



REGION 8

DENVER, CO 80202

FILED

Nov 21, 2025

12:50 pm

**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 300-19605725 FIFRA-08-2026-0009

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 (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. section 12.114. Based on evidence gathered by the EPA, the Shipment was marked "Re-Export" in the Automated Commercial Environment (ACE) by the EPA on November 18, 2025.

The following information pertains to the shipment:

- The exporter/seller is Hiveworld Inc., 23007 Township Road 514, Sherwood Park, Alberta, AB T8B1K9, Canada.
- The consignee is VarroaDestructor, 221 Hansen Way, Woodland, California 95776.
- The buyer is Olivarez Honey Bees, 6398 Country Road 20, Orland, California 95963-9475.
- The arrival date was October 15, 2025.
- The shipment number is 885167565759.
- The quantity is 24,000 pounds of product.
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin, as entered in ACE, is Canada.

Reason for export 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 the notice of arrival, required by 19 C.F.R. § 12.114, 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.

The implementing regulations found at 40 C.F.R. § 152.15 state:

A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if:

- (a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise):
 - (1) That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or
 - (2) That the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or
- (b) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than
 - (1) use for pesticidal purpose (by itself or in combination with any other substance),
 - (2) use for manufacture of a pesticide; or
- (c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.

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).

Facts and Violation

On October 15, 2025, a representative of the exporter/seller sent the following statement to CBP, “We sell cardboard strips yes. Sometimes we sell as sterilized with vegetable glycerine sometimes dry etc. It's a base product. End user will add formic acid or other organic acid to cleanse wood beehive boxes, equipment. fumigate, etc. Kind Regards. BHaughton.”

On October 28, 2025, EPA took samples of the cardboard strips. These strips tested positive for oxalic acid. Oxalic acid is an EPA registered pesticide, <https://www.epa.gov/pollinator-protection/epa-registered-pesticide-products-approved-use-against-varroa-mites-bee-hives>.

The formulation sampling results of the product demonstrate that the cardboard strips have a pesticidal intent and are therefore pesticides. These cardboard strips are not registered with EPA.

The Shipment is 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 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 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.

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.