REGION 8
DENVER, CO 80202

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U.S. EPA REGION 8
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FIFRA-08-2026-0053

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

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

DAVID COBB Digitally signed by DAVID COBB Date: 2026.04.21 14:25:58 -06'00'

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

Subject: Requested action to be taken regarding the products in the shipment described below

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, 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. section 12.114. CBP inspected this shipment on April 15, 2026, and refused entry.

The following information pertains to the Shipment:

- The importer is Dan Pagel, 3357 Oak Avenue, Stevens Point, Wisconsin 54481.
- The exporter is Carzilla 146-239 Mayland Place NE, Calgary Alberta T2E7Z8.
- The broker is UPS, UPS Pembina upspembina@ups.com, UPSNB.PGA.Team@ups.com.
- The arrival date was April 12, 2026.
- The shipment number is E638 6AV3 JRJ.
- The quantity is 1 bottle of Bilt-Hamber Touch-Less Sugar Based Prewash.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin, as entered in the Automated Commercial Environment (ACE), is Canada.

Reason for refusal recommendation:

- **unregistered pesticide (7 U.S.C. § 136j(a)(1)(A))**

- **no notice of arrival (NOA) (7 U.S.C. §136j(a)(2)(N))**

The Shipment 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. The Shipment also failed to include an accurate notice of arrival, required by

19 C.F.R. § 12.112, in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. §136j(a)(2)(N).

Law and Regulation

FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), 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. § 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.

Under section 2(t) of FIFRA, 7 U.S.C. § 136(t), a pest is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except those on or in living man or other living animals).

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…."

FIFRA section 12(a)(2)(N), 7 U.S.C.§ 136j(a)(2)(N), provides that it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

Facts and Violation

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 prewash 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."

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 was 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 accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

Summary

The EPA recommends that this Shipment 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, EPA Region 8 Import Enforcement Coordinator, by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.