENTY-THREE THOUSAND NINETY-ONE DOLLARS (\$23,091)** ("Assessed Penalty") within 30 days of the Effective Date of this Consent Agreement and Final Order.
51. Respondent shall pay the Assessed 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>.
52. When making a payment, Respondent shall:
 - a. Identify every payment with Respondent's name and the docket number of this Consent Agreement, RCRA-03-2025-0100, and
 - b. Concurrently with any payment or within 24 hours of any payment, Respondent shall serve Proof of Payment simultaneously by email to the following person(s):

Kathleen J. Root, Esq.
Sr. Assistant Regional Counsel
root.kathleen@epa.gov
U.S. Environmental Protection Agency

Cincinnati Finance Center
CINWD_AcctsReceivable@epa.gov,

and

U.S. EPA Region 3 Regional Hearing Clerk
R3_Hearing_Clerk@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, and identified with the appropriate docket number and Respondent's name.

53. Interest, Charges, and Penalties on Late Payments. Pursuant to 31 U.S.C. § 3717, 31 C.F.R. § 901.9, and 40 C.F.R. § 13.11, if Respondent fails to timely pay the full amount of the Assessed Penalty per this Consent Agreement, the EPA is authorized to recover, in addition to the amount of the unpaid Assessed Penalty, the following amounts.
 - a. Interest. Interest begins to accrue from the Effective Date of this Consent Agreement. If the Assessed Penalty is paid in full within thirty (30) days, interest accrued is waived. If the Assessed Penalty is not paid in full within thirty (30) days, interest will continue to accrue until any unpaid portion of the Assessed 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 Internal Revenue Service (“IRS”) large corporate 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 the EPA’s costs of processing and handling overdue debts. If Respondent fails to pay the Assessed Penalty in accordance with this Consent Agreement, the EPA will assess a charge to cover the costs of handling any unpaid amounts for the first thirty (30) day period after the Effective Date. Additional handling charges will be assessed every thirty (30) days, or any portion thereof, until the unpaid portion of the Assessed 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 unpaid portion of the Assessed Penalty, interest, penalties, and other charges, that remain delinquent more than ninety (90) days. Any such amounts will accrue from the Effective Date.
54. Late Penalty Actions. In addition to the amounts described in the prior Paragraph, if Respondent fails to timely pay any portion of the Assessed Penalty, interest, or other charges and penalties per this Consent Agreement, the EPA may take additional actions. Such actions the EPA may take include, but are not limited to, the following:
- a. Refer the debt to a credit reporting agency or a collection agency, per 40 C.F.R. §§ 13.13 and 13.14.
 - b. Collect the debt by administrative offset (i.e., the withholding of money payable by the United States government to, or held by the United States government for, a person to satisfy the debt the person owes the United States government), which includes, but is not limited to, referral to the Internal Revenue Service for offset against income tax refunds, per 40 C.F.R. Part 13, Subparts C and H.
 - c. Suspend or revoke Respondent’s licenses or other privileges, or suspend or disqualify Respondent from doing business with the EPA or engaging in programs EPA sponsors or funds, per 40 C.F.R. § 13.17.
 - d. Refer this matter to the United States Department of Justice for litigation and collection, per 40 C.F.R. § 13.33.
55. Allocation of Payments. Pursuant to 31 C.F.R. § 901.9(f) and 40 C.F.R. § 13.11(d), a partial payment of debt will be applied first to outstanding handling charges, second to late penalty charges, third to accrued interest, and last to the principal that is the outstanding Assessed Penalty amount.

56. Tax Treatment of Penalties. Penalties, interest, and other charges paid pursuant to this Consent Agreement shall not be deductible for purposes of federal taxes.
57. Payment of the civil penalty is due and payable immediately upon Respondent's receipt of a true and correct copy of the fully executed and filed Consent Agreement and Final Order. Receipt by Respondent or Respondent's legal counsel of such copy of the fully executed Consent Agreement and Final Order, with a date stamp indicating the date on which the Consent Agreement and Final Order was filed with the Regional Hearing Clerk, shall constitute receipt of written initial notice that a debt is owed EPA by Respondent in accordance with 40 C.F.R. § 13.9(a).
58. The Parties consent to service of the Final Order by e-mail at the following valid email addresses: Root.Kathleen@epa.gov (for Complainant) and Matthew.Garamone@bd.com (for Respondent).
59. Pursuant to 26 U.S.C. § 6050X and 26 C.F.R. § 1.6050X-1, the EPA is required to send to the 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 the 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." The 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 the EPA with sufficient information to enable it to fulfill these obligations, the 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;
 - c. Respondent shall email its completed Form W-9 to the EPA's Cincinnati Finance Center at henderson.jessica@epa.gov, within 30 days after the Final Order ratifying this Consent Agreement is filed, and the 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 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 sub-paragraph, shall further:

- i. notify the EPA's Cincinnati Finance Center of this fact, via email, within 30 days after the 30 days after the Effective Date of the Final Order; and
- ii. provide the EPA's Cincinnati Finance Center with Respondent's TIN, via email, within five (5) days of Respondent's issuance and receipt of the TIN.

