

## Violations of Environmental Protection Laws by the Chemical Companies

### Dow

**\*In 2011**, Dow Chemical Company was fined \$2.5 million by the U.S. EPA to settle numerous violations of the Clean Air Act, Clean Water Act and the Resource Conservation and Recovery Act in regards to their a chemical manufacturing sites in Midland, Michigan.

According to the EPA, Dow “allegedly violated Clean Air Act requirements for monitoring and repairing leaking equipment, for demonstrating initial and and continuous compliance with regulations applicable to chemical, pharmaceutical and pesticide plants and for failing to comply with reporting and record keeping requirements.”

**\*In 2011**, Dow Chemical Company was named the second-largest producer of toxic chemical waste in the United States by the Environmental Protection Agency. The data from the Toxics Release Inventory report, that is then analyzed by the EPA, notes that the amount of chemicals released to the land, air and water is self-reported by Dow Chemical.

**\*In 2011**, Dow Agrosience paid a civil penalty based on allegations by APHIS that Dow Agrosience moved and sold small quantities of corn seed containing unapproved genetically modified corn containing Event 32.

**\*2010** The Kauai Public Works Department issued eight notices to Dow AgroSciences in Kaunakani, Hawaii for non-permitted grubbing activities.

**\*2009** Dow Chemical Company, which has Texas locations in Houston, Freeport and other southeast cities, was penalized \$146, 917 for air violations. TCEQ found excess air emissions and inadequate equipment maintenance.

**\*2009** Dow Agrosience fined \$70,000 by EPA who alleged that Dow Agro violated national emission requirements for hazardous air pollutants at its Harbor Beach, MI. plant. The company generates methanol and uses xylene, both hazardous air pollutants, in making pesticide active ingredients at the plant.

**\*2008** Dow Chemical and Boeing are ordered by Denver federal court to pay 12,000 homowners \$926 million (Dow was fined \$653.3 million) for contaminating their property with radioactive waste. They were found responsible for plutonium leaks from the Rocky Flats Nuclear Weapons Plant, which is 15 miles north of Denver. Dow operated the plant from 1953 to 1975.

**\*2007** The US Securities and Exchange Commission (SEC) fines Dow Chemical \$325,000 for bribing officials in India to fast-track permission to sell their pesticide brands. SEC, in a “cease and desist” order to Dow on February 13, 2007, charged the

company with violations under the Foreign Corrupt Practices Act (FCPA) for letting a subsidiary (DE-NOCIL) use funds for illegal activities in a foreign country.

**\*2006** Dow fined \$2.5 million by the EPA after inspections between Aug. 2005 and Aug. 2006, and in March of 2007 by EPA's National Enforcement Investigation Center and Region 5 stated the company violated the Clean Water and Air acts, and the Resource Conservation and Recovery Act.

**\*2006** EPA files an administrative complaint against Dow Chemical after company failed to comply with national emission standards for hazardous air pollutants, violating testing, operating, monitoring, record keeping, reporting and notification requirements. EPA proposed a \$53,109 penalty.

**\*2003** Dow Agrosience fined 2 million dollars for false advertising. The company had claimed that Dursban did not endanger human health and had no long term health effects.

## **Dupont**

**\*In 2004**, EPA filed a new claim against DuPont seeking penalties for withholding the results of human blood sampling information that demonstrates levels of perfluorooctanoic acid (PFOA) in individuals living near a DuPont Facility in West Virginia. The administrative complaint seeks penalties of up to \$32,500 per day from as early as Aug. 28, 2004 through Oct. 12, 2004, for failing to report this substantial risk information under the Toxic Substances Control Act (TSCA).

**\*In 2005**, EPA obtained the largest civil administrative penalty EPA has ever obtained under any federal environmental statute against DuPont. The settlement resolves DuPont's violations related to the synthetic chemical perfluorooctanoic acid (PFOA) under the Toxic Substances Control Act (TSCA) and the Resource Conservation and Recovery Act (RCRA), which includes the four violations alleged in the Agency's two complaints filed against DuPont in July and December 2004, ([EPA Files New Claim Alleging DuPont Withheld PFOA Information](#)) and settles four additional counts involving information about PFOA that EPA obtained after initiating its action against DuPont. The settlement package requires DuPont to pay \$10.25 million in civil penalties.

**\*In 2007**, The Department of Justice and U.S. Environmental Protection Agency announced a settlement in which DuPont will spend at least \$66 million on air pollution controls at the plants and pay a civil penalty of \$4.125 million under the Clean Air Act settlement.

**\*In 2009**, DuPont and Lucite International Inc. agreed to pay a \$2 million civil penalty to settle Clean Air Act violations at a sulfuric acid plant in Belle, W. Va. The sulfuric acid plant is located on a 100-acre chemical manufacturing complex along the Kanawha

River. The plant is owned by Lucite and operated by DuPont. The companies will pay \$1 million to the United States and \$1 million to the state of West Virginia.

### **Syngenta**

**\*In 2006**, Syngenta Seeds, Inc. agreed to pay a \$1.5 million penalty to EPA for selling and distributing seed corn that contained an unregistered genetically engineered pesticide called Bt 10. It is illegal to distribute any pesticide not registered under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). "This action shows that when a company violates the law by distributing unapproved pesticides, EPA vigorously enforces the law," said Granta Y. Nakayama, EPA's assistant administrator for Enforcement and Compliance Assurance.

### **BASF**

In March, 2012, the EPA determined BASF Corporation illegally imported a misbranded product, "Poast Manufacturer Concentrate" (EPA Reg. No. 7969-56). The imported product was illegal because the label on this product contained information that conflicted with the EPA-accepted label. BASF agreed to relabel the violative product, prepare and implement a compliance monitoring plan to prevent or eliminate any future violations of FIFRA, and pay a \$7,500 civil penalty.

Sources: U.S. EPA Enforcement Website; and <http://polutionsim.wordpress.com/2012/07/22>