

Conservation Committee Report

Volume 24 Issue 9

Jack Walters—Conservation Chairman

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The Conservation Pledge

I give my pledge as an American to save and faithfully defend from waste, the natural resources of my country; the soil, the water, the air, the minerals, the plant life and the wildlife.

This is my Pledge!

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EPA cracks down on Pa. company for selling auto parts that avoid pollution controls with \$2.5 million penalty

Keystone Automotive, a vehicle parts distributor with headquarters in Exeter, Pennsylvania, will pay a \$2.5 million penalty for allegedly selling aftermarket devices that were designed to defeat the emissions control systems on cars and trucks,

the U.S Environmental Protection Agency announced.

The company's actions allegedly violated the Clean Air Act's prohibition on the sale of so-called "defeat devices," which are designed to "bypass, defeat or render inoperative" a motor vehicle engine's air pollution control equipment or systems.

This enforcement action is part of EPA's National Compliance Initiative for Stopping Aftermarket Defeat Devices for Vehicles and Engines. The Keystone settlement, at \$2.5 million, is the third largest civil penalty settlement nationwide for aftermarket defeat device cases.

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Conventional Oil & Natural Gas Companies Accelerating Pace Of Abandoning Wells Without Plugging Them Threatening To Put PA's Taxpayer-Funded Well Plugging Program Even Further Behind

The pace of companies abandoning conventional oil and natural gas wells without plugging them continues to accelerate in 2022 threatening to put Pennsylvania's taxpayer-funded well

plugging program even further behind.

In July and August, DEP issued 108 notices of violation to conventional oil and gas operators for abandoning wells without plugging them and two notices of violation for the same offense

to an unconventional shale gas driller, according to [DEP's Oil and Gas Program Compliance Database](#).

That's more NOV's for the same offense issued in the three months of the

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EPA cracks down on Pa. company for selling auto parts that avoid pollution controls with \$2.5 million penalty

Today's vehicles emit far less pollution than vehicles of the past. This is made possible by careful engine calibrations, and the use of filters and catalysts in the exhaust system. Aftermarket defeat devices undo this progress and pollute the air we breathe. EPA testing has shown that a vehicle's emissions can increase drastically (tens or hundreds of times, depending on the pollutant) when its emissions controls are removed.

"The EPA will not tolerate violations like this," said **EPA Mid-Atlantic Regional Administrator Adam Ortiz**. "This settlement will also send a message that we will crack down on companies selling illegal products that make our air quality and health worse."

According to the company's website, Keystone is "the leading distributor and marketer of aftermarket automotive equipment and accessories in North America" and has "grown from a single auto parts store to become the largest warehouse distributor" in the industry. Overall, the company was cited for 15,621 violations.

When installed on motor vehicles, the 44 types of aftermarket automotive parts sold by Keystone created a potential harm to human health by defeating controls on emissions of particulate matter and ozone which are linked to a number of health effects as well as premature death.

The practice of tampering with vehicles by installing defeat devices can enable large emissions of nitrogen oxides (NOx) and particulate matter, both of which contribute to serious health problems in the United States. These include premature mortality, aggravation of respiratory and cardiovascular disease, aggravation of existing asthma, acute respiratory symptoms, chronic bronchitis, and decreased lung function.

Respiratory issues like these disproportionately affect families, especially children, living in underserved communities overburdened by pollution. Emissions of NOx and particulate matter may also have harmful effects on sensitive vegetation and ecosystems.

For more information on this initiative, visit: <https://www.epa.gov/enforcement/national-compliance-initiative-stopping-aftermarket-defeat-devices-vehicles-and-engines> .

Source: U.S Environmental Protection Agency

Conventional Oil & Natural Gas Companies Accelerating Pace Of Abandoning Wells Without Plugging Them Threatening To Put PA's Taxpayer-Funded Well Plugging Program Even Further Behind (continued)

second quarter-- 82 conventional wells and 21 unconventional wells (total 103)-- and the three months of the first quarter-- 77 conventional wells and 8 unconventional wells (total 85). [Read more here.](#)

So far in 2022 a total of 267 notices of violation were issued for conventional wells and 34 for unconventional shale gas wells for abandoning without plugging them for a total of 298 wells.

And these were only the wells DEP inspectors caught companies abandoning during their regular inspections.

Every oil and gas well abandoned by the oil and gas industry means taxpayers have pick up the cost of plugging and cleaning up those sites.

