

EPA, Bayer CropScience Settle Clean Air Act Violations for \$5.7 Million

SEPTEMBER 23, 2015

On September 21, 2015, federal officials announced that the government and Bayer CropScience have reached a \$5.7 million settlement of alleged Clean Air Act risk management program and general duty clause violations related to a 2008 explosion at the company's Institute, West Virginia, pesticide plant in which two people were killed. Under the settlement, Bayer CropScience committed to spending \$452,000 on safety improvements at chemical storage facilities across the country. Additionally, the company agreed to spend \$4.23 million to improve emergency preparedness and response in Institute and to protect the Kanawha River. Bayer CropScience also agreed to pay a \$975,000 civil penalty.

The government's [complaint](#) details the events that led to the deadly explosion. For instance, in 2008, a new digital control system was installed at the site, but the safety interlock associated with the control system allegedly was not properly engaged at startup of the Methomyl Unit (this unit utilized methyl isocyanate, the same chemical that when released from a former Union Carbide plant in Bhopal, India, in 1984 reportedly killed more than 3,400 people). Additionally, the complaint alleges that employees were not fully trained to understand the control system and failed to follow standard operating procedures. These factors allegedly contributed to a buildup in the Methomyl Unit's residue treater, and conditions inside the residue treater triggered a chemical reaction resulting in the explosion, fire, and loss of life. According to the complaint, following the explosion, the company delayed emergency officials from accessing the plant and failed to provide adequate information to 911 operators.

A [consent decree](#) containing the terms of the settlement was filed in the U.S. District Court for the Southern District of West Virginia and is subject to a 30-day public comment period and court approval.

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