



Sanitation and Waste Operations

June 24, 2020

Fiscal Year 2020 Report to Congress



Homeland
Security

U.S. Customs and Border Protection

Message from the Deputy Commissioner of CBP

June 24, 2020

I am pleased to submit the following report, “Sanitation and Waste Operations,” which has been prepared by U.S. Customs and Border Protection (CBP).

The report has been compiled pursuant to direction in Senate Report 116-125, which accompanies the Fiscal Year 2020 Department of Homeland Security Appropriations Act (P.L. 116-93). The report provides information on CBP’s efforts to protect agents and to mitigate health impacts to personnel related to toxic crossborder flows.

Pursuant to congressional requirements, this report is being provided to the following Members of Congress:

The Honorable Lucille Roybal-Allard
Chairwoman, House Appropriations Subcommittee on Homeland Security

The Honorable Chuck Fleischmann
Ranking Member, House Appropriations Subcommittee on Homeland Security

The Honorable Shelley Moore Capito
Chairman, Senate Appropriations Subcommittee on Homeland Security

The Honorable Jon Tester
Ranking Member, Senate Appropriations Subcommittee on Homeland Security

I would be pleased to respond to any questions you may have. Please do not hesitate to contact my office at (202) 344-2001.



Sincerely,

A handwritten signature in black ink, appearing to read "R. Perez", written over the printed name and title.

Robert E. Perez
Deputy Commissioner
U.S. Customs and Border Protection

Executive Summary

This report details CBP's efforts to protect employees and to mitigate health impacts to personnel related to toxic crossborder flows. The health and safety of its employees are of paramount concern for CBP. For decades, sewage from Mexico has been flowing into the United States and through CBP's areas of responsibility.

Beginning in 2017, CBP requested that its Office of Human Resources Management, Occupational Safety and Health (OSH) Division assess areas along the Southwest Border to determine the contaminants to which Border Patrol agents (BPA) currently may be exposed because of raw sewage and other contaminants from Mexico flowing into the United States. The OSH Division has conducted assessments, which include sampling CBP employees working in the affected areas, analyzing the results of the samples, conducting onsite observations, and implementing administrative and engineering controls, personal protective equipment, and other protective protocols. CBP OSH has conducted personal air sampling for bacterial endotoxins, heavy metals, and personal air and wipe sampling for pesticides on BPAs in the affected areas of operation. The collected samples were analyzed by accredited laboratories contracted through the U.S. Department of Health and Human Services, Federal Occupational Health. Results of the samples collected since 2017 have shown that no employees have had an exposure over any Department of Labor Occupational Safety and Health Administration permissible exposure limits.



Sanitation and Waste Operations

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I. Senate Report Language

This document was compiled pursuant to direction in Senate Report 116-125, which accompanies the Fiscal Year (FY) 2020 Department of Homeland Security Appropriations Act (P.L. 116-93).

Senate Report 116-125 states:

Not later than 180 days after the date of enactment of this act and annually thereafter, CBP shall submit a report to the Committee detailing efforts to protect agents and mitigate health impacts to personnel related to toxic cross-border flows. Further, CBP shall work with States, localities, and other governmental entities to ensure that any planned new development or expansion of detritus industrial operations, including landfills and recycling facilities, within one mile of the southern border do not negatively impact border security operations.

II. Background

The following report details U.S. Customs and Border Protection's (CBP) efforts to protect agents and to mitigate health impacts to personnel related to toxic crossborder flows. The health and safety of its employees are of paramount concern for CBP. For decades, sewage from Mexico has been flowing into the United States and through CBP's areas of responsibility.

The Tijuana River and the New River historically have been a source of various forms of contamination, most notably raw sewage coming from south of the border. Spills continue to originate south of the border and have ranged from very small to significant in size. The small spills sometimes are redirected into catchment basins where they subsequently are treated by a sewage treatment facility. The large spills overrun the catchment basins and flow freely throughout the operational area. The International Boundary and Water Commission (IBWC) and local government entities have confirmed sewage spills, resulting in contamination of water with fecal coliform bacteria and other pathogens. The San Diego Water Quality Control Board, the testing authority for the Tijuana River Basin, confirmed this water contamination and provided a complete list of sites tested and results when water levels were high. In addition to untreated sewage, industrial waste, agriculture runoff, and other contaminants also may be present in the river and catchment basins.

The New River flows from Mexico northward across the international boundary and through California's Imperial Valley. The California Regional Water Quality Control Board and local government entities have confirmed the presence of raw sewage, industrial wastes, and agricultural drainage in the New River, contaminating the river with fecal coliform bacteria and other pathogens. In addition to untreated sewage, industrial waste, and agricultural waste, other contaminants also may be present in the river and catchment basins.