Conventional oil and gas well companies have so far shifted over \$5.1 billion in well plugging costs to taxpayers because they are required to put up zero bonds to cover plugging costs for wells they drilled before April 1985-- which is most of them-- and only limited bonding for wells since then that does not begin to cover taxpayers' plugging costs. [Read more here.](#)

The conventional industry also passed legislation in July that Gov. Wolf allowed to become law blocking any attempts to increase the bonding amounts for 10 years. [Read more here.](#)

To put the 267 notices of violation for abandoning conventional oil and gas wells so far this year in perspective, that's over five times the number of wells DEP plans to plug-- 50-- with the initial \$25 million from the new, highly touted, federal taxpayer-funded Bipartisan Infrastructure Law conventional oil and gas well plugging program. [Read more here.](#)

It's also important to understand, notices of violation are DEP's first step in trying to get a driller's attention that a violation has occurred and they need to take steps to resolve the issue.

DEP's Oil and Gas Program Compliance Database has incomplete information on if these violations were resolved.

In terms of past enforcement actions, DEP only assessed monetary penalties against 15 of the 256 conventional oil and gas operators who received notices of violation for abandoning wells without plugging them over the last six years, according to [DEP's response to a Right to Know request](#) to the Oil and Gas Management Program for penalty information covering conventional operators from 2016 through 2021. [Read more here.](#)

During those same six years, DEP issued over 4,270 notices of violations for abandoning wells. [Read more here.](#)

It is clear abandoning wells without paying the cost of plugging them is a pervasive part of the way conventional oil and gas industry's operate. [Read more here.](#)

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Conventional Oil & Natural Gas Companies Accelerating Pace Of Abandoning Wells Without Plugging Them Threatening To Put PA's Taxpayer-Funded Well Plugging Program Even Further Behind (continued)

Counties With Newly Abandoned Wells

In July and August, conventional operators were given NOVs for abandoning wells without plugging them in these 11 counties-- Butler (3), Crawford (1), Ek (2), Erie (7), Forest (3), McKean (6), Mercer (2), Venango (72), Warren (2) and Westmoreland (10).

DEP issued NOVs for abandoning two unconventional shale gas wells in Wyoming County.

Companies Abandoning Wells

In July and August, these 29 conventional operators were given NOVs for abandoning wells without plugging them-- All American Energy (1); Allshouse Excav. (9); Allshouse, Terrence L. Jr. (4); Apex Energy (1); AZCO OPR (1); BV Gas LLC (1); C&D Gas Co. (1); Champion Bolt Corp (2); Cobra Resources (5); Diversified Prod (2); Dorso LP (1); Energy Exploration & Dev. (1); Five Star Investment Group (1); FM Sloan Inc. (2); Fyrerols Reservoir Consulting (3); Grace M. Marzalen (1); Hartstown Oil & Gas Explor (1); Horizontal Exploration (6); HypePark Foundry & Mach Co. (1); Lendrum Energy LLC (40); LT Oil Co LLC (5); Magi Oil (1); Mid East Oil (1); Nucomer Energy (1); PA Mineral Services (1); Pierce & Peterson (2); Pin Oak Energy Partners (1); Timberline Energy (9); and Titus Energy (1).

Chesapeake Appalachia was issued notices of violation by DEP for abandoning two unconventional shale gas wells without plugging them in Wyoming County during July and August.

DEP Conventional Drilling Compliance Review

On July 30, Gov. Wolf [directed the Department of Environmental Protection](#) to conduct an evaluation of how it regulates conventional oil and gas wells to prevent new abandoned wells, tighten review of permit transfers, review compliance with environmental safeguards and make recommendations for changes and actions, including criminal sanctions.

The evaluation was due to the Governor's Office by September 1. [Read more here.](#)

It is critical DEP evaluate whether its compliance tools are actually getting compliance with Pennsylvania's oil and gas laws and regulations and where changes need to be made.

On allowing new abandoned wells in particular, up to \$395 million in funding is at stake over the next 15 years from the new federal Bipartisan Infrastructure Law for plugging abandoned conventional oil and gas wells. [Read more here.](#)

On August 18, Kurt Klappowski, Acting DEP Deputy Secretary for Oil and Gas Management, told DCED's [PA Grade Crude \[Oil\] Development Advisory Council](#) the conventional oil and gas driller compliance review will evaluate at least the last five years of compliance.

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When asked whether DEP's evaluation and accompanying recommendations would be in a public document, Klapkowski said, "... don't know the answer to that question. All I can say is what was published in the Pennsylvania Bulletin, the instructions that we were given in terms of preparing a report for the conventional industry's record of compliance."

For the sake of the credibility of DEP's Oil and Gas Management Program, and Pennsylvania's environment, the document should be public and its methodology and recommendations fully disclosed.

