



Pesticide Import Watch Newsletter

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EPA Continues to Take Action to Stop Importation of Illegal Pesticides

Importation of illegal pesticide products continues to pose significant threats to the American public and our environment. In an effort to address the continuing problem of noncompliant pesticide products entering the country, the United States Environmental Protection Agency (EPA) is closely monitoring the pesticide import trade and aggressively taking action to stop imports of products that do not comply with the law. In 2013, EPA enforcement activities intercepted more than 16 million pounds of noncompliant pesticide products, denying entry or requiring corrective action to be taken before allowing the products to enter the United States.

Products intended for use as pesticides in the United States must be registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The registration process provides the public with the assurance that pesticides sold in the U.S. will not adversely impact human health or the environment when used in accordance with the product's labeling. When importing pesticides or devices to the U.S., the importer must submit Form 3540-1 "Notice of Arrival (NOA) of Pesticides and Devices" to EPA. EPA determines the appropriate disposition of the product and returns the NOA form to the importer who then presents the NOA form to the U.S. Customs and Border Protection (CBP) at the port of entry. CBP will not permit entry without a completed NOA.

Illegal importation of noncompliant pesticide products can result in pesticide misuse, illegal residues on food crops, human injury or exposure, and environmental damage. If EPA finds that a company is attempting to import, or has imported illegal pesticides into the U.S., it may deny entry, seek penalties for illegal distribution, or may issue a Stop Sale, Use or Removal Order (SSURO) prohibiting the person who owns, controls, or has custody of a violative pesticide or device from selling, using, or removing that product.

In 2013, EPA denied entry for more than 300 shipments

of pesticides, issued 11 Stop Sale, Use or Removal Orders and finalized eight consent agreements and final orders (CAFO) assessing civil penalties in the amount of \$3,503,276. This newsletter presents a snapshot of those actions. To learn about additional import enforcement actions taken, including import denials and the issuance of additional SSUROs and CAFOs please visit <http://www2.epa.gov/enforcement/waste-chemical-and-cleanup-enforcement>.

Pesticides are not just roach sprays and rat traps. They include any product that claims to kill or repel any type of pest.

A Snapshot of Recent Enforcement/Settlements

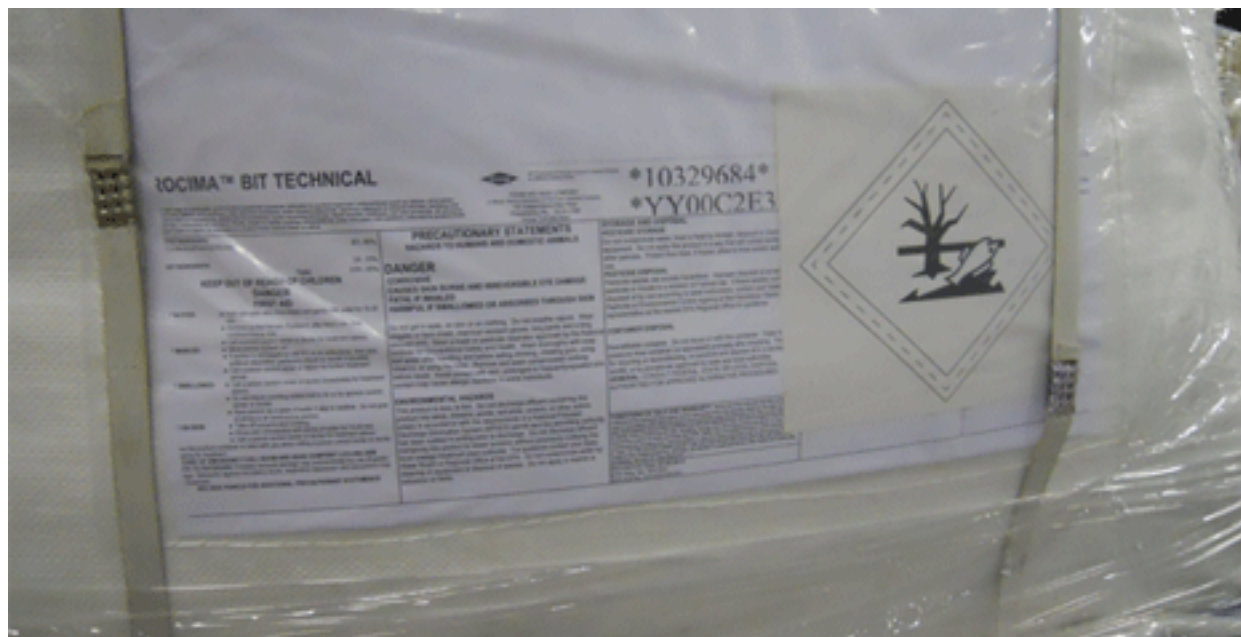
EMD Millipore Corporation Pays 2nd Largest FIFRA Penalty Ever

