



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the BIOC 16734A with shipment entry number EI5-22263638 Docket No. **FIFRA-08-2020-0017**

FROM: David Cobb, Supervisor *David Cobb*
Enforcement and Compliance Assurance Division

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

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 that the BIOC 16734A 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, 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. section 12.114. An electronic alternative to the Notice of Arrival was filed in the Automated Commercial Environment in accordance with 19 C.F.R. section 12.112. The entry was marked “Hold Intact,” “Refused” and “Re Export” in ACE by the EPA on February 11, 2020.

The following information pertains to the shipment of BIOC 16734A:

- The importer is Nalco Company LLC, Nalco Center, Naperville, Illinois 60563.
- The consignee is Ecolab Inc., 408 Warehouse 4001 Adler Road, Dallas, Texas 75211.
- The broker is Russell A. Farrow Inc., 2916 Walden Avenue, Suite 400, Depew, New York, 14043
- The entry number is EI5-22263638.
- The quantity of product in this shipment 16,419 kilograms.
- The brand name of the product uploaded into the ACE Customs and Border Patrol database is BIOC 16734A, EPA registration number 1677-185-90924.
- The establishment associated with this product and uploaded into the ACE Customs and Border Patrol database is 1677-TX-01.
- The port of entry is 3310, Sweetgrass, Montana.

This shipment is in violation of FIFRA section 12(a)(1)(E) because the pesticide tote was misbranded in that there is not a label affixed to the pesticide container that includes (i) the name and address of the producer, registrant, or person for whom produced; (ii) the name brand, or trademark under which the pesticide is sold; (iii) the net weight or measure of the contents; and (iv) when required by regulation, the registration number assigned to the pesticide.

On February 11, 2020, the Customs and Border Patrol unit chief in Sweetgrass, Montana, was informed by the EPA that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator, by phone at (303) 312-6147 or by email at tokarz.christine@epa.gov if you have any questions concerning this matter.