To track oil and gas facility compliance with Pennsylvania's laws and regulations, visit DEP's [Oil and Gas Program Compliance Database](#) and search by company.

You will be shocked at what you find.

Source: PA Environment Digest

DCNR Reminds Public Of Wild Ginseng Harvesting Guidance As Season Begins

Department of Conservation and Natural Resources (DCNR) Secretary Cindy Adams Dunn and Pennsylvania State Forester Ellen Shultzabarger today reminded Pennsylvanians to abide by state [guidelines for harvesting wild ginseng in Pennsylvania](#).

Wild ginseng harvesting season begins today, September 1, and runs until November 30.

American Ginseng (*Panax quinquefolius*), is classified as “Pennsylvania Vulnerable” because it is in danger of decline as a result of frequent removal from its native habitats for commercial or personal use.

“Ginseng continues to be an important part of Pennsylvania’s heritage and its natural forest ecosystems, which is why we encourage harvesters to use good stewardship practices when collecting wild ginseng plants,” Dunn said. “We at DCNR remain committed to educating the public about protecting this critical plant and are working with our partners to ensure the plants are protected from excessive harvesting.”

American ginseng has been protected since 1975 under an international treaty known as CITES (Convention on International Trade in Endangered Species of Wild Fauna and Flora), which requires its export to be regulated by the U.S. Fish & Wildlife Service.

Ginseng takes up to 10 years to reach maturity and environmental stresses such as habitat loss, climate change, deer browse, and illegal harvesting decrease the chances of survival for the plants.

Many people collect ginseng wild from forests, while some choose to grow it in plots. People who harvest wild ginseng must follow these regulations and guidelines to maintain healthy populations:

Collection is not permitted on state lands

Collect only mature plants with at least three five-pronged leaves and red berries

Collect only during harvest season (September 1 through November 30)

Plant seeds near the harvested plant to ensure future ginseng plants

Permits are not needed for collection, but you must get permission from a private landowner first

Poaching is illegal

“Creating and maintaining a sustainable future for these vulnerable plants is the only way to preserve the longstanding American tradition of ginseng use, sale and trade,” Shultzabarger said. “The health of the species and the economic benefits are intertwined. We must continue to be good stewards of this critical resource for future use.”

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DCNR Reminds Public Of Wild Ginseng Harvesting Guidance As Season Begins (continued)

Ginseng dealers must obtain a license to sell or trade the plant. Failure to comply is a federal offense that carries penalties.

Harvesting ginseng does not require a license; however, DCNR oversees the Vulnerable Plant License Commercial Process, which grants licenses to those looking to sell or trade the plants.

Harvesting ginseng in Pennsylvania and taking it out of state without a vulnerable-plant license is prohibited.

The licensing program collects transaction information from sales to track the quantities of wild ginseng and other vulnerable plants collected for export from Pennsylvania forestlands. Accuracy is critical to protecting vulnerable plants.

Visit DCNR's website for more information on harvesting [ginseng in Pennsylvania](#).

Source: Department of Conservation and Natural Resources (DCNR)

DEP Declares Drought Watch For 36 Counties, Asks For Voluntary Water Conservation

The Pennsylvania Department of Environmental Protection (DEP) announced the Commonwealth Drought Task Force has declared a drought watch for 36 counties and asks for voluntary water conservation in those counties.

“A few counties have experienced very dry conditions over the summer, and a number of others have inched into increasingly dry conditions in recent weeks. We’re asking Pennsylvanians in all of these counties to use water wisely and follow simple water conservation tips to ease the demand for water,” said DEP Acting Secretary Ramez Ziadeh.

The following counties are on drought watch: Berks, Bucks, Bradford, Cameron, Carbon, Centre, Clearfield, Clinton, Columbia, Dauphin, Delaware, Juniata, Lackawanna, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, and Wyoming. For a map of drought declarations that’s updated daily, see the [DEP drought web page](#).

Residents on drought watch are asked to reduce their individual water use by 5 to 10%, or a reduction of three to six gallons of water per day.

DEP is notifying all water suppliers in these counties of the need to monitor their supplies and be prepared by updating their drought contingency plans as necessary. Varying localized conditions may lead water suppliers or municipalities to ask residents for more stringent conservation actions.

At this time, two public water suppliers are requiring residents to reduce their water use: Galeton Borough Water Authority in Potter County and Waterville Water Association in Lycoming County.

