FIFRA Stakeholders: How To Respond To An Enforcement Action Or Inquiry: In a recent B&C advisory memorandum, we noted that enforcement activity under the Toxic Substances Control Act (TSCA) and the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) has been increasing during the last couple of years. That memorandum provides guidance to TSCA stakeholders on how to respond to a typical EPA TSCA inspection letter, and notes that it is often unclear why a particular manufacturer or processor has received a TSCA inspection letter. In our TSCA memorandum, we observed that enforcement activity under FIFRA has also been trending upward, and we stated that we would be addressing FIFRA enforcement actions in a separate memorandum.

Although most parties subject to TSCA inspection receive a "boilerplate" letter, FIFRA enforcement actions tend to be more heterogeneous. Potential FIFRA enforcement communications include a notice or letter announcing that EPA has...
commenced an investigation or will conduct an inspection, a Notice of Warning (NOW), a refused Notice of Arrival (NOA) or a Notice of Detention (NOD), or a Stop Sale, Use, or Removal Order (SSURO).

The type of FIFRA enforcement action that EPA utilizes depends on the circumstances. Recent areas of special interest under FIFRA include imports of pesticide products and devices, product composition issues (e.g., a new active ingredient supplier, foreign or contract manufacturing), Internet sales and pesticidal claims, and “gray areas” such as cleaners with antimicrobial claims or fertilizers with biostimulant claims. More information is available in our March 2, 2020, memorandum.

The Product Stewardship Society Is Accepting Board Nominations: The Product Stewardship Society is now accepting nominations for officials from member companies to serve on its Board of Directors. The Board establishes the organization’s strategic direction and goals, and monitors progress toward reaching those goals. Nominees must be members in good standing; self-nominations are allowed.

“Our Board members are leaders in a diverse range of business sectors. We are looking for leaders who have a passion for the Society and who wish to work with like-minded professionals to grow the profession and make a difference,” stated Lynn Bergeson, President of the Product Stewardship Society.

Deadline for the nominations is April 15, 2020. More information is available in the full press release.

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