



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Received by

EPA Region VIII

Hearing Clerk

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SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

DAVID
COBB

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DAVID COBB
Date: 2020.10.22
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Salt Lake City, Utah

Subject: Requested action to be taken regarding the Fruit and Veg Sanitizer in shipment with entry number BPQ-70285874 FIFRA-08-2021-0003

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 that the Fruit and Veg Sanitizer in the import shipment 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 following information pertains to the shipment of the Fruit and Veg Sanitizer:

- The importer is Amazing Water Inc., 6938 197A Street, Langley BC V2Y3H5 Canada.
- The consignee is Shipcentral, 5647 W Wells Park Road, West Jordan, Utah 840815618.
- The manufacturer is Huzhou Beimei Electrical Appliance Lao Wei Zhongxing Intersection, Qichang Xihu Village Huiyang District Huizhou, China.
- The broker is Aries Global Logistics, Inc., 770 S Central Avenue, Hapeville, Georgia 30354, point of contact Jodi Nave, jodi.nave@ariesgl.com.
- The airway bill number is HDMUYNWB2342331.
- The ship date is September 25, 2020.
- The quantity is 500 units.
- The product is Fruit and Veg Sanitizer.
- The port of entry is Salt Lake City, Utah 3303.
- The country of origin is China.

The shipment that arrived at the border for import is in violation of FIFRA section 12(a)(2)(L), 7 U.S.C. § 136j(a)(2)(L), which states that it is unlawful for any person who is a producer to violate the provisions of FIFRA section 7(a), 7 U.S.C. § 136e(a), by producing a pesticide or pesticidal device subject to the Act in an unregistered establishment. 40 C.F.R. § 167.20. (See 40 C.F.R. section 152.500 for requirements for devices.)

Under FIFRA, a device that makes pesticidal claims is a pesticidal device, and it must be produced in an establishment registered with the EPA prior to distribution or sale. This product is called a “Fruit and Veg Sanitizer”. A product used to sanitize is considered a pesticide. Therefore, this product cannot be allowed entry into the United States.

The Agency hereby notifies U.S. Customs and Border Protection that this merchandise has been refused admission and recommends that this merchandise be re-exported or destroyed within 90 calendar days from the date of this Notice.

On October 16, 2020, the Customs and Border Patrol unit chief in Salt Lake City, Utah, was informed by the EPA that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator, by phone at (303) 312-6147 or by email at tokarz.christine@epa.gov if you have any questions concerning this matter.