Six suppliers are asking residents to voluntarily reduce their water use:

BCI Municipal Authority, Clearfield County

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DEP Declares Drought Watch For 36 Counties, Asks For Voluntary Water Conservation (continued)

Driftwood Boro, Cameron County

Jersey Shore Area Joint Water Authority, Lycoming County

Lock Haven, Clinton County

Palmerton Municipal Water Authority, Carbon County

Pennsylvania American Water Company – Bangor District, Carbon County

Ways to Conserve Water at Home

There are many ways to conserve water at home, including:

Run water only when necessary. Don't let the faucet run while brushing your teeth or shaving. Shorten the time you let the water run to warm up before showering.

Run the dishwasher and washing machine less often, and only with full loads.

Water your garden in the cooler evening or morning hours, and direct the water to the ground at the base of the plant, so you don't waste water through evaporation.

Water your lawn only if necessary. Apply no more than 1 inch of water per week (use an empty can to determine how long it takes to water 1 inch). Avoid watering on windy and hot days. This pattern will encourage healthier, deeper grass roots. Over-watering is wasteful, encourages fungal growth and disease, and results in shallow, compacted root systems that are more susceptible to drought.

When mowing your lawn, set the blades to 2-3 inches high. Longer grass shades the soil, improving moisture retention. It also grows thicker and develops a deeper root system, so it can better survive drought.

Check for and repair household leaks. For example, a leaking toilet can waste up to 200 gallons of water daily.

Sweep your sidewalk, deck, or driveway instead of hosing it off.

Replace older appliances with high-efficiency, front-loading models that use about 30 percent less water and 40-50 percent less energy.

Install low-flow plumbing fixtures and aerators on faucets.

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DEP Declares Drought Watch For 36 Counties, Asks For Voluntary Water Conservation (continued)

Set up a rain barrel to be ready to repurpose rain when it does fall. For information, see this [Penn State Extension guide](#).

Find more tips at the [U.S. Environmental Protection Agency](#).

How DEP Determines Drought Conditions

To determine drought conditions, DEP assesses information on public water supply levels and data on four indicators: precipitation, surface water (stream and river) flow, groundwater level, and soil moisture. Declarations aren't based on one indicator alone, such as precipitation.

The DEP Drought Coordinator monitors the indicators in close partnership with the U.S. Geological Survey (USGS), which maintains gauges in streams and wells in many locations across Pennsylvania.

There are normal ranges for all four indicators. DEP makes drought status recommendations after assessing departures from these ranges for all indicators for periods of 3-12 months. For a map that's updated daily to show the status of all four indicators for each county, see the [USGS Pennsylvania drought condition monitoring](#) website.

DEP shares these data and its recommendations with the state and federal agencies and other organizations that make up the Commonwealth Drought Task Force. Drought watch and warning declarations are determined by DEP, with the concurrence of the task force.

Drought emergency declarations follow the same process, with final approval by the governor. No county is in drought warning or emergency status at this time.

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DEP Declares Drought Watch For 36 Counties, Asks For Voluntary Water Conservation (continued)

For more information on how DEP monitors conditions and makes drought status declarations, see the [drought management fact sheet](#).

The next Commonwealth Drought Task Force meeting will be on Tuesday, September 13, 2022, at 1:00 PM.

Source: The Pennsylvania Department of Environmental Protection (DEP)

DEP And Partners Showcase Stream Restoration Projects In Fishing Creek Watershed

Representatives from the Pennsylvania Department of Environmental Protection (DEP) joined with the Donegal chapter of Trout Unlimited today to highlight stream restoration projects in the Fishing Creek watershed, which is part of the larger Chesapeake Bay watershed.

“Protecting and improving water quality is critical, not just for the environment but also for public health,” said Jill Whitcomb, director of the Bureau of Watershed Restoration and Nonpoint Source Management at DEP. “Conservation also takes strong partnerships with organizations like Trout Unlimited, and programs like EPA’s [Section 319 grant program](#), to put these projects on the ground and improve our streams and rivers.”

The projects were located at Camp Andrews in Holtwood, Lancaster County, and were examples of projects that improve stream health by reducing erosion and pollution runoff into streams. The Best Management Practices (BMPs) at Camp Andrews will prevent an estimated 182 tons of sediment, 228 lbs. of nitrogen, and 85 lbs. of phosphorus from impacting downstream waterways and ultimately the Chesapeake Bay.

“Farmers and landowners recognize that conservation of local soil and water resources are critical to their families, farms, and neighbors downstream,” said Bob Kutz, serving with the Trout Unlimited Conservation Committee. “By working together with members of our Lancaster community and partners we can clean up our streams for people, benefit wildlife habitat, and the wild trout we love to see in local waterways.”

