



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

Office of
Chief Counsel

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**Hazardous Materials Safety
Law Division**

NOTICE OF PROBABLE VIOLATION

PHMSA Case No: 24-0155-SH-EA

Date Issued: June 6, 2025

Respondent: Threebond International, Inc.
6184 Schumacher Park Drive
West Chester, Ohio 45069
ATTN: Mr. Jeff Speed, President

No. of Alleged Violations: 1 (and 1 Quality Control Item)

Total Proposed Assessment: \$3,200 (includes \$800 reduction for corrective actions)

The Office of Chief Counsel of the Pipeline and Hazardous Materials Safety Administration (PHMSA) alleges that you have violated certain provisions of the Federal hazardous materials transportation law, 49 U.S.C. § 5101 *et seq.*, and/or the Hazardous Materials Regulations (HMR), 49 CFR Parts 171-180. PHMSA sets forth the specific allegations in Addendum A to this Notice.

What are the maximum and minimum civil penalties that PHMSA can assess? Federal law sets a maximum civil penalty of \$99,756 (or \$232,762 if the violation results in death, serious illness or severe injury, or substantial destruction of property), and a minimum civil penalty of \$601 if the violation concerns training, for each violation of the Federal hazardous materials transportation law or the HMR. Each day of a continuing violation by a shipper or transporter of hazardous materials constitutes a separate violation for which the maximum penalty may be imposed (49 U.S.C. § 5123(a)).

What factors does PHMSA consider when proposing and assessing a civil penalty? Federal law requires PHMSA to consider certain factors when proposing and assessing a civil penalty for a violation of Federal hazardous materials transportation law or the HMR. Please refer to Addendum B to this Notice for more information concerning these factors, which include corrective actions you take to attain and ensure compliance with the HMR.

How do I respond? You may respond to this Notice in any of three ways:

- (1) By paying the proposed assessment (49 CFR § 107.313(a)(1));
- (2) By sending an informal response, which can include a request for an informal conference (49 CFR § 107.313(a)(2)); or
- (3) By requesting a formal hearing (49 CFR § 107.313(a)(3)).

Details on these three options are provided in Addendum B to this Notice and also online at: (<https://www.phmsa.dot.gov/hazmat/field-operations/nopvresponses>). PHMSA explains its procedures for assessing civil penalties and imposing compliance orders in 49 CFR §§ 107.307 - 107.331.

When is my response due? You must respond within thirty (30) days from the date that you receive the Notice (49 CFR § 107.313(a)). I may extend the 30-day period for your response if you ask for an extension, and show good cause, within the original 30-day period (49 CFR §107.313(c)). A response received out of time will not be considered. To assure timely receipt, **PHMSA strongly encourages you to submit your response by e-mail, fax, or express mail.**

What happens if I fail to respond? You waive your right to contest the allegations made in Addendum A to this Notice if you fail to respond within thirty (30) days of receiving it (or by the end of any extension). In that event, the Chief Counsel may find that you committed the violation(s) alleged in this Notice and assess an appropriate civil penalty.

What happens if PHMSA issues an Order assessing a civil penalty, and I fail to pay? If you fail to pay a civil penalty assessed by an Order, on the 91st day after the date of the Order you will be prohibited from conducting hazardous materials operations, in accordance with 49 CFR Part 109, Subpart E. If PHMSA issues a cease operations order and you continue to conduct hazardous materials operations, you may be subject to additional penalties, including criminal prosecution pursuant to 49 U.S.C. 5124. The prohibition shall continue until payment of the penalty has been made in full, or until PHMSA approves an acceptable payment plan.

The Case Exhibits have been supplied to you in electronic format. If this creates an undue hardship for you, please contact me.

Aris Generette, Attorney

Enclosures: Addendum A
Addendum B
Addendum C

ELECTRONIC SERVICE

ADDENDUM A

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(ThreeBond International, Inc.)

GENERAL ALLEGATIONS

General Factual Allegations/Averments

1. On June 26, 2024, PHMSA's Investigator conducted an inspection at the West Chester, Ohio facility of ThreeBond International, Inc. (TBI).
2. The exit briefing was signed by Mr. Ken Rewa, Plant Manager.
3. Respondent offers hazardous materials for transportation in commerce and employs 6 hazardous materials employees.
4. As an offeror of hazardous materials in commerce, Respondent is a regulated entity subject to the HMR and to the jurisdiction of the Secretary of Transportation, PHMSA's Associate Administrator for Hazardous Materials Safety, and PHMSA's Office of the Chief Counsel (49 U.S.C. § 5103(b) and 49 CFR § 107.301).

