



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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November 30, 2020

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Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

DAVID
COBB

Digitally signed by
DAVID COBB
Date: 2020.11.25
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the ATO Quat Disinfectant product in shipment with entry number SCS-30156956 FIFRA-08-2021-0010

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 ATO Quat Disinfectant product 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 entry was marked "Hold Intact," "Refused," and "Re-Export" in ACE by the EPA on November 16, 2020.

The following information pertains to the shipment of the ATO Quat Disinfectant product:

- The importer is Friesen Livestock Limited, 1502 Brier Park Road NW, Medicine Hat, Alberta T1C1V2 Canada.
- The consignee is Friesen Nutrition Inc., 748 Crescent Circle Drive, Great Falls, Montana 59404, point of contact, Sales Lethbridge, salesleth@friesennutrition.com.
- The broker is UPS, point of contact, Amanda Fischer, amandafischer@ups.com.
- The release date was November 10, 2020.
- The airway bill number is FREL0000908.
- The quantity is 5 bottles, 44 pounds.
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin is Canada.

The shipment that arrived at the border for import 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). Under FIFRA, 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. (See 40 C.F.R. § 152.15.)

The product that arrived for import ATO Quat Disinfectant has the following pesticide claims on its label:

- ATO Quat is a foaming disinfectant for use in livestock barns and food processing plants and health care facilities. ATO Quat can be applied by circulation or manual method to disinfect non-porous hard surfaces.
- To disinfect: Thoroughly rinse surface.
- To sanitize: For use on hard non-porous surfaces such as counter tops. Pre-clean all surfaces prior to sanitizing.
- Liquid disinfectant for hard surfaces.

Therefore, it is an unregistered pesticide and 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 November 16, 2020, the Customs and Border Patrol unit chief in Sweetgrass, Montana 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.