



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

NEWLY WEDS FOODS, INC. SETTLEMENT FACT SHEET

Overview

On May 16, 2006, the U.S. Environmental Protection Agency and the Department of Justice announced a Clean Air Act (CAA) settlement with Newly Weds Foods, Inc. (Newly Weds) to resolve alleged CAA violations of federal regulations that protect the stratospheric ozone.

Under the consent decree between the parties, Newly Weds will retrofit or retire all of its industrial refrigeration equipment that use more than 50 lbs of ozone-depleting refrigerants at its U.S. facilities to non-ozone depleting refrigerant by July 1, 2008. Newly Weds' U.S. facilities are located in Chicago, Illinois; Watertown, Massachusetts; Cleveland, Tennessee; Gerald, Missouri; Horn Lake, Mississippi, Bethlehem, Pennsylvania; Springdale, Arkansas; and Modesto, California. Newly Weds owns and operates thirty-nine such units containing over 4,500 pounds of ozone-depleting refrigerants. Retrofitting or retiring these units is expected to prevent thousands of pounds of HCFCs from being released into the environment in the future. The Consent decree also requires Newly Weds to pay a \$125,000 civil penalty to the United States for alleged past leaks of ozone-depleting refrigerants.

Company

Newly Weds is a private for-profit corporation headquartered in Chicago, Illinois doing business throughout the United States and internationally. Newly Weds makes breadings, seasonings, batter, ice cream cakes and capsicums (used for pickles, sauces and peppers). As part of its manufacturing process it owns and operates industrial refrigeration equipment at its eight facilities in the U.S which are subject to the CAA regulations for the protection of stratospheric ozone.

Clean Air Act Violations

Based on information received from the company, EPA alleges that at some of Newly Weds' facilities, Newly Weds failed to comply with the federal regulations to protect the stratospheric ozone at 40 C.F.R. Part 82, Subpart F, by failing to repair and test industrial refrigeration appliances that were leaking in excess of the allowable leak rate of 35% and failing to comply with mandatory record keeping and reporting requirements for such equipment.

Environmental Benefits

This agreement requires Newly Weds to retrofit or retire all of its U.S. industrial refrigeration equipment that uses more than 50 lbs of ozone-depleting refrigerant to non-ozone depleting refrigerant. This settlement will not only correct past violations, it will also prevent future releases of ozone-depleting refrigerant from Newly Weds' industrial refrigeration processes once Newly Weds ceases using ozone-depleting refrigerant for its industrial refrigeration equipment on July 1, 2008. The estimated cost of switching the thirty-nine units to non-ozone depleting refrigerant is expected to exceed \$ 500,000 but the exact cost is dependent upon the number of units that will have to be replaced by Newly Weds instead of retrofitted in order to utilize such refrigerant.

Ozone-depleting Refrigerant: Hydrochlorofluorocarbons (HCFCs) and related ozone-depleting refrigerants destroy stratospheric ozone. The destruction of stratospheric ozone is linked to an increased incidence of skin cancer and cataracts due to excessive UV exposure. Excessive UV exposure also poses risks to human immune systems and plant and animal life.

Settlement Terms

Injunctive Relief

- Eliminate use and future release of ozone depleting refrigerant in Newly Weds' industrial refrigeration equipment by 2008.
- Prohibit reuse of replaced industrial refrigeration equipment that uses ozone-depleting refrigerant at any location by any party.

Civil Penalty

- Newly Weds will pay a \$125,000 civil penalty.