

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR**

In the matter of:

Dimmid, Inc.,

Respondent.

Proceeding Under Section 16(a) of the Toxic
Substances Control Act, as amended, 15
U.S.C. § 2615(a).

Docket No. TSCA-02-2023-9226

STATUS REPORT/PRELIMINARY STATEMENT

This combined “Status Report/Preliminary Statement” is being submitted pursuant to provisions of the order of this Tribunal, denominated “Prehearing Order,” dated October 10, 2023.

STATUS REPORT

The parties virtually met for settlement discussion on June 28, 2023 and October 20, 2023. In the interval between those dates, they have had ongoing communications (e-mails) discussion settlement possibilities.

To date no settlement has been reached; the parties, while diligently pursuing settlement, have been unable to attain one. They are, however, continuing to try to effect settlement. To that end, Complainant, based upon feedback from EPA’s financial analyst, sent an e-mail on August 30th to Respondent requesting it provide a number of current financial documents. Respondent replied that day in an e-mail in which it set forth its position; no documents were attached to its August 30th reply.

Based upon Respondent’s response and after consultations with EPA’s financial analyst, Complainant requested through a September 15th e-mail that Respondent provide its latest (most recent) federal tax return, which would cover the period of November 30, 2022 through November 30, 2023; Respondent had earlier indicated such return would be available in December. EPA’s e-mail noted that its financial analyst opined that receipt of such tax return would be vital, as it might shed some light on Respondent’s financial situation that perhaps would allow the parties to move closer to a mutually acceptable settlement agreement. Again that very day, Respondent agreed to provide its most recent federal tax return when it becomes available toward the end of this year.

Further, as part of the ongoing settlement efforts, EPA has been searching, per a request from Respondent, for settlement agreements in cases involving corporate respondents with annual sales below a level Respondent has specified.

EPA now awaits receipt of Respondent's most recent tax return. Until that occurs, settlement discussions remain effectively in abeyance.

PRELIMINARY STATEMENT

In response to the inquiries set forth in the Prehearing Order, Complainant herewith responds:

[1] EPA has no preference for either an in-person hearing or one held through video-conferencing; EPA will defer to whatever arrangement can be worked out.

[2] If a hearing were held in-person, EPA would prefer New York County (Manhattan), and secondarily, Kings County (Brooklyn, New York).

[3] Regarding a valid e-mail address for service of documents in this proceeding: spielmann.lee@epa.gov; as a secondary e-mail contact: shapiro.naomi@epa.gov.

Dated: October 25, 2023
New York, New York

Respectfully submitted,

Lee Spielmann

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CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the provisions of the Prehearing Order in the above-referenced administrative proceeding, dated October 10, 2023, and in accordance with the instructions from the Headquarters Hearing Clerk of the United States Environmental Protection Agency conveyed in the e-mail of October 27, 2023 (7:54 AM), I have this day electronically sent the foregoing “STATUS REPORT/PRELIMINARY STATEMENT,” electronically signed and dated October 25, 2023, together with this Certificate of Service, to the addressees listed below:

By Electronic Mail:

Mary Angeles
Headquarters Hearing Clerk
U.S. Environmental Protection Agency
Washington, DC
oyaljifiling@epa.gov

By Electronic Mail:

Dimmid, Inc.
Brooklyn, New York
dimmidmv@gmail.com
dimmidinc@aol.com

Dated: October 27, 2023
New York, New York

Lee Spielmann

Lee A. Spielmann

