



EPA's FIFRA Enforcement: Priorities, Trends, and Recent Outcomes

Gregory Sullivan, Acting Deputy Director
Office of Civil Enforcement



FY 2018-2022 EPA Strategic Plan **EPA's Mission**

Protect Human Health and the Environment

Goal 1 – Core Mission: Deliver results for clean air, land, and water, and ensure chemical safety.

Goal 2 – Cooperative Federalism: Rebalance power between Washington and the states to create tangible environmental results.

Goal 3 – Rule of Law and Process: Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.



OECA's Mission

The Office of Enforcement and Compliance Assurance (OECA) goes after pollution problems that impact American communities through **vigorous civil and criminal enforcement**. **Our enforcement activities target the most serious water, air and chemical hazards.**

OECA is **building on our relationship with states and tribal partners** to make sure we are delivering on our shared commitment to a clean and healthy environment.

OECA works with EPA regional offices, and in **partnership with state and tribal governments**, and other federal agencies to enforce the nation's environmental laws

Through improved transparency, advanced technologies and community participation, we are **empowering the public to help us assure compliance nationwide**, and to **level the playing field for those entities that follow the law.**



National Enforcement Program Focus

Addressing the Most Serious Non-Compliance Concerns in Communities

Continue Our Priority Enforcement Work On:

- *Product compliance (**Product Integrity**)*
- *Addressing noncompliant chemicals before they enter commerce (**Border Compliance**)*
- *Addressing risks to potentially exposed or susceptible subpopulations (**Worker Protection**)*
- **E-Commerce**

EPA's Strategic Plan:

<https://www.epa.gov/sites/production/files/2018-08/documents/fy-2018-2022-epa-strategic-plan-print.pdf>



2020-2021 National Program Guidance (NPG) Process

Collaboration and Coordination on National Priority Setting

Early Engagement with States, Tribes, and Territories

- Summer/Fall 2018 - EPA Regions meet with States, Tribes, and Territories and Summarize Input and Process
- November 2018 through Spring 2019 - Finalize draft NPG
- **April 1 to May 3, 2019** - External comment period on draft FY2020-2021 NPMG.
 - State/ECOS/NPM conference calls
 - National teleconference with tribes

NPMG Key Milestones – Revised Schedule at:

<https://www.epa.gov/sites/production/files/2018-07/documents/technical-guidance-fy-2020-2021-np-guidance.pdf>



Collaboration/Coordination

- Inspections - State and Federal Authorities
- Joint investigations
- Referrals (EPA ↔ State)
- Information/Data Sharing
- Laboratory Support



Collective Enforcement Presence Contributions to FIFRA Compliance Monitoring and Enforcement

- **Puerto Rico Department Of Agriculture**, dozens of methyl bromide investigations resulting in many expedited settlement agreements - Region 2
- **Indiana, Michigan, and Ohio**, Dicamba inspections/investigations, laboratory support, referrals related to unlicensed applicators - Region 5
- **Texas Department of Agriculture**, 568 SSUROs for misbranded pesticide products - Region 6
- Over 500 Dicamba state investigations, 50 Producing Establishment Inspections, annually - Region 7
- **Oregon and Washington**, WPS revisions ahead of EPA's, critical Oregon coordination on bee kills and ponderosa pine damage - Region 10



Enforcement Trendsover the last five years



FIFRA Enforcement Trends

<u>Results</u>	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>2014</u>
Enforcement Actions	132 FAPOs* 24 ACOs*** 156 EDs	156 FAPOs* 24 ACOs*** 291 EDs	107 FAPOs* 469 ACOs**	164 FAPOs 95 ACOs 4 NODs	145 FAPOs 99 ACOs 2 NODs
Penalties	\$9,250,053	\$2,340,808	\$2,978,966	\$3,581,448	\$9,207,235
Environmental Benefits <i>(Pounds of non-compliant products addressed)</i>	90,345,612 lbs	13,318,63 lbs	21,461,109 lbs	21,086,734 lbs	49,575,302 lbs

*FAPOs include CAFOs and Expedited Settlement Agreements (ESAs)

**2014 through 2016 ACOs represents the number of SSUROs and Entry Denials issued

***2017 and 2018 ACOs represent SSUROs issued only. Entry Denials are tracked separately than previous years.



FY18

Key Case Highlights



(R9) – Syngenta Seeds (February 2018)

Settlement Details

- Settlement Value: \$550,000
 - \$150,000 cash penalty
 - \$400,000 in SEP
- Collaboration with
 - Headquarters
 - State/Territory Referral:
Hawaii

Violations

- *Misuse*
 - *using a registered pesticide in manners inconsistent with its labeling*
 - *non-compliance with the Worker Protection Standard*



(R10) – Amazon Services LLC (February 2018)

Settlement Details

- Settlement Value: \$2,739,354
 - \$1,215,700 cash penalty
 - \$1,523,654 in SEP
- Collaboration with
 - Regions 4, 9, Headquarters

Violations

- *Unregistered and misbranded pesticide products*
 - *3,792 separate occasions*
 - *Six (6) foreign manufactured pesticides*
 - *3Pcs. Cockroach Cockroaches Bugs Ants Roach Kills Chalk;*
 - *Miraculous Insecticide Chalk;*
 - *HUA Highly effective Cockroach killing Bait Powder;*
 - *R.B.T.Z. Highly effective Cockroach killing Bait Powder;*
 - *Green Leaf Powder Fly Killing Bait; and*
 - *ARS Mat 12*



(R5) – Medline Industries (September 2018)

Settlement Details

- Settlement Value: \$4,930,000
- Violations:
 - Unregistered and misbranded pesticides

Summary

- On nearly 1,300 occasions, sold and distributed **Micro-Kill 70** to hospitals, clinics, hospice centers, and other medical care providers nationwide
- Numerous public health claims
 - *“THE SOLUTION TO ALL YOUR DISINFECTANT NEEDS”*
 - *“will kill microbes”*
 - *“... help to reduce the chance for cross-contamination and transmission of infectious microorganisms”*



(R2) – Costello Exterminating, Inc et. al (September 2018)

Settlement Details

- Settlement Value:
 - \$8,000 cash penalty
 - Substantial Injunctive Relief
- Collaboration with
 - Headquarters
 - Joint Investigation with **Puerto Rico**

Violations

- *Misuse of Methyl Bromide*
- *Violation of CAA Reporting Requirements for Methyl Bromide*



Continuing Our Partnership

An Effective FIFRA Compliance and Enforcement Program

- ✓ Referrals
- ✓ Joint Inspections
- ✓ Inspection Support
- ✓ Information/Data Sharing