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Emergency Planning and Community Right-to-Know Act Enforcement: U.S. Environmental Protection Agency and Firearms Manufacturer Enter into Consent Agreement

05/08/2018

The United States Environmental Protection Agency (“EPA”) and Smith & Wesson Corp. (“Smith & Wesson”) entered into an April 27th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of:

. . . Section 313 of Title III of the Superfund Amendments and Reauthorization Act, 42 U.S.C. § 11023 (also known as the Emergency Planning and Community Right-to-Know Act or “EPCRA”), and the federal regulations promulgated thereunder.

See Docket No. EPCRA-01-2018-0006.

Section 313(a) of EPCRA requires owners or operators of facilities subject to the requirements of Section 313(b) to submit annually, no later than July 1 of each year, a Toxic Chemical Release Inventory Reporting Form (“Form R”), for each toxic chemical listed under 40 C.F.R. § 372.65 that was manufactured, processed, or otherwise used during the preceding year in quantities exceeding the toxic chemical thresholds established under Section 313(f) of EPCRA.

The CAFO states that Smith & Wesson is a corporation under the laws of the State of Delaware with a place of business in Springfield, Massachusetts. The company is stated to operate a facility in connection with its production of small firearms in Springfield, Massachusetts. Further, in the company’s production of small firearms at such facility, it is stated to process and otherwise use nickel, manganese, and chromium.

An authorized representative of EPA is stated to have conducted a compliance evaluation inspection of the Springfield, Massachusetts facility on May 20, 2015. The inspection is stated to have included a review of documents produced by Smith & Wesson in response to an EPA request.

Smith & Wesson is stated to have amended and restated previously filed EPCRA 313 Form R filings for the Springfield, Massachusetts facility for calendar years 2010, 2011, 2012, 2013 and 2014.

The CAFO notes the processing during certain years of manganese, nickel, and chromium. The toxic chemicals processed are stated to have exceeded certain thresholds in the specified years. As a result, the requirements of Section 313 of EPCRA are stated to apply to the Springfield, Massachusetts facility.

The CAFO alleges the following violations:

1. Failure to timely file TRI Form for manganese for reporting year 2012
2. Failure to timely file TRI Form for manganese for reporting year 2013
3. Failure to timely file TRI Form for nickel for reporting year 2012
4. Failure to timely file TRI Form for chromium for reporting year 2012

Smith & Wesson neither admits nor denies the specific factual allegations or alleged violations of the law described in the CAFO.

The CAFO assesses a civil penalty of \$58,136.

[A copy of the CAFO can be downloaded here.](#)