State-EPA Compliance and Enforcement

Ed Messina, Director
Monitoring, Assistance, and Media Programs Division, Office of Compliance

Don Lott, Associate Director
Waste and Chemical Enforcement Division, Office of Civil Enforcement
Compliance

• Cooperative Agreement Guidance
• E-Enterprise and Next Generation projects
  – Pesticide state dashboards
  – SSTS
  – Label Matching and SmartLabel Projects
  – Smart Tools
• WPS Compliance Updates
• Training
  – PIRT Updates
  – PO Training
  – Federal Credentials
• FIFRA ICR
Cooperative Agreement Guidance

• Current cooperative agreement guidance is for FY2015-2017
• EPA is considering potential amendments and future priorities for the FY2018-2020 cooperative agreement guidance
• EPA will provide a draft FY2018-2020 cooperative agreement guidance to AAPCO and SFIREG for comment
FY15-17 Cooperative Agreement Program Areas

Required

- Basic Pesticide Program
- Worker Protection Standard
- Pesticide Applicator Certification
- Container/Containment
- Soil Fumigation & Soil 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
E-Enterprise

• The mission of E-Enterprise is to protect the environment through modern business processes, technology, and partnerships

• Through E-Enterprise, EPA, states, and tribes will:
  – Streamline processes
  – Deliver access to trusted information
  – Enhance productivity
Next Generation Compliance

Next Generation Compliance consists of the following five components to improve the effectiveness of EPA’s compliance program:

- Design regulations and permits that are easier to implement
- Use and promote advanced emissions/pollution detection technology
- Shift toward electronic reporting
- Expand transparency
- Develop and use innovative enforcement approaches
Example E-Enterprise and Next Generation Projects

- Pesticide State Dashboards
- SSTS
- Label Matching and SmartLabel Projects
- Smart Tools
EPA Page Views Between May 5, 2015 (Pesticide Dashboard Launch) to End of February

- EPA Website (http://www.epa.gov) – 811,695
- ECHO Website (https://echo.epa.gov) – 288,330
- Pesticides state dashboard was the second most shared ECHO link on social media in December
SSTS

• Online reporting for Section Seven reports via Section Seven Tracking System (SSTS) became available in January 2016
• EPA hosted four webinars (over 400 people) in December on how to register for CDX (entry point for SSTS) and submit reports through SSTS
• Webinars and SSTS FAQs available soon on the Pesticide Establishment Registration and Reporting website at http://www.epa.gov/compliance/pesticide-establishment-registration-and-reporting
After entering information, please click the 'Save' button to save changes, or please click the 'Cancel' button to discard them.

**Product Code:** 1 - Registered with EPA

**EPA Product Registration No.:** 11111 - 22 - 33

**Product Name:** 2

**Product Classification:** 18 - Sterilizer

**Product Type:** 1 - Technical (MUP)

**Market Sold To:** USA

**RUP:** 1 - Restricted Use Pesticide

**Unit of Measure:** @ - Each

**Amount Produced, Repackaged, or Relabeled (2015):** 1111

**Amount Sold or Distributed - US (2015):** 1111

**Amount Sold or Distributed - Foreign (2015):**

**Amount to be Produced, Repackaged, or Relabeled (2016):** 11111

**Comments:** Product Addition
Label matching project

• Provide a tool (mobile application) that helps inspectors and enforcement officers to quickly identify discrepancies in labels by taking a picture of the label utilizing Optical Character Recognition (OCR) technology, which would allow the user to determine if the product is in compliance
EPA/State Coordination on Label Matching Project

- Co chaired by
  - Dave Scott (scottde@purdue.edu), Office of the Indiana State Chemist
  - Mardi Klevs (klevs.mardi@epa.gov), Region 5
- Project manager is Alan Boutureira (Boutureira.Alan@epa.gov)
- Users will be State and Federal pesticide inspectors and enforcement case developers
- State workgroup members from New Mexico and Indiana; testers include MN and WI inspectors as well
- Workgroup is keeping SFIREG apprised of development process.
Information for Compliance Work