SPECIFIC ALLEGATIONS

Probable Violation No. 1- QUALITY CONTROL

Offering hazardous waste for transportation in commerce in unauthorized packaging, in violation of 49 C.F.R. §§ 171.2(b) and 173.22(a)(2).

Regulatory Standard

1. Pursuant to 49 CFR § 171.2(b), each person who offers a hazardous material for transportation in commerce must comply with all applicable requirements of the HMR.
2. Pursuant to 49 CFR § 173.22(a)(2), a person may offer a hazardous material for transportation in a packaging only when the person has determined that the packaging is authorized.

Factual Allegations/Averments

1. During the inspection, PHMSA's investigator observed and photographed Respondent's process for repackaging and shipping ThreeBond 1207F. (See Exhibit 7 to Report No. 23242010).

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2. The Safety Data Sheet (SDS) confirms that the aforementioned material is hazardous, with a proper shipping name of UN1993, Flammable liquids, n.o.s., 3, III. (See Exhibit 3 to Report No. 23242010).
3. Respondent's bill of lading, 908513334-1, dated September 19, 2023, shows that Respondent offered for transportation in commerce, UN1993, Flammable liquids, n.o.s., (TOLUENE), 3, III to Denso Manufacturing Tennessee, Inc, of Nashville, Tennessee. (See Exhibit 2 to Report No. 23242010).
4. PHMSA's investigator observed and Respondent's process for repackaging the aforementioned hazardous material and did not observe markings on the 20-liter cans or overpacks indicating UN-standard packaging.
5. On or about September 19, 2023, Respondent offered hazardous waste for transportation in commerce in unauthorized packaging, in violation of the HMR.

- Please see Inspection/Investigation Report Number 23242010 at pages 3-4, and the exhibits that accompany this report, which are incorporated herein.

Probable Violation No. 2

Failing to provide recurrent training to hazmat employees in the subjects of general awareness, function specific, safety, and security awareness, in violation of 49 CFR §§ 172.702(a) and 172.704(c)(2).

Regulatory Standard

1. Pursuant to 49 CFR § 172.702(a), a hazmat employer shall ensure that each of its hazmat employees is trained.
2. Pursuant to 49 CFR § 172.704(c)(2), a hazmat employee must receive training required at least once every three years.

Factual Allegations/Averments

1. PHMSA's investigator requested to review Respondent's training records for its hazardous materials employees.
2. Respondent provided PHMSA's investigator with evidence of training for hazmat employee, Jeff Turco, last conducted April 22, 2021. (See Exhibit 6 to Report No. 23242010).

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3. Respondent was unable to provide PHMSA's investigator with training records for the aforementioned hazardous materials employee more recent than 2021.
4. Respondent's bill of lading, 273931091661, dated April 26, 2024, shows that Respondent offered for transportation in commerce, UN1993, Flammable liquids, n.o.s., (Acetone, Ethyl Acetate), 3, II. (See Exhibit 4 to Report No. 23242010).
5. On or about April 26, 2024, Respondent failed to provide recurrent training to hazmat employees in the subjects of general awareness, function specific, safety, and security awareness, in violation of the HMR.

- Please see Inspection/Investigation Report Number 23242010 at page 5, and the exhibits that accompany this report, which are incorporated herein.

FACTS ALREADY CONSIDERED (UNDER 49 CFR § 107.331) IN SETTING PROPOSED PENALTIES

Prior Violations:

When setting a civil penalty, PHMSA will review the respondent's compliance history and determine if there are any finally-adjudicated violations of the HMR initiated within the previous six years. Only cases or tickets that have been finally-adjudicated will be considered (i.e., the ticket has been paid, a final order has been issued, or all appeal remedies have been exhausted or expired). PHMSA will include prior violations that were initiated within six years of the present case; a case or ticket will be considered to have been initiated on the date of the exit briefing for both the prior case and the present case. If multiple cases are combined into a single Notice of Probable Violation or ticket, the oldest exit briefing will be used to determine the six-year period. If a situation arises where no exit briefing is issued, the date of the Notice of Probable Violation or Ticket will be used to determine the six-year period. PHMSA may consider prior violations of the Hazardous Materials Regulations from other DOT Operating Administrations.

