



EPA Enforcement Priorities

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Setting Priorities

- Incorporates priorities from
 - OPP
 - OECA
- Memorialized in two documents
 - Cooperative Agreement Guidance
 - National Program Managers Guidance



Cooperative Agreement Guidance

- Primary driver for state activities
- Not a mirror image of the NPMG
 - But will incorporate many of the NPMG priorities



Cooperative Agreement Guidance

- Current guidance is for FY2015-2017
- EPA considering potential changes for FY2018-2020
- EPA will provide a draft FY2018-2020 CAG to AAPCO and SFIREG for comment



FY15-17 Cooperative Agreement Program Areas

Required

- Basic Pesticide Program
- WPS
- Applicator Certification
- Container/Containment
- Soil Fumigation & Fumigants
- Pesticides in Water

Pick-List

- Endangered Species Protection
- Bed bugs
- Pollinator Protection
- **School Integrated Pest Management (IPM)**
- Spray Drift
- State and Tribal Coordination and Communication
- **Supplemental Distributors**
- **Contract Manufacturers**
- **Imports**
- **National Data System**

Blue = OPP
Purple = OECA
Black = Both



FY16-17 OECA NPMG Focus Areas for EPA Regions

- Border Compliance
- Product Integrity
- Worker Protection



Border Compliance

- Continues existing priority
- Intercept noncompliant products
 - Before entering into US commerce
- Move to ACE/ITDS
 - Electronic processing of NOAs
 - Compliance becomes even more critical



Product Integrity

- Comprehensive review of product compliance
 - Registration
 - Label/labeling
 - Composition
 - Efficacy
 - Other regulatory requirements such as:
 - Supplemental registration
 - Active ingredient sources
 - Data requirements



Worker Protection

- EPA monitoring compliance
 - Direct implementation authority
 - Wyoming
 - Tribal lands



Worker Protection (cont.)

- States/Tribes/Territories encouraged to
 - Increase WPS compliance monitoring & enforcement activities
 - Refer significant WPS cases to EPA for enforcement
- Regions to provide
 - Support & assistance, as needed
 - Training
 - Meeting with TPPC in June to discuss further



Worker Protection (cont.)

- National messaging
 - Press coverage for enforcement cases
- Revision of WPS compliance and enforcement policies
 - WPS Inspection Guidance
 - Enforcement Response Policy (ERP)



FY15 OECA NPMG

Focus Areas for EPA Regions

Select both

- Supplemental Registrations
- Imports Compliance

Select one

- Fumigants/Fumigation
- Worker Safety
- Retail Marketing
- Container/Containment



FY15 Enforcement Actions – By OECA Focus Area

Focus Area	Number of Cases	Entry Denials	SSUROs	CAFOs	Penalties Assessed	Environmental Benefits (lbs)
Supplemental Registrations	24	0	3	21	\$729,626	83,561
Imports Compliance	92	64	13	15	\$456,150	6,688,309
Fumigants / Fumigation	0	0	0	0	0	0
Worker Safety	1	0	0	1	\$7,500	0
Retail Marketing	12	0	1	11	\$667,780	60
Container / Containment	4	0	0	4	\$161,562	647,848



FIFRA Enforcement Trends

	FY12	FY13	FY14	FY15
Stop Sale Orders	102	62	96	34
CAFOs	173	130	127	159
Penalties Assessed	\$8,812,892	\$8,512,955	\$9,107,555	\$3,581,448
Pounds Noncompliant Product Addressed	4,324,836	4,406,742	14,908,810	11,445,342



Case Highlights – Retail Marketing

(R5) - TOPS Products, a Div. of RR Donnelley & Sons Co. (March 2015)

- Penalty - \$318,000
- Violations:
 - Unregistered pesticide (antimicrobial binders)

(R5) - The TJX Companies, Inc. (October 2014)

- **Wisconsin** inspection support
- Penalty - \$299,000
- Violations:
 - Unregistered products (Wags and Wiggles Flea & Tick Shampoo)



Case Highlights – Worker Safety

(R5) - Frank's Flying Service (March 2015)

- ***Illinois referral***
- Penalty - \$7,500
- Repeat violator
- Violations:
 - Decontamination provisions



Case Highlights - Container / Containment

(R9) - Fertilizer Company of Arizona (September 2015)

(R9) - Compton Ag Services (September 2015)

- **Arizona & California** inspection support
- Penalty - \$133,240 combined
- 354,120 pounds of product addressed
- 6 facilities involved
- Violations: Numerous c/c violations
 - Operation/maintenance for pads and containment structures
 - Recordkeeping
 - Misbranded pesticides



Case Highlights – Imports

(R4) - Well Shield (September 2015)

(R4) - EcoActive Surfaces & BioRelief (April 2015)

- SSUROs & Penalty - \$253,600
- 2,456 pounds of product addressed
- Violations:
 - Unregistered pesticide
 - (OxiTitan...zinc nanoparticules)
 - Unregistered production establishment (China)



Case Highlights – Imports

(R7) – Bayer CropScience (October 2014 & January 2015)

- Entry denied – multiple shipments
- Over 2 million pounds of product addressed
- Violations:
 - Misbranded pesticides
 - Sevin Technical
 - Flubendiamide



Case Highlights - Supplemental Registrations

(R1 & R5) - Dow AgroSciences, LLC

(January & February 2015)

- Inspection support by **Wisconsin, Michigan, Connecticut & Massachusetts**
- Penalty - \$319,920 combined
- Violations: Misbranded
Claims differ

(R7) - Seriously Clean, LTD

(February 2015)

(R7) – Integrated Environmental Technologies (March 2015)

- **Missouri** inspection support
- Penalty - \$179,173 combined
- 7,365 pounds of product addressed
- Violations: Unregistered
Misbranded
False claims



Case Highlights - Supplemental Registrations

(R7) – Quest Products, LLC (February 2015)

- **Kansas** inspection
- Penalty - \$88,533
- 4,165 pounds of product addressed
- Violation:
 - Unregistered (Reliant Systemic Fungicide)
 - 100% re-pack not being “re-packed”



Case Highlights – Antimicrobials

(R5) - Medivators, Inc.

(November 2014)

- **Minnesota** inspection
- Penalty - \$273,600
- Violation:
 - Unregistered pesticide
(detergent w/bactericidal claim)

(R8 & HQ) - sBioMed, LLC

(March & September 2015)

- 2 SSUROs issued
- 214,816 pounds product addressed
- Violations:
 - Unregistered (Steriplex Wipes)
 - Misbranded (Steriplex)
 - Efficacy failure for *Clostridium difficile*
(Steriplex)



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