



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA Region VIII

Hearing Clerk

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SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

DAVID
COBB

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DAVID COBB
Date: 2021.01.25
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Salt Lake City Airport, Utah

Subject: Requested action to be taken regarding the PreMax Pre-Filters, the Pre-Filters H11, and the HealthPro HEPA Filters in shipment with entry number 8WP-00391237

FIFRA-08-2021-0023

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 PreMax Pre-Filter, the Pre-Filter H11, and the HealthPro HEPA Filters 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 July 26, 2020.

The following information pertains to the shipment of the PreMax Pre-Filters, the Pre-Filters H11, and the HealthPro HEPA Filters:

- The importer and consignee is IQ North America Inc., 14351 Firestone Boulevard, La Mirada, California 90638-5527, point of contact, Glory Dolphin Hammes, CIE, CAFS.
- Chief executive officer, IQAir North America, Inc., glory.dolphin.hammes@iqair.com.
- The manufacturer is IQAir AG Blumenfeldstrasse 10 Goldach, 9403 China.
- The broker is Gebruder Weiss, Inc., Transport and Logistics, 19701 Hamilton Ave, Suite 210, Torrance, CA 90502, point of contact, Vital Joseph, joseph.vital@gw-world.com.
- The airway bill number is HLCUMUC200407406.
- The ship date was July 21, 2020.
- The products are PreMax Pre-Filters, the Pre-Filters H11, and the HealthPro HEPA Filters.
- The quantities are PreMax Pre-Filters-648, the Pre-Filters H11-324, and the HealthPro HEPA Filters-555 for a total weight of 5,691 pounds.
- The port of entry is Salt Lake City, Utah, 3303.
- The country of origin is Switzerland.

This product is not in compliance with FIFRA and is subject to refusal of admission due to the following violations.

The shipment that arrived at the border for import is 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 file a report. As required by 19 C.F.R. §12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, must be submitted. A Notice of Arrival was not submitted either electronically or via the CBP authorized electronic data interchange system.

The shipment that arrived at the border for import is also in violation of FIFRA section 2(q)(1)(A), 7 U.S.C. § 136(q)(1)(A), which states that a pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto which is false or misleading in any particular. Section 12(a)(1)(F) of FIFRA, 7 U.S.C § 136j(a)(1)(F), states that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded. “The term ‘labeling’ means all labels and all other written, printed, or graphic matter accompanying the pesticide.” FIFRA § 2(p)(2)(A), 7 U.S.C. § 136 (p)(2)(A).

Based on information in product brochures and the IQAir website:

- The PreMax Pre-Filter (HP/HPP & HPC) has language that it is effective against mold, <https://www.iqair.com/us/support/replacement-filters/klaus-series>. “Eliminates micro-particles such as dust, mold spores and powder.”
- The Pre-filter H11 (GC/Den) has language that it is effective against bacteria and dust mites, <https://www.iqair.com/us/commercial/support/replacement-filters/gcx-series>. “This powerful HyperHEPA pre-filter eliminates micro- and nano-particles such as allergens, smoke, bacteria and viruses”.
- The HealthPro HEPA Filter has language that it is effective against viruses, <https://www.iqair.com/us/room-air-purifiers/healthpro-series>. “The IQAir HealthPro Series features HyperHEPA filtration technology for superior airborne particle removal. IQAir's HyperHEPA filtration is tested and certified by an independent third-party lab to effectively filter 99.5% of harmful ultrafine pollution particles down to 0.003 microns in size. This is 100 times smaller than what is achieved with ordinary air filtration technology and 10 times smaller than a virus.”

Therefore, these filters are misbranded pesticide devices 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 July 26, 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.