

From: [Mikhail Vernovsky](#)
To: [Spielmann, Lee](#); [Ferrara, Helen](#); [Maples, Karen](#); [Shapiro, Naomi](#); [Dimmidinc](#)
Subject: Docket No. TSCA-02-2023-9226 - Response from DIMMID
Date: Monday, August 07, 2023 11:40:57 AM

Good Day Judge Ferrara,

In response to the complaint by the EPA Docket No. TSCA-02-2023-9226. As per your instruction to respond please find our answer below.

In Count 1 Complainant alleging that we have not reported about imported 19 containers with trichloroethylene and 11 containers with methylene chloride in years 2016, 2017, 2018, 2019.

We were not aware of the reporting requirements and guidelines. We are a very small company of just 2 employees with very limited resources.
On July 26th we completed our end and submitted the CDR reports as was required.

The CDX transactionId for this submission is _29fdde12-aa20-4c28-9197-617320488c19.

In Count 2 Complainant alleging that we have not provided shipments of trichloroethylene and methylene chloride with proper SDS.

We confirm all SDS were properly issued by manufacturers of the goods in full compliance with all the requirements by the US gvmnt. It is their sole responsibility to keep / update shipping docs according to the gvmnt requirements.

Dimmid Inc as an importer and distributor has no right to change / correct or modify docs issued and provided by manufacturers under their names. This is an example of confusing rule 40 C.F.R in which an importer is named as a manufacturer.

Points 56 - 60 of the Count 2 describe the sale of one container by us to a customer. But Complainant's statement of our "failure" to provide a name of the customer is false. We did not refuse it, we just requested the Complainant to provide us with a court order to do so.

As importer and not manufacturer we deny any responsibility under Count 2.

In Count 3 Complainant alleging that rule 40 C.F.R. would identify Clerane 180 as a "new chemical substance" to be reported after import. That is confusing because Clerane 180 has been in production here in the USA and hardly can be called a "new substance". Total Energies is responsible for all documents compliance including "pre-manufacture notice".

As importer and not manufacturer of Clerane 180 we deny any responsibility under Count 3.

In Count 4 Complainant referring to the various rules codified by US govt including the possibility by The Secretary of the Treasury to refuse import of not declared chemicals. According to the import rules by US Customs importers must file ISF with them in which importers truthfully and accurately report all the data on the goods to be imported. ISF is filed

2 days prior shipment from overseas which means 40 -45 days prior arrival to the US ports. We have never missed it and are classified as a good importer by US Customs.

The US govt has been always aware of all imports from DIMMID including those 10 containers with Clerane 180 we imported in 2018.

All incorrect certifications and pre-manufacturer notices regarding Clerane 180 should be addressed to its manufacturer Total Energies.

We deny any responsibility under Count 4.

In Proposed Civil Penalty Complainant proposed to charge Dimmid Inc. Judge as you requested, we have tried again to enter into settlement negotiations with the Complainant. We sent updated financial docs June 28th for the last 3 years of tax returns. We have completed the CDR report. Complainant has not come to the negotiating table and has not offered any settlement.

In conclusion

DIMMID Inc is in compliance.

We ask this case be dismissed, all charges and complaints dropped

- 1) DIMMID is a small company with very limited resources. In truth we did not know about the extra compliance needed beyond the ISF filings with Customs. US Govt was and is always aware of every item DIMMID Imports. It was beyond our capability.
- 2) We deny all counts against DIMMID as a manufacturer. We can not modify documents provided to us by the manufacturers.
- 3) As per your instructions we tried to enter into a settlement. Complainant has not offered any dialogue.

Best Regards,
Mikhail Vernovsky
Vice President
Dimmid Inc.
(347) 372-0878
www.dimmidinc.com

All offers are subject to 3 day validity. All offers are subject to our final confirmation.