- Pesticide Product Information System (PPIS)…EPA/OPP
- Pesticide Product Label System (PPLS)…EPA/OPP
- National Pesticides Information Retrieval System (NPIRS)…Purdue Univ.
- National Pesticides Information Center (NPIC) Product Research Online (NPRO)…Oregon State University
- Section Seven Tracking System (SSTS)…EPA/OECA
  - Smart Label…EPA/OPP
  - Label Matching…tool for States & Regions; matched to database
Draft Pesticide Label Matching Tool
Status of Label Matching Project

• Application Development (in progress) to be completed by May 2016 (estimate)

• Milestones:
  • Feasibility Study
  • Sprint Release Plan
  • User Stories (back-log of features that need to be developed identified by users)
SmartLabel

- SmartLabel will include
  - Master labels in a structured format
  - Index of label use patterns using defined vocabularies
  - OPP vision: instant access to quality information
  - Address label pain points
  - Inclusive of all EPA-registered products

What is Smart Tools?

• Collect data using a ruggedized mobile device and automatically generate inspection reports, data entry to EPA systems, and the storage of notes and findings

• Replace paper-based inspection processes with an integrated suite of digital tools to improve the quality and consistency of inspections
Current Status of Smart Tools

- Conducted a LEAN event in December 2015 to compose the inspection requirements for later adoption by different media programs and the states
- In the process of procuring a Commercial Off-The-Shelf (COTS) software product
- Conducting market research on hardware equipment
- Working with other Federal agencies and states to identify legal & policy issues
- Developing interface between EPA RCRA data systems and preparing for data integration for Phase 1
WPS Implementation Schedule

• Compliance with most requirements **January 2, 2017**
• Compliance for the following **January 1, 2018**
  – pesticide safety training must include the new training points
  – revised pesticide safety information must be displayed
  – handlers must suspend application if workers or other people are near the application equipment.
WPS Inspection Guidance

• OCC, OPP, and R5 have begun revising and updating the Guidance to reflect regulation changes
• Hope to make other improvements to the guidance to make it more useful
• States and tribes will have the chance to review the draft document this spring
• Please send concerns on the existing guidance or suggestions for the new guidance to Carol Galloway (Galloway.Carol@epa.gov) or Richard Pont (Pont.Richard@epa.gov)
PIRT Updates

- **May 2-5**: WPS PIRT in Asheville, NC
- **August 16-18**: Tribal PIRT on Inspector Skills and Investigation Techniques in Polson, MT
- **September 12-16**: Pollinator Protection PIRT in Orlando, FL
- **FY2017**: Oregon will host a WPS PIRT and Georgia will host the advanced inspector skills PIRT – location and date TBD
- PIRT Coordinator is Shirley Fan ([Fan.Shirley@epa.gov](mailto:Fan.Shirley@epa.gov))
PO Training

PO training will be provided during the Comprehensive Combo PREP course that will take place September 26-29 in Santa Fe, NM
Federal Credentials

• In the December SFIREG meeting, states asked for clarification on some federal credentials issues
• Our office followed up with a draft FAQs document and phone call
• The federal credentials FAQs document has been finalized
• If you have suggestions for additional questions, please contact Shirley Fan (Fan.Shirley@epa.gov)
FIFRA ICR

• The ICR for the new FIFRA performance measures is pending approval from OMB
  – States should prepare by updating their internal data collection procedures, forms, and/or systems
Highlighting Enforcement
FIFRA Enforcement Activities

• OECA NPMG priorities - FY15 focus areas
  –FY15 enforcement results and trends
• OECA NPMG priorities - FY16-17 focus areas
• Notable cases
• High visibility fumigation incidents
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

