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U.S. EPA REGION 8
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DELIVERY RECEIPT REQUESTED

SUBJECT: Requested action to be taken regarding the Organochlorine Pesticide inspected by Customs and Border Protection on March 16, 2025 FIFRA-08-2025-0033

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

Cobb, David
Digitally signed
by Cobb, David
Date: 2025.03.31
17:19:27 -06'00'

TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Portal, North Dakota 3403

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 (CBP) that the products in the shipment described below should be **Denied Entry-Refused Delivery** 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. CBP inspected this shipment at the Port of Portal, North Dakota on March 16, 2025.

The following information pertains to the shipment:

- The product name was UN2761, Organochlorine Pesticide, Solid, Toxic (98.5% Chlorothalonil) ("Organochlorine Pesticide").
- The Product Class was 6.1, Packing Group II, Marine Pollutant.
- The consignee was Syngenta Crop Protection LLC, 410 Swing Road
- Greensboro, North Carolina, 27419-8300
- The AGI/GSAP Cose was 0067261.
- The Batch Number was JXZ5A00857.
- The Manufacturer was Jiangsu Xinhe Agrochemical.
- The net weight was 1,499 pounds.
- The port of entry is Portal, North Dakota 3403.

Under FIFRA section 2(u), 7 U.S.C. § 136u, 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. Additionally, 40 C.F.R. § 152.15 states: “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

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 Organochlorine Pesticide includes the following language:

- “EPA Reg. No. 100-1691”
- “EPA Est. 72964-CHN-002”

These claims demonstrate a pesticidal intent pursuant to the definitions above. Organochlorine Pesticide is thus a pesticide subject to FIFRA regulation.

The shipment that arrived at the border for import is 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 reports required by FIFRA. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. Neither a Notice of Arrival nor an image of the label was submitted either electronically or via the CBP authorized electronic data interchange system. Therefore, it cannot be allowed entry into the United States.

The EPA hereby notifies CBP that this merchandise 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 product under supervision of the 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 product as a prohibited importation pursuant to their authorities as set out at 19 U.S.C. § 1595a(c)(2)(A).

On March 16, 2025, the EPA informed the CBP Cargo Chief in Portal, North Dakota, that it would deny entry of this shipment. Please contact Christine Tokarz, the import enforcement coordinator, by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.