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U.S. EPA REGION 8
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SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

SUBJECT: Requested action to be taken regarding the Magnicide B Microbiocide products in shipment with entry number 231-53370504 FIFRA-08-2025-0058

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

DAVID
COBB

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by DAVID COBB
Date: 2025.07.07
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TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Sweetgrass, Montana 3310

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 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 (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. §12.114. The shipment was inspected by EPA on July 1, 2025.

The following information pertains to the shipment:

- The importer is Baker Petrolite LLC, 2001 Rankin Road, Houston, Texas 77073-5114. Points of contact, TIFFANY.SAINT@BAKERHUGHES.COM and WENDY.ELIZONDO@BAKERHUGHES.COM.
- The broker is Expeditors International, Jeff LaMonica, jeff.lamonica@expeditors.com.
- The arrival date was June 11, 2025.
- The bill number is LOSI0003382.
- The port of entry is Sweetgrass, Montana 3310.

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.”

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. 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 labeling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

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....”

Under FIFRA section 2(q), 7 U.S.C. § 136(q), a pesticide is misbranded and subject to enforcement action if, among other reasons:

- the labeling bears any statements, designs, or graphic representations that are false or misleading (see also 40 CFR 156.10(a)(5));
- its packaging or wrapping does not conform to standards established pursuant to FIFRA section 25(c)(3);
- it is an imitation of, or is offered for sale under the name of another device;
- the label fails to bear the establishment number of the establishment where it was produced;
- any required information is not prominently displayed on the label;
- it lacks adequate directions for use;
- it lacks an adequate warning or caution statement; or
- the net weight or measure of the content, except that the Administrator may permit reasonable variations.

The July 1, 2025, inspection at the Sweetgrass, Montana Port of Entry found the following:

- The entry information in ACE reported a total of 21,243 pounds of Magnicide B Microbiocide.
- Magnicide B Microbiocide is an EPA registered pesticide, with EPA Registration Number 10707-10, https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:8:2510287863261::NO::P8_PUID,P8_RINUM:3094,10707-10.
- The shipping documents accompanying the shipment indicate that only two tanks had product, 1 tank had 150 pounds and 1 tank had 89 pounds, for a total of 239 pounds of Magnicide B Microbiocide.
- None of the containers were marked with accurate net contents.

The products in the shipment referenced above are subject to FIFRA’s jurisdiction and requirements.

The Magnicide B Microbiocide, EPA Registration Number 10707-10, in the shipment referenced above is misbranded pursuant to FIFRA section 2(q), 7 U.S.C. § 136(q) and 40 CFR 156.10(a)(5) because the labeling bears statements, designs, or graphic representations that are false or misleading and fails to bear the required net weight or measure of the contents.

The shipment that arrived at the border for import is 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.

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 products 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 products as a prohibited importation pursuant to their authorities as set out at 19 U.S.C. § 1595a(c)(2)(A).

On July 1, 2025, the EPA informed the CBP Cargo Supervisor in Sweetgrass, Montana, 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.