GENERAL SETTLEMENT CONDITIONS

60. By signing this Consent Agreement, Respondent acknowledges that this Consent Agreement and Final Order will be available to the public and represents that, to the best of Respondent's knowledge and belief, this Consent Agreement and Final Order does not contain any confidential business information or personally identifiable information from Respondent.
61. Respondent certifies that any information or representation it has supplied or made to the EPA concerning this matter was, at the time of submission true, accurate, and complete and that there has been no material change regarding the truthfulness, accuracy or completeness of such information or representation. The EPA shall have the right to institute further actions to recover appropriate relief if the EPA obtains evidence that any information provided and/or representations made by Respondent to the EPA regarding matters relevant to this Consent Agreement and Final Order, including information about respondent's ability to pay a penalty, are false or, in any material respect, inaccurate. This right shall be in addition to all other rights and causes of action that EPA may have, civil or criminal, under law or equity in such event. Respondent and its officers, directors and agents are aware that the submission of false or misleading information to the United States government may subject a person to separate civil and/or criminal liability.
62. Respondent certifies to the EPA, upon personal investigation and to the best of its knowledge and belief, that it currently is in compliance with regard to the violations alleged in this Consent Agreement.

OTHER APPLICABLE LAWS

63. Nothing in this Consent Agreement and Final Order shall relieve Respondent of its obligation to comply with all applicable federal, state, and local laws and regulations, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on the validity of any federal, state, or local permit. This Consent Agreement and Final Order does not constitute a waiver, suspension, or modification of the requirements of the RCRA, or any regulations promulgated thereunder.

RESERVATION OF RIGHTS

64. This Consent Agreement and Final Order resolves only the EPA's claims for civil penalties for the specific violation[s] alleged against Respondent in this Consent Agreement and Final Order. EPA reserves the right to commence action against any person, including

Respondent, in response to any condition which the EPA determines may present an imminent and substantial endangerment to the public health, public welfare, or the environment. This settlement is subject to all limitations on the scope of resolution and to the reservation of rights set forth in Section 22.18(c) of the Consolidated Rules of Practice, 40 C.F.R. § 22.18(c). The EPA reserves any rights and remedies available to it under RCRA, the regulations promulgated thereunder and any other federal law or regulation to enforce the terms of this Consent Agreement and Final Order after its effective date.

EXECUTION /PARTIES BOUND

65. This Consent Agreement and Final Order shall apply to and be binding upon the EPA, the Respondent and the officers, directors, employees, contractors, successors, agents and assigns of Respondent. By his or her signature below, the person who signs this Consent Agreement on behalf of Respondent is acknowledging that he or she is fully authorized by the Respondent to execute this Consent Agreement and to legally bind Respondent to the terms and conditions of this Consent Agreement and Final Order.

EFFECTIVE DATE

66. The Effective Date of this Consent Agreement and Final Order is the date on which the Final Order, signed by the Regional Administrator of EPA, Region 3, or his/her designee, the Regional Judicial Officer, is filed along with the Consent Agreement with the Regional Hearing Clerk pursuant to the Consolidated Rules of Practice.

ENTIRE AGREEMENT

67. This Consent Agreement and Final Order constitutes the entire agreement and understanding between the Parties regarding settlement of all claims for civil penalties pertaining to the specific violations alleged herein and there are no representations, warranties, covenants, terms, or conditions agreed upon between the Parties other than those expressed in this Consent Agreement and Final Order.

In The Matter of: Becton Dickinson and Company, EPA Docket No. RCRA-03-2025-0100

For Respondent: Becton Dickinson and Company

Date:

June 9, 2025

By:



Name: Jerome Mascles

Title: Worldwide Vice President Integrated
Supply Chain, DS

Becton- Dickinson and Company

For the Complainant:

After reviewing the Consent Agreement and other pertinent matters, I, the undersigned Acting Director of the Enforcement & Compliance Assurance Division of the United States Environmental Protection Agency, Region 3, agree to the terms and conditions of this Consent Agreement and recommend that the Regional Administrator, or the Regional Administrator's designee, the Regional Judicial Officer, issue the attached Final Order.

