



REGION 8
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U.S. EPA REGION 8
HEARING CLERK

SENT VIA EMAIL

DELIVERY RECEIPT REQUESTED

SUBJECT: Requested action to be taken regarding the Biorb Service Kit Plus Water Optimiser product in shipment described below. FIFRA-08-2025-0059

FROM: David Cobb
Section Supervisor, Toxics Enforcement Section
Enforcement and Compliance Assurance Division

DAVID
COBB

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by DAVID COBB
Date: 2025.07.07
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TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Sweetgrass, Montana 3310

By this memorandum, the U.S. Environmental Protection Agency, Region 8, is informing the Bureau of Customs and Border Protection of the U.S. Department of Homeland Security (CBP) that the products in the import shipment described below should be Denied Entry-Refused Delivery into the United States pursuant to the authority of section 17(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. § 12.114. The shipment was inspected by EPA at the Sweetgrass Port of Entry on July 1, 2025.

The following information pertains to the shipment:

- The importer was Meghan Goltsch, 1657 Wood Rose Street, North Port Florida 34288-8754.
- The shipper was Deal4K, 102 Central Avenue, Suite 1002, Sweetgrass, Montana 59484.
- The product was Biorb Service Kit Plus Water Optimiser.
- The entry date was July 1, 2025.
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin was Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), which states that it is unlawful for any person to distribute or sell any pesticide that is not registered under section 3 of FIFRA, 7 U.S.C. § 136a.

Under FIFRA section 2(u), 7 U.S.C. § 136(u), a pesticide is any substance (or mixture of substances) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant. 40 C.F.R. § 152.15 states: "A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labeling or otherwise) ... [t]hat the substance... can or should be used as a pesticide."

Section 2(t) of FIFRA, 7 U.S.C. § 136(t) defines “pest” as “(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 136w(c)(1) of this title.”

Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers” and defines “labeling” in part, as “all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide....”

The July 1, 2025, inspection at the Sweetgrass, Montana Port of Entry found the following:

- The Biorb Service Kit Plus Water Optimiser included a “Water Conditioner”.
- The label for the “Water Conditioner” had the following statement, “Use regularly to improve filtration, reduce algae, and benefit the wellbeing of your fish”.

The statement, “Use regularly to improve filtration, reduce algae, and benefit the wellbeing of your fish” indicates a pesticidal intent, and the Biorb Service Kit Plus Water Optimiser in the shipment referenced above is thus a pesticide pursuant to the definitions of FIFRA. Biorb Service Kit Plus Water Optimiser is not a registered pesticide. Therefore, the sale or distribution, including importation, of the Biorb Service Kit Plus Water Optimiser is a violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), which states that it is unlawful for any person to distribute or sell any pesticide that is not registered under section 3 of FIFRA, 7 U.S.C. § 136a.

Therefore, these pesticide products in the shipment referenced above should not be allowed entry into the United States.

The EPA hereby notifies CBP that the Biorb Service Kit Plus Water Optimiser in the shipment referenced above should be refused admission pursuant to the authority of FIFRA § 17(c), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. § 12.114. The importer should export this merchandise or dispose of the products under supervision of the CBP within ninety calendar days from the date of this memorandum or within such additional time as the District Director of CBP specifies. Failure to do so may result in either the destruction of the merchandise as authorized by FIFRA or in any action necessary to enforce the terms of any bond under which the shipment has been released to the consignee. Alternatively, CBP may elect to seize the products as a prohibited importation pursuant to their authorities as set out at 19 U.S.C. § 1595a(c)(2)(A).

On July 1, 2025, the EPA informed the CBP Cargo Supervisor in Sweetgrass, Montana, that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.