



REGION 8

DENVER, CO 80202

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**U.S. EPA REGION 8
HEARING CLERK**

Ref: 8ECA-AT-P

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

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

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the products in the shipment with entry number 300-19802496 FIFRA-08-2026-0011

By this memorandum, the U.S. Environmental Protection Agency, Region 8, is informing the Bureau of Customs and Border Protection (CBP) of the U.S. Department of Homeland Security that the products in the import shipment described below (Shipment) 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. section 12.114. Based on evidence gathered by EPA the shipment was marked "Re-Export" in the Automated Commercial Environment (ACE) by the EPA on November 18, 2025.

The following information pertains to the shipment:

- The importer is Absolute Systems Inc., 10712 181 Street NW, Edmonton Alberta, T5S 1K8 Canada. OFFICE@ABSOLUTEZONE.COM
- The consignee is Berger Pool Plumbing Inc., 12817 Branford Street Pacoima, California 91331-4206.
- The arrival date was November 18, 2025.
- The bill number is FDEG1058083060.
- The quantity is 3 Atlas 30 Ozone Generators.
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin, as entered in ACE, is Canada.

Reason for export recommendation: Misbranded device (7 U.S.C. § 136j(a)(1)(F))

The Shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), which states that it is unlawful for any person to distribute or sell any device that is misbranded.

Law and Regulation

FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), states that it is unlawful for any person to distribute or sell any device that is misbranded.

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(h) of FIFRA, 7 U.S.C. § 136(h), defines “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.” See also 40 C.F.R § 152.500(a).

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....”

Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), provides that a pesticide is misbranded if –

- (A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
- (B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 136w(c)(3) of this title;
- (C) it is an imitation of, or is offered for sale under the name of, another pesticide;
- (D) its label does not bear the registration number assigned under section 7 to each establishment in which it was produced;
- (E) any word, statement, or other information required by or under the authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment; [or]
- (G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment[.]”

Facts and Violation

The Atlas 30 Ozone Generators label included the following language:

- “<https://absoluteozone.com/> “

The website, <https://absoluteozone.com/> includes the following language:

- “Absolute Ozone® unbeatable ATLAS 30 ozone generator dissolves more ozone than any other, delivering superior disinfection rates.”
- “Absolute Ozone® generators are the ultimate breakthrough in ozone technology. Their microfluidic platform design ensures precise and reliable delivery of ultra-pure and high-concentration ozone for a diverse range of applications.”
- “The performance is unequaled in the industry, with the capability of reliably producing high concentration ozone up to 12% by weight.”

These statements indicate a pesticidal intent, and therefore, these Atlas 30 Ozone Generators are pesticide devices.

The Atlas 30 Ozone Generators are misbranded pursuant to FIFRA section 2(q)(1), 7 U.S.C. § 136(q)(1) because there is no EPA Establishment Number, no directions for use, and no caution or warning statements on their label or labelling.

Therefore, these products are misbranded pursuant to 7 U.S.C. § 136(q)(1). Importing these products in the shipment referenced above is a violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), as a distribution or sale of a misbranded device.

Summary

The EPA hereby notifies CBP that this merchandise 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. If the importer does not export or dispose of this merchandise, 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).

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