<table>
<thead>
<tr>
<th>Focus Area</th>
<th>Number of Cases</th>
<th>Entry Denials</th>
<th>SSUROs</th>
<th>CAFOs</th>
<th>Penalties Assessed</th>
<th>Environmental Benefits (lbs)</th>
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<tr>
<td>Supplemental Registrations</td>
<td>24</td>
<td>0</td>
<td>3</td>
<td>21</td>
<td>$729,626</td>
<td>83,561</td>
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<td>Imports Compliance</td>
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<td>0</td>
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<td>1</td>
<td>$7,500</td>
<td>0</td>
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<td>Retail Marketing</td>
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<td>$667,780</td>
<td>60</td>
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<td>Container / Containment</td>
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<td>0</td>
<td>4</td>
<td>$161,562</td>
<td>647,848</td>
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# FIFRA Enforcement Trends

<table>
<thead>
<tr>
<th></th>
<th>FY12</th>
<th>FY13</th>
<th>FY14</th>
<th>FY15</th>
</tr>
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<tbody>
<tr>
<td><strong>Stop Sale Orders</strong></td>
<td>102</td>
<td>62</td>
<td>96</td>
<td>34</td>
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<tr>
<td><strong>CAFOs</strong></td>
<td>173</td>
<td>130</td>
<td>127</td>
<td>159</td>
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<tr>
<td><strong>Penalties Assessed</strong></td>
<td>$8,812,892</td>
<td>$8,512,955</td>
<td>$9,107,555</td>
<td>$3,581,448</td>
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<tr>
<td><strong>Pounds Noncompliant</strong></td>
<td>4,324,836</td>
<td>4,406,742</td>
<td>14,908,810</td>
<td>11,445,342</td>
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</tbody>
</table>
Stop Sale Orders and CAFOs from FY12-FY15

Stop Sale Orders
CAFOs
Penalties Assessed and Pounds Noncompliant Product Addressed FY12-FY15

- **FY12**: Penalties Assessed: 8,000,000, Noncompliant Product Addressed: 4,000,000
- **FY13**: Penalties Assessed: 8,000,000, Noncompliant Product Addressed: 4,000,000
- **FY14**: Penalties Assessed: 8,000,000, Noncompliant Product Addressed: 16,000,000
- **FY15**: Penalties Assessed: 8,000,000, Noncompliant Product Addressed: 14,000,000

Legend:
- Penalties Assessed (in dollars)
- Noncompliant Product Addressed (in pounds)
FY16-17 NPMG Focus Areas for EPA Regions Border Compliance

• Continues existing priority

• Intercept noncompliant products before entering into US commerce

• Compliance becomes even more critical with move to ACE/ITDS
FY16-17 NPMG Focus Areas Product Integrity

• Comprehensive review of product compliance
  – Registration
  – Label/labeling
  – Composition
  – Efficacy
  – Other regulatory requirements such as:
    • Supplemental registration
    • Active ingredient sources
    • Data requirements
FY16-17 Focus Areas Worker Protection

- National Program Managers Guidance (NPMG)
  - EPA monitoring compliance
    - Direct implementation authority….. (Wyoming & tribal lands)
  - States encouraged to
    - Increase WPS compliance monitoring activities
    - Refer significant WPS cases to EPA for enforcement
- National messaging
- WPS compliance and enforcement policies will be revised, including the Enforcement Response Policy (ERP)
Case Highlights – Retail Marketing

(R5) - TOPS Products, a Division of R.R. Donnelley & Sons Company  
(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 nanoparticles)
  - 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 with 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)
Fumigation Incidents from 2015

• Methyl Bromide
  – Virgin Islands & Puerto Rico
  – Serious health impacts
  – Widespread misuse
  – Investigations continue
  – Region 2 aggressive response
  – Enforcement underway

• Sulfuryl Flouride
  – Florida
  – Serious health impacts
  – Training and clearance issues
  – Florida took strong response
  – Criminal charges filed
Ongoing Activities

- Investigations continue in VI and PR
- Agency assessing options to help prevent future incidents
- EPA closely monitoring distribution and sale of fumigants
- EPA – state collaboration to ensure safe use
  - Training and education
  - Compliance monitoring
    - Producers and registrants
    - Applicators
Contact Information

• Ed Messina
  – (202) 564-1191
  – Messina.Edward@epa.gov

• Don Lott
  – (202) 564-2652
  – Lott.Don@epa.gov