



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
EI5-XXXX7461 (Shipment) FIFRA-08-2026-0006

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, as 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. The shipment was inspected by EPA on October 28, 2025.

Based on the information gathered at the inspection, the following pertains to the Shipment:

- The importer and consignee is EcoLab Inc., 1 Ecolab Place, St. Paul, Minnesota 55102-2739, which is registered as EPA Establishment 1677-MN-1.
- The Bill of Lading Number is BOL# ODFL20100337441.
- The arrival date was October 28, 2025.
- The Shipment contained 30 boxes, with each containing:
 - 1 bag with three lubricants and 3 brushes, and
 - 360 8-ounce packets of Kay-5 Sanitizer/Cleaner.
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin, as entered in Automated Commercial Environment (ACE) Database, is United States.

The Shipment was in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), and therefore should not be allowed entry into the United States.

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.

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 Kay-5 Sanitizer/Cleaner in the Shipment included the following language:

- “Sanitizer/Cleaner”
- “Chlorinating Sanitizer for Food Contact Kitchen Equipment and Utensils”
- “EPA Reg. No. 5389-15”
- “EPA EST No.:5389-NC-1 (G), 58046-TX-2 (X)”

Kay-5 Sanitizer/Cleaner is a registered pesticide, the EPA registered master label can be found here, https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:8:2005303681265::NO::P8_PUID,P8_RINUM:4891,5389-15.

There was no Notice of Arrival information in ACE Database, nor was a pesticide label uploaded to the Document Imaging System (DIS).

This Shipment was 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 correctly file reports required by the Act. As required by 19 C.F.R. § 12.114, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted. A NOA was not submitted. Accordingly, the pesticides in the Shipment should not be allowed entry into the United States.

The EPA hereby notifies CBP that the products 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 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 October 28, 2025, the EPA informed the CBP Cargo Supervisor in Sweetgrass, Montana, that it would deny entry of the Shipment.

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