Since 1999, the Section 319 program has provided more than \$69 million to support over 400 projects in dozens of counties. The program is funded by the U.S. Environmental Protection Agency, through Section 319(h) of the federal Water Pollution Control Act.

Section 319 grant projects can include streambank restoration, dam removal, and acid mine drainage treatment, among other conservation practices that address non-point source pollution, or pollution that does not have a specific discharge point.

Programs like Section 319 grants, Growing Greener Plus, and the new Clean Streams Fund that was a part of the FY2022-2023 budget provide funding for projects to reduce nonpoint source pollution and improve water quality in Pennsylvania waterways and downstream.

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**DEP And Partners Showcase Stream Restoration Projects In Fishing Creek Watershed
(continued)**

More information on [Section 319 Nonpoint Source Management Grants](#)

Source: The Pennsylvania Department of Environmental Protection (DEP)

EPA Announces Dallas Student Wins President's Environmental Youth Award

The Environmental Protection Agency Region 6 is pleased to announce the winner of the President's Environmental Youth Award, Grade 6-12 category Spencer Jackson Burke of Dallas, Texas. Spence has led multi-year conservation projects to help native solitary bee species.

"We are happy to see the next generation take such an interest in preserving our environment," **Regional Administrator Dr. Earthea Nance**. "Spencer's projects showed a strong aptitude for leadership and compassion. We congratulate Spencer on his accomplishments and look forward to how his contributions will increase and strengthen the bee population which is so important to agriculture, food and our planet."

Spencer led a project that removed 45 contractor sized bags of invasive grasses and planted different types of native grasses and wildflowers using a technique called inter-seeding at Twelve Hills Nature Center in Dallas, Texas. For another project, Spencer designed, constructed, and installed 100 solitary bee nesting boxes in City of Dallas parks and other non-profit nature preserves. In addition, he gave educational presentations about pollinator preservation and conservation. Spencer has gained national attention by receiving three national grants to fund his projects and received support from businesses to offset costs.

Students across the country have submitted their applications for this award. Those who were chosen as the winners demonstrated the ability to safeguard natural resources and to engage their communities in environmental awareness and protection. The EPA encourages young people across the nation to apply for this prestigious award to showcase the efforts they've taken in their communities. For additional information on PEYA and how to apply [please visit our webpage](#).

Background

Since the establishment of the original Environmental Education Act of 1970, The President's Environmental Youth Award (PEYA) Program has recognized outstanding community-level environmental projects by K-12 youth for almost 50 years. PEYA continues to promote awareness of natural resources and encourages positive community involvement. Each year, PEYA honors a wide-variety of local-level projects developed by students, school classes, summer camp attendees and youth organizations to promote engagement in environmental stewardship and protection. Students in all 50 states and U.S. territories are invited to participate in the program.

Source: The Environmental Protection Agency

DCNR Names New Forester For Sproul State Forest

Department of Conservation and Natural Resources (DCNR) Secretary Cindy Adams Dunn announced the appointment of Gregory Kisko as the District Forester for Sproul State Forest in Clinton and Centre counties, which is in the [Pennsylvania Wilds](#).

"Greg has risen to every challenge in his time with DCNR and we are confident he will be very successful managing the forest," Dunn said. "Sproul features some beautiful landscapes, pure water, recreation opportunities, wildlife habitats and so many more great natural resources, and Greg and the district team will continue to be good stewards of the majestic forest."

Kisko will oversee management of the forest, which covers more than 305,000 acres and features steep and rugged hillsides cut by the West Branch of the Susquehanna River and its tributaries, which is located in Clinton and Centre counties. Sproul State Forest was named in honor of William C. Sproul, governor of Pennsylvania from 1919 to 1923. Governor Sproul was best known for expansion of the public education system in Pennsylvania.

"The hard work and dedication Greg has exhibited over a career of more than 20 years with the department has prepared him for this important role," State Forester Ellen Shultzabarger said. "He demonstrated his skillset as an administrator, coordinator and leader in each of his prior roles within the Bureau of Forestry and I know he will do a wonderful job in this position."

Kisko is a native of Clinton County and grew up in and around the Sproul. He received an associate degree from the Pennsylvania College of Technology and began working in DCNR's Bureau of Forestry in 2000 as a forest technician on the inventory crew. Later that year, he transferred to Tiadaghton State Forest and held several positions before becoming a forester in 2008. From 2010 to 2016, Kisko served as a gas forester in the Tiadaghton before transferring to Tioga State Forest where he worked as the assistant district forester, primarily managing the district's maintenance, recreational, fire and service forestry programs.

