



FILED

Jan 30, 2026

2:18 pm

**U.S. EPA REGION 8
HEARING CLERK**

Ref: 8ECA-AT-P

FIFRA-08-2026-0023

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
Portal, North Dakota 3401

Subject: Requested action to be taken regarding the products in the shipment described below

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 products in the import shipment described below (Shipment) 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. EPA inspected this shipment on December 9th, 2025. The entry was marked "Hold Intact," "Refused," and "Re-Export" in ACE by the EPA on January 22, 2026.

The following information pertains to the Shipment:

- The importer is Genics Inc., 27717 Acheson Road, Acheson, Alberta T7X6B1, Canada. EPA Est. 71653-CAN-1.
- The consignee is A&A Texas Capital LP, 216 Rosewood Drive, Crockett, Texas 75835-1342.
- The broker is A.N. Deringer, Inc, Point of contact, Lisa Smith lsmith@anderinger.com.
- The arrival date was January 19, 2026.
- The entry number is 551-2551755-4.
- The bill number is HMBS00002337.
- The quantity is 432 boxes of Cobra Wrap SD, weighing 15,390 pounds.
- The port of entry is Portal, North Dakota 3403.
- The country of origin, as entered in ACE, is Canada.

Reason for export recommendation:

- **misbranded pesticide (7 U.S.C. § 136j(a)(1)(E))**

The Shipment was in violation of FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), because a registrant, wholesaler, dealer, retailer, or other distributor sold or distributed a pesticide which is

misbranded in that the labeling has a statement, design, or graphic representation that is false or misleading.

Law and Regulation

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.

Under section 2(t) of FIFRA, 7 U.S.C. § 136(t), a “pest” is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except those on or in living man or other living animals).

FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), provides that it is unlawful for any person to distribute or sell any pesticide that is adulterated or misbranded.

Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), provides that, “a pesticide is misbranded if –

- (A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
- (B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 136w(c)(3) of this title;
- (C) it is an imitation of, or is offered for sale under the name of, another pesticide;
- (D) its label does not bear the registration number assigned under section 7 to each establishment in which it was produced;
- (E) any word, statement, or other information required by or under the authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment; [or]
- (G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment[.]”

Facts and Violation

The label of the Cobra Wrap SD included the following language:

- “US EPA Reg. No. 71653-1”
- “US EPA Est. No. 71653-CAN-01”

These statements demonstrate that the Cobra Wrap SD has a pesticidal intent and is therefore a pesticide. The Cobra Wrap SD is registered with EPA, https://ordspub.epa.gov/ords/pesticides/f?p=PPLS:8:11325397762343::NO::P8_PUID,P8_RINUM:36360,71653-1 .

The product that was presented for import did not have the following required statements:

- “CONTAINS INGREDIENTS LISTED BELOW SATURATED IN SYMTHETK: ADSORBENT CLOTH ENSAPSULATED IN CHEMICAL AND VAPOUR RESISTANT CONTAINERS WITH AN ADDITIONAL CHEMICAL RESISTANT VAPOUR BARRIER EXTERIOR.”
- “Store at temperatures between 64F (18C) and 120F (50C).”

Therefore, the products in the Shipment are misbranded pursuant to section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1).

This Shipment is in violation of FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), which states that it is unlawful for any person to distribute or sell any pesticide that is misbranded.

Summary

The EPA recommends that this Shipment 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. If the importer does not export or dispose of this merchandise, 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).

Please contact Christine Tokarz, EPA Region 8 Import Enforcement Coordinator, by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.