EMD Millipore Corporation agreed to pay a \$2,681,500 civil penalty to address its illegal importation and sale of numerous pesticide devices and other violations of FIFRA since 2008. EPA cited EMD Millipore for failure to file NOAs, selling and distributing pesticide devices without a valid establishment number on the label, production in an unregistered establishment, and failing to file accurate Section 7 reports regarding device production at a foreign establishment in Molsheim, France.

Pesticide product labels provide critical information about how to safely handle and use pesticide products. In addition, signal words such as DANGER, WARNING, and CAUTION help describe the acute (short-term) toxicity of the formulated pesticide product. These words help inform users of the special hazards of a pesticide product.

The Dow Chemical Company Pays Significant Penalty for Importing More than a Million Pounds of Violative Pesticides

The Dow Chemical Company imported approximately 1,299,012 million pounds from China containing misbranded antimicrobial pesticide products. The pesticides were distributed with labels that were false, *misleading or* lacked sufficient directions or warnings. Dow also failed to file pesticide import Notices of Arrival. EPA required Dow to relabel the misbranded pesticide product at a registered EPA establishment/bonded warehouse. Dow's alleged violations of FIFRA were resolved by four separate enforcement agreements. The settlements resolved a total of 80 FIFRA violations and Dow paid a combined civil penalty of \$600,000.



Non-compliant label - Lacked sufficient directions or warnings (Dow Chemical Company)

Ag Specialties, LLC Issued a Stop Sale Order for Importing Violative Pesticides from China

In April 2013, EPA issued a SSURO to Ag Specialties, LLC for importation of a misbranded pesticide, “StrikeOut Extra” (EPA Reg. No. 81142-3) from China. The imported product was illegal because EPA cancelled the registration of “StrikeOut Extra” on March 20, 2013. The SSURO affected 1,062,240 pounds of violative pesticide product.

NuFarm Americas Inc. Issued Stop Sale Orders and Fined For Importing Multiple Violative Pesticides from Various Countries.

EPA issued SSUROs to Nufarm Americas Inc. for the importation of five misbranded pesticide products. The products were illegal because the labels lacked clean and rinse information in the Storage and Disposal section, were missing the entire Directions for Use section, and the containers not clearly identified as either refillable or non-refillable.

In separate actions, EPA issued Consent Agreements and Final Orders to NuFarm Americas, Inc for the importation of eight additional misbranded pesticide products. The imported products were illegal because the labels on the products either contained information that conflicted with the EPA-accepted label or had label claims that differed from the claims made as part of their registrations under Section 3 of FIFRA. The use of products with claims not approved by EPA could increase the potential harm to consumers. NuFarm Americas brought the products into compliance and agreed to pay total penalties of \$163,500.

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Pioneer Hi-Bred Fined For Illegally Importing Genetically Modified Corn Seed

Pioneer Hi-Bred illegally imported genetically modified seed corn when it failed to file Notices of Arrival of Pesticides and Devices for six shipments of “Pioneer Herculex 1 Corn” (EPA Reg. No. 29964-3) from Chile. The product is a genetically modified seed corn containing the plant-incorporated protectant, *Bacillus thuringiensis* subsp. *aizawai* delta endotoxin protein. Pioneer Hi-Bred agreed to pay a \$42,500 civil penalty.

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The Pesticides Import Watch Newsletter is published periodically by EPA’s Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, to provide information regarding the efforts EPA is undertaking to intercept illegal pesticides.

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Disclaimer: This document attempts to clarify in plain language some EPA regulatory provisions. Nothing in the Enforcement Alert revises or replaces any regulatory provisions in the cited part, any other part of the Code of Federal Regulations, the Federal Register, or the Toxic Substances Control Act. For more information go to: www2.epa.gov/enforcement



Report a Violation!

Protecting the environment is everyone’s responsibility. Help EPA fight pollution by reporting potential environmental violations.

<http://www2.epa.gov/enforcement/report-environmental-violations>