"I have family here, I grew up here, I hunted in these woods, and now I am managing the forest -- there would be no other district, other than Tioga, I would like to finish my career in. I would like to thank Jim Hyland, Benn Carlson, and the rest of the Tioga staff in helping me get to where I am today. Also I would like to thank the Tiadaghton district from where this journey all started," Kisko said. "I want to be helpful and look forward to building on the work of the previous district foresters through strengthening partnerships and being a strong leader in the community."

Kisko lives in Antes Fort with his wife, Stephanie, daughters, Arabella and Samara, and his two dogs, Desmond and Oliver. When he is not spending time with his family or attending sporting events, he enjoys hunting and spending time outdoors, working on projects around his house, and running his sawmill. Most recently, Kisko has started raising honeybees.

For more information about [Sproul State Forest](#), contact the district office at 570-923-6011 or visit the DCNR website.

Source: Department of Conservation and Natural Resources (DCNR)

United States Awarded \$10 Million Default Judgment and Permanent Injunction Against Two Michigan Companies and Their Owner for the Sale of Vehicle Emission “Defeat Devices”

On August 29, 2022, the U.S. District Court in the Eastern District of Michigan awarded a default judgment, granting the proposed \$10 million civil penalty against DieselOps LLC and Orion Diesel LLC of Waterford, Michigan. The violations the United States identified in its December 2021 complaint included the manufacture, sale and installation of aftermarket parts known as “defeat devices” designed to disable or bypass required vehicle emissions controls.

The court also granted the proposed \$455,925 civil penalty against the owner of the two companies, Nicholas Piccolo, for failing to respond to an information request issued pursuant to Section 208 of the Clean Air Act and entered a judgment against Piccolo of slightly less than \$1 million for alleged fraudulent transfers in violation of the Federal Debt Collection Procedures Act. And the court entered a permanent injunction against future sales of defeat devices against all of the defendants.

“EPA has made it a priority to stop the manufacture, sale and installation of defeat devices, because they result in illegal and harmful emissions that continue over the life of the vehicle,” said **Acting Assistant Administrator Larry Starfield for EPA’s Office of Enforcement and Compliance Assurance**. “This case shows that EPA and our law enforcement partners will hold responsible those who illegally profit from defeat devices.”

“Defeat devices violate Clean Air Act emissions requirements that protect public health and the environment, including by protecting vulnerable communities that are disproportionately impacted by air pollution,” said **Assistant Attorney General Todd Kim of the Justice Department’s Environment and Natural Resources Division (ENRD)**. “The United States will vigorously enforce the Clean Air Act, including its prohibition of illegal devices that bypass emission controls and harm the environment and public health.”

“This action sends a strong message that selling and installing defeat devices on vehicles and engines will not be tolerated,” said **EPA Region 5 Administrator Debra Shore**. “Emission control systems on vehicles are designed to protect public health by reducing pollution, which is why EPA is committed to ensuring that companies comply with the Clean Air Act.”

As a result of EPA’s efforts to improve air quality and fuel efficiency, cars and trucks manufactured today emit far less pollution than older vehicles. To meet EPA’s emission standards, engine manufacturers have carefully calibrated their engines and installed sophisticated emissions control systems. EPA testing has shown that aftermarket defeat devices can increase vehicle emissions substantially, which can contribute to a variety of public health problems typically associated with exposure to air pollution. These health effects can include premature death in people with heart or lung disease, heart attacks, irregular heartbeat, aggravated asthma, decreased lung function and respiratory symptoms such as irritation of the airways, coughing or difficulty breathing. This enforcement action is one of more than 40 civil enforcement cases initiated by EPA and the Justice Department as part of the [National Compliance Initiative for Stopping Aftermarket Defeat Devices for Vehicles and Engines](#).

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United States Awarded \$10 Million Default Judgment

Because defeat devices contribute excess dirty emissions to communities located adjacent to highways and freight facilities, EPA regards halting the manufacture, sale, offering for sale and installation of defeat devices as key issues in working toward environmental justice.

Source: U.S. EPA

EPA and The Ministry of the Environment of Japan Release Joint Statement on Continued Bilateral Environmental Cooperation

On September 2, U.S. Environmental Protection Agency Michael S. Regan and Minister of the Environment, Japan Nishimura Akihiro met in Tokyo, Japan for a high-level bilateral dialogue. The ministers met to discuss accomplishments, including the historic climate investments from President Biden's Inflation Reduction Act and priorities for continued international, regional, and bilateral cooperation on environmental protection.