The general standards for increasing a baseline proposed penalty on the basis of prior violations are as follows (49 CFR Part 107, Subpart D, Appendix A):

1. For each prior civil or criminal enforcement case—25 percent increase over the pre-mitigation recommended baseline penalty.
2. For each prior ticket—10 percent increase over the pre-mitigation recommended baseline penalty.

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3. If a respondent is cited for operating under an expired special permit and previously operated under an expired special permit (as determined in a finally-adjudicated civil, criminal, or administrative enforcement case or a ticket), PHMSA will increase the civil penalty 100 percent.
4. If a respondent is cited for the exact same violation that it has been previously cited for within the six-year period (in a finally-adjudicated civil, criminal, or administrative enforcement case or a ticket), PHMSA will increase the baseline for that violation by 100 percent. This increase will apply only when the present violation is identical to the previous violation and applies only to the specific violation that has recurred.
5. A baseline proposed penalty (both for each individual violation and the combined total) will not be increased more than 100 percent on the basis of prior violations.

PHMSA did not consider any prior violations in determining the proposed assessment for this Notice.

Penalty Increases for Multiple Counts:

PHMSA generally will treat multiple occurrences that violate a single regulatory provision as separate violations and assess the applicable baseline penalty for each distinct occurrence of the violation. PHMSA will generally consider multiple shipments or, in the case of package testers, multiple package designs, to be multiple occurrences; and each shipment or package design may constitute a separate violation.

PHMSA, however, will exercise its discretion in each case to determine the appropriateness of combining into a single violation what could otherwise be alleged as separate violations and applying a single penalty for multiple counts or days of a violation, increased by 25 percent for each additional instance, as directed by 49 U.S.C. 5123(c). For example, PHMSA may treat a single shipment containing three items or packages that violate the same regulatory provision as a single violation and apply a single baseline penalty with a 50 percent increase for the two additional items or packages; and PHMSA may treat minor variations in a package design for a package tester as a single violation and apply a single baseline penalty with a 25 percent increase for each additional variation in design.

When aggravating circumstances exist for a particular violation, PHMSA may handle multiple instances of a single regulatory violation separately, each meriting a separate baseline or increase the civil penalty by 25 percent for each additional instance. Aggravating factors may include increased safety risks, continued violation after receiving notice, or separate and distinct acts. For example, if the multiple occurrences each require their own distinct action, then PHMSA may count each violation separately (e.g., failure to obtain approvals for separate fireworks devices) (49 CFR Part 107, Subpart D, Appendix A.)]

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Corrective Action:

An important purpose of PHMSA's enforcement program is to bring the regulated community into compliance with the HMR, and to promote ongoing efforts by that community to maintain compliance. In determining the final penalty assessment, PHMSA considers documented evidence of actions taken by a Respondent to correct violations and ensure that they do not recur (49 CFR § 107.331(g)).

- Violation 2: Respondent provided a training certificate and created a monitoring and alert system for training approaching expiration. The proposed penalty has been reduced by 20%.

For additional possible mitigation of the proposed penalty amount, Respondent may provide information, such as evidence of any additional training and/or records for hazardous material employees, etc.

Financial Status

Under 49 CFR §107.331 (e) and (f), the proposed penalty may be reduced if Respondent demonstrates that it is unable to pay that penalty, or if payment of the proposed penalty would affect Respondent's ability to continue in business. Respondent's poor financial condition may be a basis for reducing the proposed penalty; a healthy financial condition is *not* a basis for increasing the penalty.

PHMSA has no information that indicates that Respondent is unable to pay the proposed penalty or that payment of the proposed penalty will affect Respondent's ability to continue in business. If Respondent wishes its financial condition to be considered in assessing a penalty for the violation(s) alleged in this Notice, it must provide current financial information (i.e., copies of Respondent's three most current Federal tax returns, an income statement, and a current balance sheet preferably certified).

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TOTAL CIVIL PENALTY PROPOSED

Probable Violation	Baseline Penalty	Corrective Action	Proposed Penalty
QUALITY CONTROL			
2	\$4,000	\$800	\$3,200
Total	\$4,000	\$800	\$3,200