CBP has assisted employees in the affected areas by offering medical surveillance services, including Hepatitis A and B and tetanus vaccines, to all potentially exposed employees; by regularly completing and updating job hazard analyses; and by conducting periodic testing to monitor for potential exposure to other contaminants. Sewage discharges and sewer line failures from the Mexico International Drain, flowing over the Southwest Border, have threatened the health and safety of CBP personnel, aliens encountered by CBP, and U.S. residents.

III. Results

Beginning in 2017, CBP requested that its Office of Human Resources Management, Occupational Safety and Health (OSH) Division assess areas along the Southwest Border to determine if Border Patrol agents (BPA) currently may be exposed to raw sewage and other contaminants flowing into the United States from Mexico. The OSH Division has conducted assessments, which include sampling CBP employees working in the affected areas, analyzing the results of the samples, conducting onsite observations, and implementing administrative and engineering controls, personal protective equipment (PPE), and other protective protocols. CBP OSH has conducted personal air sampling for bacterial endotoxins, heavy metals, and personal air and wipe sampling for pesticides on BPAs in the affected areas of operation. The collected samples were analyzed by accredited laboratories contracted through the U.S. Department of Health and Human Services, Federal Occupational Health. Results of the samples collected since 2017 have shown that no employees have had an exposure over any Department of Labor Occupational Safety and Health Administration permissible exposure limits.

IV. Analysis/Discussion

CBP has applied administrative controls such as adjusting enforcement strategies to avoid known contaminants and requiring employees not to enter contaminated water or sewage unless a life-threatening emergency occurs. CBP has utilized engineering controls such as physical barriers and automated infrastructure that minimize direct contact with contaminated water. CBP continues to provide BPAs with PPE and medical surveillance services to include immunizations for tetanus and Hepatitis A and B.

CBP also will continue to provide protective equipment and devices to its personnel. CBP maintains an inventory of PPE and devices specifically made available to its operators when assigned to areas of risk. The PPE and safety devices are located centrally where BPAs may request their use at any time. The list of available PPE includes:

- N95 masks;
- Nitrile gloves;
- Tyvek® suits;
- Surgical masks and face shields;
- Splash goggles;
- Boot coverings;
- Biohazard disposal bags;
- Waders;
- Decontamination wipes and devices;
- Hand sanitizer; and
- Vehicle seat covers to limit cross-contamination.

CBP safety and health personnel will continue to conduct and update a comprehensive job hazard analysis to identify additional protective measures suited to the operational environment. CBP has initiated a partnership with the National Institute for Occupational Safety and Health to perform a technical review of CBP's sampling strategy and protective measures.

Additionally, CBP provides clear guidance to its personnel so that they have information available to inform their risk assessments and actions. CBP will continue to provide employee safety training covering waterborne pathogen exposure, as well as ongoing briefings to remind personnel of the evolving risks of contaminated transboundary water flows for personnel working in affected areas. CBP also provides guidance on how to document exposure and/or injury/illness from said exposure via the U.S. Department of Labor's Office of Workers Compensation Program. CBP continues to monitor the issue through regular communication with the IBWC and other state/local government agencies concerned with the current state.

BPAs have reported injuries due to potential exposure. A review of CBP's workers' compensation claims for the period of FY 2019 through the first quarter of FY 2020 indicated that the Department of Labor accepted three compensable claims due to potential exposure to

sewage along the Southwest Border. In each of the three cases, an agent was exposed to potentially contaminated water while pursuing subjects who had crossed the border illegally.

V. Conclusion

CBP plans to continue to focus on this issue to ensure the safety and health of its personnel, and to apply administrative controls and to utilize engineering controls.

CBP continues to coordinate with local stakeholders, city and county governments, the U.S. Environmental Protection Agency, and IBWC to review potential infrastructure projects in the area near the border. CBP representatives, to include the public lands liaison agents, participate in project review meetings to ensure that proposed projects do not have a negative impact on the safety and security of its personnel.

The health and safety of its employees are of paramount concern for CBP, and CBP will continue to work to protect agents and mitigate health impacts to personnel related to toxic crossborder flows.

VI. Appendix – Abbreviations

Abbreviation	Definition
BPA	Border Patrol Agent
CBP	U.S. Customs and Border Protection
FY	Fiscal Year
IBWC	International Boundary and Water Commission
OSH	Occupational Safety and Health Division
PPE	Personal Protective Equipment