Climate Change and Decarbonization

- The Ministry of the Environment, Japan (MOE) and the U.S Environmental Protection Agency (EPA) recognize the importance of implementation of the Paris Agreement on strengthening global response to the threat of climate change. As documented in the U.S.-Japan Climate Partnership, both countries are committed to taking ambitious steps to lead domestic climate efforts, accelerate international climate action, promote climate transparency, and achieve 2050 net zero goals and aligned 2030 nationally determined contributions (NDCs).
- An enhanced transparency framework is the foundation for implementation of the Paris Agreement, designed to build trust and confidence that all countries are contributing their share to the global effort. MOE and EPA will continue to cooperate in providing capacity building support to Asian countries including through the Workshop on Greenhouse Gas Inventories in Asia and EPA's Transparency Accelerator. The enhancement of monitoring, reporting, and verification for developing countries contributes to their assessment of progress towards NDCs, development and implementation of effective greenhouse gas emission reduction measures, and development of biennial transparency reports including Article 6 reporting.
- Subnational actors are vital in leading efforts towards decarbonization. MOE and the Office of Special Presidential Envoy for Climate, United States of America, joined by EPA, launched the "Global Subnational Zero Carbon Promotion Initiative" at COP26. Both participate in Zero Carbon City International Forums to highlight the efforts that state, city, and local governments are taking to reach zero carbon goals. Together MOE and EPA promote action globally to support and accelerate subnational climate action. While in Japan, the EPA Administrator visited a model city that is proactively working towards decarbonization and has received funding from MOE to achieve these goals.
- MOE and EPA are taking steps to promote lifecycle management of fluorocarbons, including hydrofluorocarbons (HFCs). The agencies continue to share approaches to managing fluorocarbons and best practices for sustainably managing these compounds with each other and the global community.

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EPA and The Ministry of the Environment of Japan Release Joint Statement on Continued Bilateral Environmental Cooperation (continued)

- The United States and Japan are among the initial countries that participated in the Global Methane Pledge (GMP) and the GMP Energy Pathway to reduce global methane emissions. In addition, MOE and EPA will continue to promote domestic policies and international cooperation to reduce methane emissions in the waste sector including through highlighting the issues and facilitating relevant actions at national and international levels.
- MOE and EPA work closely with the United Nations Global Adaptation Network (GAN) and Educational Partnerships for Innovation in Communities (EPIC) in hosting training workshops in cities in the Asia-Pacific region and in Sub-Saharan Africa.

Marine Litter and Circular Economy

- MOE and EPA are continually aligned on international environmental policy matters including demonstrating leadership on ocean plastic pollution and circular economy matters. This alignment brings us closer to achieving the Osaka Blue Ocean Vision which was shared under the Japan G20 presidency in 2019 and aims to reduce additional plastic pollution to zero by 2050. We are jointly committed to the negotiation of a global agreement on plastic pollution that will address the full lifecycle of plastic through an ambitious, innovative, country-driven approach.
- Japan is part of the United States OECD Environmental Performance Review Team that is assessing multi-country progress, policies, and best practices towards addressing marine litter with a focus on linkages to environmental justice. Through this process, MOE and EPA are working with Indonesia and the Organisation for Economic Co-operation and Development to analyze policies and enhance peer-to-peer learning including through workshops, roundtables, participation in review missions to the United States, and preparation of a report to discuss review findings.
- Principles of circular economy overlap with properly managing waste streams including keeping plastic out of our oceans, promoting resource efficiency, and addressing source reduction. MOE and EPA are committed to realizing circular economy, marine litter, and waste reduction goals through domestic strategies and multilateral cooperation including through the G7 Alliance on Resource Efficiency and the G20 Resource Efficiency Dialogue.

Chemical Management

- MOE and EPA underscore our joint commitment to continuing cooperation for effective implementation of the Minamata Convention on Mercury, participation in the Global Mercury Partnership, and strengthening mercury monitoring capabilities in the Asia-Pacific region.

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EPA and The Ministry of the Environment of Japan Release Joint Statement on Continued Bilateral Environmental Cooperation (continued)

- MOE and EPA regularly share information on chemical management policy and approaches. MOE and EPA recognize the importance of PFAS management and will continue cooperation to deepen scientific knowledge in relation to regulations and countermeasures for PFAS.

Environmental Education and Youth

- MOE and EPA are committed to promoting and enhancing environmental education. Together with international partners we participate in the Global Environmental Education Partnership to promote and develop environmental education and sustainable development goals.
- Since the Great East Japan Earthquake in 2011, MOE and EPA have worked together to support and assist recovery and revitalization in Fukushima, learn from the disaster, and take actions to prevent nuclear incidents. During this visit, the EPA Administrator met with Asaka high school students that work with the Dream Support Fukushima organization to share an understanding of issues including radiation and environmental restoration with peers from across Japan and internationally. This youth program received Japan's Minister of the Environment Award in 2021.
- EPA and MOE regularly share information on a range of issues that protect young people and their communities, human health, and the environment.

