



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 10**

1200 Sixth Avenue, Suite 155
Seattle, WA 98101

ENFORCEMENT &
COMPLIANCE ASSURANCE
DIVISION

Reply To: 20-C04

RETURN RECEIPT REQUESTED

Mr. Bruce Scott
Assistant Facility Administrator
GEO Group, Inc.
Northwest ICE Processing Center
1623 E J Street
Tacoma, Washington 98421

Re: FIFRA NOTICE OF WARNING of non-compliance with the Federal Insecticide, Fungicide and Rodenticide Act

Dear Mr. Scott:

This is a formal notification from the U.S. Environmental Protection Agency (EPA), Region 10, that GEO Group, Inc. ("GEO Group") is in violation of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) for using a pesticide in a manner inconsistent with its labeling. EPA, Region 10, received complaints that detainees at GEO Group's Northwest ICE Processing Center (NWIPC) in Tacoma, Washington, were being exposed to pesticide. In response, EPA, Region 10, FIFRA inspectors conducted a review of NWIPC facility through interviews with NWIPC Staff and attorneys, detainees and La Resistencia in the fall of 2020. EPA, Region 10, also collected information from GEO Group and the product registrants through Information Request Letters. The information collected revealed GEO Group is in violation of Section 12(a)(2)(G) of FIFRA, 7 U.S.C. 136j(a)(2)(G), which states that it is unlawful to use any registered pesticide in a manner inconsistent with its labeling.

EPA has concluded the pesticides GS Neutral Disinfectant Cleaner (EPA Reg. No. 1839-169-5741) and Sani-T-10 Plus® (EPA Reg. No. 10324-117-5741) have been applied at NWIPC in a manner inconsistent with its labeling due to a lack of required personal protective equipment (PPE) being made available to applicators. The "User-prepared solution" labels for both GS Neutral Disinfectant Cleaner and Sani-T-10 Plus® have precautionary statements that include the language, "Remove and wash contaminated clothing before reuse." NWIPC routinely employs detainees in a "Voluntary Facility Activities Program" to assist in the daily cleaning and sanitation of each housing unit (pod). Records obtained by EPA of daily sanitation unit reports indicate that up to 48 separate pesticide applications could occur in each housing unit on a given day.

Specifically, the daily sanitation unit reports indicate the following areas of application and corresponding frequency of application:

- Tables and chairs: nine times per day
- Phones, tablets, exercise equipment, call boxes and door handles: nine times per day
- Showers and toilets: six times per day
- Tables (before and after each meal): six times per day
- Microwaves, sinks and counters: nine times per day
- Officer desk and phone: nine times per day

Given the frequency of pesticide applications occurring within each pod and the fact that detainees must request that contaminated clothing be washed following an application, as stated by NWIPC staff during the EPA-GEO Group interview, EPA believes detainees applying GS Neutral Disinfectant Cleaner and Sani-T-10 Plus® are not given adequate access to clean clothing. Furthermore, information collected by EPA from people formerly held at NWIPC indicate, at times, a lack of responsiveness from NWIPC staff towards the detainees' concerns. This could further inhibit detainees from accessing clean clothing following a pesticide application that results in the applicator's clothing being contaminated. Per both product labels, GEO Group must ensure any contaminated clothing is washed prior to reuse.

EPA is also concerned that GS Neutral Disinfectant Cleaner and Sani-T-10 Plus® are being used in a manner that results in detainees being exposed to the products. The Directions for Use section of the Sani-T-10 Plus® label states, "Do not breathe spray." Similarly, the Directions for Use section of the GS Neutral Disinfectant Cleaner label states, "Do not breathe the spray mist." Multiple detainees at NWIPC have complained of sore throats and headaches in connection with applications of these pesticide products, indicating detainees may be inhaling the products being applied due to their proximity within the living areas. The continual applications may also result in detainee exposure.

This Letter of Warning constitutes a "written warning" as described under Section 14(a)(4) of FIFRA, 7 U.S.C. 136l(a)(4). Subsequent violations of FIFRA may subject you to Stop Sale Use or Removal Orders (SSURO) and/or civil penalties of up to \$20,528 per violative act.

Please provide a written response within 30 days of receipt of this letter and describe the steps you have already taken or will take to ensure compliance with FIFRA. Please send the response to Nick Hurwit at hurwit.nicholas@epa.gov.

We have enclosed a Small Business Regulatory Enforcement Fairness Act (SBREFA) information fact sheet. EPA has agreed to notify small businesses of their rights pursuant to SBREFA to comment to the SBREFA ombudsman regarding any regulatory enforcement activity. Please note that SBREFA neither eliminates your responsibility to comply with FIFRA nor creates any new rights or defenses under law.

If you have any questions about this letter or the requirements of FIFRA please contact Nick Hurwit by telephone at (206) 553-6221 or by email at hurwit.nicholas@epa.gov.

Sincerely,

Morgan Jencius, Chief
Air and Land Enforcement Branch

Enclosure