

**FISH AND WILDLIFE SERVICE
LAW ENFORCEMENT**

Law Enforcement

Part 446 Law Enforcement Operations

Chapter 3 Contaminant Investigations

446 FW 3

3.1 Purpose. This chapter provides guidelines for the Fish and Wildlife Service investigation of environmental contaminant incidents.

3.2 Policy. The Service investigates all environmental contaminant incidents impacting Service trust resources, including, Service lands, and federally protected fish, wildlife, or plants. Contaminant investigations may include incidents involving industrial wastes, oil pits, spills of hazardous substances, pesticide misuse, dumping on Service lands, vessel grounding or accidents involving motorized vehicles.

3.3 Objective. The objective of environmental contaminant investigations is to determine the nature, origin, and extent of incidents occurring within Service jurisdiction and take appropriate corrective action.

3.4 Responsibilities.

A. The Assistant Director – Refuges and Wildlife has oversight of contaminant investigations and ensures the development and maintenance of policy and procedures adequate to reasonably protect Service trust resources from environmental contaminants.

B. The Assistant Director – Ecological Services ensures development of the Service Spill Response Contingency Plan and the Service's Standard Operating Procedures for Environmental Contaminants. These documents are available from the Division of Environmental Contaminants.

C. The Chief, Division of Law Enforcement provides general direction and staff assistance regarding contaminant investigations.

D. The Regional Director is responsible for Regional compliance with the provisions of this chapter and for coordination with other Service divisions.

E. Assistant Regional Director – Law Enforcement ensures Special Agent compliance with the provisions of this chapter in the conduct of contaminant investigations.

F. Geographic Assistant Regional Directors ensure Refuge Officer compliance with the provisions of this chapter in the conduct of contaminant investigations.

G. Special Agents and Refuge Law Enforcement Officers conduct field investigations of contaminant incidents.

(1) Service law enforcement personnel will refer to the Fish and Wildlife Service Spill Response Contingency Plan, for agency notification guidelines when applicable.

(2) Law enforcement personnel may also refer to the Service's Standard Operating Procedures for Environmental Contaminant Operations, Volumes 2, 4, and 5 for proper sample collection techniques.

G. Division of Environmental Contaminants and other qualified personnel assist Service law enforcement officers with certain aspects of contaminant investigations including:

(1) proper collection techniques and equipment, and sample collection;

(2) sample collection;

(3) field examination of possible hazardous substances for safety and sample collection purposes;

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- (4) writing plain language reports of laboratory analysis;
- (5) liaison with Environmental Protection Agency and other Federal and State agencies; and
- (6) providing information pertaining to federal hazardous substances and Natural Resource Damage Assessment laws and regulations.

3.5 References.

A. Federal Insecticide Fungicide Rodenticide Act (FIFRA), 7 USC 136-136y. (Also see 562 FW 1-2).

B. Clean Air Act, 42 USC 7401-7642. (Also see 561 FW 2).

C. Clean Water Act, 33 USC 1251-1376. (Also see 561 FW 3).

D. Oil Pollution Act, 33 USC 2701 et seq. (Also see 095 FW 4).

E. Resource Conservation and Recovery Act (RCRA), 42 USC 6901- 6992. (Also see 561 FW 6.)

F. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC 9601-9675, 43 CFR part 11. (Also see 561 FW 10.)

G. Toxic Substances Control Act (TSCA), 15 USC 2601-2692. (Also see 561 FW 9.)

H. National Oil and Hazardous Substance Pollution Contingency Plan, 40 CFR Part 300. (Also see 095 FW 4.)

3.6 Safety Considerations. Exposure to hazardous substances is a primary concern in environmental contaminant investigations. All Service personnel will conduct such investigations in accordance with appropriate safety and health regulations, to include: 095 FW 4, National Oil and Hazardous Substance Policy and Contingency Plan; 241 FW 3, Personal Protective Equipment; and 242 FW 6, Hazardous Materials Operation.

3.7 Training Requirements. Minimum training must be in accordance with 242 FW 6.7(B).

3.8 Transportation and Storage. Transporting and storage of hazardous materials is regulated by the United States Department of Transportation (DOT) and the Environmental Protection Agency (EPA). Regulations outlining the proper handling and storage procedures for hazardous materials are found in 40 CFR Part 263 (EPA), 42 CFR Part 72, 49 CFR Parts 171-178 and part 1804 (DOT). Refer to container labels for specific instructions if available.

/sgd/ Denise E. Sheehan, Assistant Director – Budget, Planning and Human Resources
for DIRECTOR

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