



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 products with shipment ID E638-6AST-RLI FIFRA-08-2025-0023

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

TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Pembina, North Dakota 3401

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 shipment described below should be **Denied Entry-Refused Delivery** 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. On March 13, 2025, EPA inspected this shipment and found the following:

- The product is Bilt-Hamber Touch-Less Sugar Based Prewash.
- The shipper is Carzilla, 146-239 Mayland Place, Calgary, Alberta T2E7Z8, Canada.
- The importer was Brian Covington, 2836 S Portofino Road, St. Augustine, Florida 32092.
- The broker was UPS Pembina North Dakota.
- The entry date was March 13, 2025.

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. § 136u, 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. Additionally, 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 labelling 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 label of the Bilt-Hamber Touch-Less Sugar Based Prewash includes the following language:

- “Bilt-Hamber Touch-Less is a renewable sugar-based biodegradable snow foam pre-wash that delivers excellent cleaning and free rinsing properties.”
- “Ideal before use of Touch-On coating/shampoo. Touch-Less cleans without the use of petrochemical surfactants, solvents, phosphates, caustics, NTA, preservatives or biocides.”
- “Causes serious eye damage.”
- “Contains: D-Glucopyranose, oligomers, decyl octyl glycosides, D-Glucopyranose, oligomeric C10-16(even numbered) alkyl glycosides.”
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These claims demonstrate a pesticidal intent pursuant to the definitions above. Bilt-Hamber Touch-Less Sugar Based Prewash is thus a pesticide subject to FIFRA regulation.

Bilt-Hamber Touch-Less Sugar Based Prewash is not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Therefore, Bilt-Hamber Touch-Less Sugar Based Prewash is an unregistered pesticide. Importing Bilt-Hamber Touch-Less Sugar Based Prewash in the shipment referenced above is a violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), as a distribution or sale of an unregistered pesticide.

The shipment that arrived at the border for import is also in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), because a registrant, wholesaler, dealer, retailer, or other distributor failed to file reports required by FIFRA. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. Neither a Notice of Arrival nor an image of the label was submitted either electronically or via the CBP authorized electronic data interchange system. Therefore, it cannot be allowed entry into the United States.

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. The importer should export this merchandise or dispose of the product 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 product as a prohibited importation pursuant to their authorities as set out at 19 U.S.C. § 1595a(c)(2)(A).

On March 13, 2025, the EPA informed the CBP Cargo Chief in Pembina, North Dakota, 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.