



REGION 8

DENVER, CO 80202

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**U.S. EPA REGION 8
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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
Pembina, North Dakota, 3401

Subject: Requested action to be taken regarding the products in the shipment with entry number
SCS-XXXX5553 (Shipment) FIFRA-08-2025-0069

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, as 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. CBP inspected this Shipment and provided EPA the evidence on September 23, 2025.

Based on the information provided by CBP, the following information pertains to the Shipment:

- The importer is Rainbow Champaign LLC, 2802, W Bloomington Road, Champaign, Illinois, 61822, EPA Establishment 103591-IL-1.
- The Manufacturer is Hector Canas, Future Transfer, 35 East Lake Circle NE, Airdrie, Alberta, T4A, @J9, Canada
- The broker is UPS Supply Chain Solutions, UPSNB.PGATeam@ups.com, UPS Pembina upspembina@ups.com.
- The Bill of Lading Number is BOL# UPSC662F41FXRXK8.
- The arrival date was September 15, 2025.
- The products are described in the Shipment as follows:
 - Clopyralid 600 g/L SL.
 - Clethodim 120 g/L EC.
 - MCPA Ester 250 g/L, Clopyralid 50 g/L EC.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin, as entered in ACE, is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), and FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), and therefore should not be allowed entry into the United States.

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. Pursuant to 40 C.F.R. § 152.15, “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.”

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....”

CBP’s inspection of the Shipment provided the following information:

- The label for the product marked “Clopyralid 600 g/L SL” included the following language:
 - “Clopyralid 60.22%”
 - “Not Registered for Use in the United States of America”
- The label for the product marked “Clethodim 120 g/L EC” included the following language:
 - “Clethodim 13.57%”
 - “Not Registered for Use in the United States of America”
- The label for the product marked “MCPA Ester 250 g/L, Clopyralid 50 g/L EC” included the following language:
 - “MCPA Ethylhexyl Ester 43.16%”
 - “Clopyralid (present as acid) 4.94%”

- “Not Registered for Use in the United States of America”

There are 93 EPA registered pesticides with Clopyralid as the active ingredient, https://ordspub.epa.gov/ords/pesticides/f?p=113:6:::::P6_XCHEMICAL_ID:1852.

There are 150 EPA registered pesticides with Clethodim as the active ingredient, https://ordspub.epa.gov/ords/pesticides/f?p=113:6:::::P6_XCHEMICAL_ID:1847.

There are 29 EPA registered pesticides with MCPA as the active ingredient, https://ordspub.epa.gov/ords/pesticides/f?p=113:6:::::P6_XCHEMICAL_ID:2703.

The products listed above consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than as use for pesticidal purpose or as use for manufacture of a pesticide. None of the products in the Shipment are registered pesticides under section 3 of FIFRA, 7 U.S.C. § 136a.

Therefore, 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 that arrived at the border for import 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.

Accordingly, these pesticide products in the Shipment should not be allowed entry into the United States.

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

On September 23, 2025, the EPA informed the CBP Cargo Supervisor in Pembina, 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.