



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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2016 NOV 30 PM 2: 06

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FILED
EPA REGION VIII
HEARING CLERK

Ref: ENF-AT-TP

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Joe Deadwyler
Trade Compliance Principal
Lennox Industries
2140 Lake Park Blvd.
Richardson, Texas 75080

Re: Administrative Order issued to Lennox Industries Inc.
Docket Number : **FIFRA-08-2017-0003**

NOTICE OF REFUSAL OF ADMISSION
Entry Number 600-8525426-0 (Healthy Climate UVC 41 W-D device)

Dear Mr. Deadwyler:

In connection with the enforcement of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA or the Act), 7 U.S.C. §§ 136 et seq., the United States Environmental Protection Agency (EPA) has examined samples or other evidence with respect to the following shipment and is granting you an opportunity for a hearing.

Product Name:	Healthy Climate UVC 41 W-D
Shipper/Manufacturer:	Lennox Industries (Canada) Ltd.
Consignee:	Lennox Industries Inc.
Entry Number:	600-8525426-0
Date of Importation:	November 17, 2016
Port of Entry:	Pembina, North Dakota

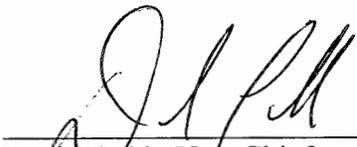
It appears that the product is not in compliance with the Act and is subject to refusal of admission due to the following violation. On November 21, 2016, the U.S. Environmental Protection Agency (EPA) Region 8, FIFRA Enforcement Program, received a Notice of Arrival of Pesticides and Devices (NOA) for the device Healthy Climate UVC 41 W-D. The FIFRA enforcement program determined that the Healthy Comate UVC 41 W-D device or its packaging did not have the EPA establishment number on them, as required by 40 C.F.R. 156.10(f). The NOA for the shipment was marked Deny Entry by EPA and returned to the licensed customs broker V. Alexander & Company, Inc. on November 21, 2016.

The EPA hereby notifies you that your merchandise has been refused admission into the U.S. You must export this merchandise, under supervision of the U.S. Customs Service, within ninety (90) calendar days from the date of this Notice, or within such additional time as the District Director of Customs specifies. Failure to do so may result in the destruction of the merchandise as authorized by the Act.

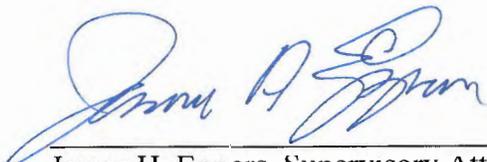
EPA Region 8 was notified on November 28, 2016, by the broker, V. Alexander & Company, that the shipment had actually entered the U.S. on November 17, 2016. An importer or the importer's agent desiring to import pesticides or devices into the U.S. must submit to EPA, prior to the arrival of the shipment in the U.S., an NOA. Failure to do so is a violation of 19 C.F.R. § 12.112. EPA instructed the broker to have the shipment returned to Canada, and to submit a Bill of Lading and related documents to EPA tracking the shipment's return to Canada.

EPA is issuing this Administrative Order and Notice of Refusal of Admission letter for the action taken to notify you of your rights in this matter. Pursuant to section 17(c) of FIFRA, you have the opportunity to submit written material to our office within twenty (20) days of the date of your receipt of this notice, signed by you or your attorney, to show cause why the shipment should not be refused entry or destroyed.

Sincerely,



David Cobb, Unit Chief
Toxics Enforcement Unit
Office of Enforcement, Compliance and
Environmental Justice



James H. Eppers, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance and
Environmental Justice

