



EPA's FIFRA Enforcement: Priorities and Recent Outcomes

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2020-2021 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**



Continued Collaboration/Coordination

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



General Enforcement Results

Overall and Specific Focus Area Highlights



General FIFRA Enforcement Trends

Enforcement Tools	FY19	FY18	FY17	FY16	FY15
Stop Sale, Use and Removal Orders (SSUROs)	27	23	22	31	31
Notices of Refusal of Admission (NORAs)	233	153	292	463	65
Notices of Warning (NOWs)	321	377	435	*	*
Consent Agreement and Final Orders (CAFOs)	53	67	91	99	130
Expedited Settlement Agreements (ESAs)	69	64	68	15	34
Notice of Determination (NOD)	0	0	0	0	4
Total Penalties	\$3,753,451	\$9,289,931	\$2,340,808	\$2,978,966	\$3,581,448
Environmental Benefits (lbs non-compliant products)*	6,537,970 lbs	3,417,860 lbs	13,318,63 lbs	21,086,734 lbs	49,575,302 lbs

*Non-CBI information



Typical FIFRA Section 12 Unlawful Acts Cited

- **Unregistered 12(a)(1)(A)**
- **Failure to maintain production records 12(a)2**
- **Misbranded 12(a)1(E)**
- **Use inconsistent with its labeling 12(a)2(G)**
- **Violated Section 7 requirement 12(a)2(N) and 12(a)2(L)**
- **Misbranded Device 12(a)1(F)**



FY19 Case Highlights



(R5) – Stepan Company (June 2019)

Settlement Details

Civil Penalty: \$ 612,718

- Collaboration: Inspection support from Ohio Department of Ag.
- Case resulted from information collected during an inspection conducted at a Spartan facility in Maumee, Ohio.

Link to settlement agreement can be found a:

[https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/24CAC9F4DBB136E485258418006E9B84/\\$File/FIFRA-05-2019-0017%20%20CAFO%20%206-12-2019%20%2019%20PGS.PDF](https://yosemite.epa.gov/oa/rhc/epaadmin.nsf/Advanced%20Search/24CAC9F4DBB136E485258418006E9B84/$File/FIFRA-05-2019-0017%20%20CAFO%20%206-12-2019%20%2019%20PGS.PDF)

Violations

- *Alleged sale and distribution of pesticides which were misbranded and/or whose composition differed*

Alleged Stepan, through its agent, Spartan Chemical, distributed TB-Cide Quat, an over-formulated and misbranded disinfectant, 87 times. Stepan also distributed two disinfectants, hdqC2 and HDQL10 twice. The labels for these products did not include required storage and disposal language.



(R3) – AFCO C&S, LLC (September 2019)

Settlement Details

Civil Penalty: \$ 1,489,000

Case resulted from inspection conducted at the company's registered establishment in Chambersburg, Pennsylvania and other data gathering activities.

- Settlement follows a SSURO issued on July 13, 2018, resolves all violations including sales and distributions that violated the order.
- AFCO has since discontinued sales and distribution of all products with the exception of one registered product.

Link to settlement agreement can be found at:

[https://yosemite.epa.gov/OA/rhc/EPAAdmin.nsf/Filings/21B1A1214BC2CBDD852584810052C072/\\$File/AFCO%20C&S,%20LLC.FIFRA.CAFO.9.26.2019.pdf](https://yosemite.epa.gov/OA/rhc/EPAAdmin.nsf/Filings/21B1A1214BC2CBDD852584810052C072/$File/AFCO%20C&S,%20LLC.FIFRA.CAFO.9.26.2019.pdf)

Violations

12 violative products used in the cleaning and sanitizing of food and beverage processing facilities.

- *Alleged sale and distribution of 10 unregistered pesticide products*
- *One misbranded pesticide product*
- *One pesticide product with claims beyond its FIFRA registration*



(R6) – Seatex, LLC (September 2019)

Settlement Details

Civil Penalty: \$ 322,200

- Collaboration: Referral from California Department of Pesticide Regulation
- Case resulted from information collected during an inspection at Seatex's facility in Rosenberg, Texas.

Violations

- *Allegedly sold and distributed, Sansolft L, to various customers on 61 different occasions between August 2014 and November 2017.*



NPG FIFRA Focus Area: *Border Compliance*

- Intercept noncompliant products before entering into the U.S. Commerce.
- Leverage data resources such as the Automated Commercial Environment (ACE) and Import Genius for the selection of targets for desk audits and inspections of incoming pesticide shipments, and support national operations with CBP CTAC.



Imports Enforcement Results FY15 – FY19

Enforcement Tools	FY19	FY18	FY17	FY16	FY15
SSUROs	16	5	7	9	14
Notices of Refusal of Admission	233	153	292	463	65
Notices of Warning	15	13	3	1	*
CAFOs	11	8	21	20	25
Total Penalties	\$132,441	\$291,803	\$642,567	\$590,112	\$617,900



Notable Import Enforcement Actions

- ***Pharmaceutical Innovations*** (Region 2) – Distribution of unregistered and misbranded antimicrobial pesticides. CAFO with a \$250,000 civil penalty. **FY17**
- ***Bissell Homecare Inc*** (Region 9) – Distribution of a misbranded pesticide. CAFO with a \$121,798 civil penalty. **FY18**
- ***Douglas Products and Packaging Company, LLC*** (HQ) – Distribution of misbranded restricted use pesticides. Final Order with a \$143,500 civil penalty. **FY19**



Continuing Our Partnership

An Effective FIFRA Compliance and Enforcement Program

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