Source: U.S. Environmental Protection Agency

EPA Proposes to Stop Authorized Use of Certain PFAS in Pesticide Products

The U.S. Environmental Protection Agency (EPA) is proposing to remove 12 chemicals identified as per- and polyfluoroalkyl substances (PFAS) from the current [list of inert ingredients](#) approved for use in pesticide products to better protect human health and the environment.

“Exposure to PFAS is an urgent public health and environmental issue in our country and we’re continuing to work aggressively to reduce the use of these dangerous chemicals,” **said Michal Freedhoff, Assistant Administrator for the Office of Chemical Safety and Pollution Prevention.** “Ensuring that these 12 chemicals can no longer be used in pesticides is an important step to protect workers, the public, and our planet from unnecessary PFAS exposure.”

Under the [PFAS Strategic Roadmap](#), EPA committed to taking a renewed look at previous PFAS decisions, and, as part of this review, undertook a thorough review of its list of chemical substances that have been approved for use as inert ingredients in pesticide products. EPA then used its authority to take quick action on PFAS inert ingredients not currently used in registered pesticide products.

Pesticide products contain at least one active ingredient and other intentionally added inert ingredients. Inert ingredients play key roles in pesticide effectiveness and product performance including extending the product’s shelf life or improving the ease of application by preventing caking or foaming. EPA reviews safety information for inert ingredients before they can be included in a pesticide.

While these PFAS are no longer used in any registered pesticide products, EPA determined it is important to remove these 12 chemicals from the list of approved inert ingredients to allow for an updated review of available information for these chemicals to be required, if their future use in pesticide products is requested:

- 2-Chloro-1,1,1,2-tetrafluoroethane (CAS Reg. No. 2837-89-0);
- α -(Cyclohexylmethyl)- ω -hydropoly(difluoromethylene) (CAS Reg. No. 65530-85-0);
- Dichlorotetrafluoroethane (CAS Reg. No. 1320-37-2);
- Ethane, 1,1,1,2,2-pentafluoro- (CAS Reg. No. 354-33-6);
- Hexafluoropropene, polymer with tetrafluoroethylene (CAS Reg. No. 25067-11-2);
- Montmorillonite-type clay treated with polytetrafluoroethylene (No CAS Reg. No.);
- Poly(difluoromethylene), α -chloro- ω -(1-chloro-1-fluoroethyl) (CAS Reg. No. 131324-06-6);
- Poly(difluoromethylene), α -chloro- ω -(2,2-dichloro-1,1,2-trifluoroethyl)- (CAS Reg. No. 79070-11-4);
- Poly(difluoromethylene), α -(2,2-dichloro-2-fluoroethyl)-, ω -hydro- (CAS No. 163440-89-9);

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EPA Proposes to Stop Authorized Use of Certain PFAS in Pesticide Products (continued)

- Poly(difluoromethylene), á-fluoro-ù-[2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl]- (CAS Reg. No. 65530-66-7);
- Poly(oxy-1,2-ethanediyl), á-hydro-ù-hydroxy-, ether with á-fluoro-ù-(2-hydroxyethyl)poly(difluoromethylene) (1:1) (CAS Reg. No. 65545-80-4); and
- Propane, 1,1,1,2,3,3,3-heptafluoro- (CAS Reg. No. 431-89-0).

Upon publication of the Federal Register notice, EPA will accept public comments on this proposal for 30 days in docket EPA-HQ-OPP-0542 at www.regulations.gov. If removed from the list, any proposed future use of these chemicals as inert ingredients will need to be supported by data which may include studies to evaluate potential carcinogenicity, adverse reproductive effects, developmental toxicity, genotoxicity as well as data on environmental effects.

Pesticide registration decisions are based on extensive data requirements as outlined in 40 CFR 158 which applies to both active ingredients and the inert materials contained in end use products. EPA continues to evaluate all pesticide active ingredients to determine if any meet the current structural definition of PFAS or are part of other related chemistries that have been identified by stakeholders as being of concern. EPA will continue to provide updates as more information becomes available.

To read a prepublication version of this proposal and for more information on inert ingredients approved for use in pesticide products visit the Inert [Ingredients Overview and Guidance page](#).

Source: The U.S. Environmental Protection Agency (EPA)