ANDREA BAIN

Digitally signed by ANDREA

BAIN

Date: 2025.08.06 15:15:18

-04'00'

By: _____

[Digital Signature and Date]

Acting Director

Enforcement and Compliance Assurance

Division U.S. EPA – Region 3

Complainant

FILED

Aug 07, 2025

11:19 am

**U.S. EPA REGION 3
HEARING CLERK**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103**

In the Matter of:	:	
	:	
Becton Dickinson and Company	:	U.S. EPA Docket No. RCRA-03-2025-0100
26 Loveton Circle	:	
Sparks, Maryland 21152	:	
	:	
Respondent.	:	Proceeding under Section 3008 of the
	:	Resource Conservation and Recovery Act,
	:	as amended, 42 U.S.C. Section 6928
Becton Dickinson and Company	:	
26 Loveton Circle	:	
Sparks, Maryland 21152	:	
	:	
Facility.	:	
	:	

FINAL ORDER

Complainant, the Director of the Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency, Region 3, and Respondent, Becton Dickinson and Company, have executed a document entitled "Consent Agreement," which I hereby ratify as a Consent Agreement in accordance with the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules of Practice"), 40 C.F.R. Part 22 (with specific reference to Sections 22.13(b) and 22.18(b)(2) and (3). The terms of the foregoing Consent Agreement are accepted by the undersigned and incorporated into this Final Order as if fully set forth at length herein.

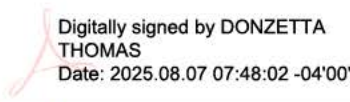
Based upon the representations of the parties in the attached Consent Agreement, the penalty agreed to therein is based upon consideration of, inter alia, EPA's 1990 RCRA Civil Penalty Policy, as revised in June 2003 and May 2020 ("RCRA Penalty Policy"), and the statutory factors set forth at Section 3008(a)(3) of RCRA, 42 U.S.C. §§ 6928(a)(3).

NOW, THEREFORE, PURSUANT TO Section 3008 of the Resource Conservation and Recovery Act ("RCRA" or the "Act"), as amended, 42 U.S.C. § 6928 and Section 22.18(b)(3) of the Consolidated Rules of Practice, **IT IS HEREBY ORDERED** that Respondent pay a civil penalty in the amount of **TWENTY-THREE THOUSAND NINETY-ONE DOLLARS (\$23,091)**, in accordance with the payment provisions set forth in the Consent Agreement and in 40 C.F.R. § 22.31(c), and comply with the terms and conditions of the Consent Agreement.

This Final Order constitutes the final Agency action in this proceeding. This Final Order 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 the law. This Final Order resolves only those causes of action alleged in the Consent Agreement and does not waive, extinguish or otherwise affect Respondent's obligation to comply with all applicable provisions of RCRA and the regulations promulgated thereunder.

The Effective Date of the attached Consent Agreement and this Final Order is the date on which this Final Order is filed with the Regional Hearing Clerk.

By: **DONZETTA
THOMAS**
[Digital Signature and Date]
Donzetta W. Thomas
Regional Judicial and Presiding Officer
U.S. EPA – Region 3



Digitally signed by DONZETTA
THOMAS
Date: 2025.08.07 07:48:02 -04'00'

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 3
Philadelphia, Pennsylvania 19103

In the Matter of:	:	U.S. EPA Docket No. RCRA-03-2025-0100
	:	
Becton Dickinson and Company	:	
26 Loveton Circle	:	
Sparks, Maryland 21152	:	
	:	Proceeding under Section 3008 of the
Respondent.	:	Resource Conservation and Recovery Act,
	:	as amended, 42 U.S.C. Section 6928
	:	
Becton Dickinson and Company	:	
26 Loveton Circle	:	
Sparks, Maryland 21152	:	
Facility.	:	

CERTIFICATE OF SERVICE

I certify that the foregoing *Consent Agreement and Final Order* was filed with the EPA Region 3 Regional Hearing Clerk on the date that has been electronically stamped on the *Consent Agreement and Final Order*. I further certify that on the date set forth below, I caused to be served a true and correct copy of the foregoing to each of the following persons, in the manner specified below, at the following addresses:

Copies served via email to:

Matthew Garamone, Esq.
Associate General Counsel, Regulatory Law
Environmental, Health & Safety (EHS)
Becton Dickinson and Company
1 Becton Drive
Franklin Lakes, New Jersey, 07417
Matthew.Garamone@bd.com

Kathleen J. Root, Esq.
Senior Assistant Regional Counsel
Office of Regional Counsel
U.S. EPA, Region 3
Root.Kathleen@epa.gov

**JEANNINE
GRAFF**

Digitally signed by JEANNINE
GRAFF
Date: 2025.08.07 11:22:15
-04'00'

[Digital Signature and Date]

Regional Hearing Clerk
U.S. EPA, Region 3