



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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1:58 PM

May 13, 2021

Received by
EPA Region VIII
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Ref: 8ENF-AT-P

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

**DAVID
COBB**

Digitally signed by
DAVID COBB
Date: 2021.05.13
14:24:54 -06'00'

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 Clean Comfort Indoor Air Essentials
Ultraviolet Coil Purifier and the Air Purification Equipment NE, SOI products
in shipment with entry number 791-30745081 FIFRA-08-2021-0051

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 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 May 10, 2021.

The following information pertains to the shipment:

- The importer and consignee is Goodman Manufacturing Company LP, 19001 Kermier Road, Waller, Texas, 77484-8810.
- The manufacturer is Refrigerative Supply 12232 Ewing Avenue Regina, Canada and 2250 Northridge Drive Saskatoon, Canada.
- The broker is C.H. Robinson, point of contact, 642-border@chrobinson.com.
- The bill number is DAYRREG6033556.
- The entry file date was April 27, 2021.
- The release date was April 28, 2021.
- The quantity is 5 pallets of Clean Comfort Indoor Air Essentials Ultraviolet Coil Purifiers, weighing 14.43 pounds and the 2 Air Purification Equipment NE, SOI units weighing 26 pounds.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin as entered in ACE is Canada.

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(h) of FIFRA, 7 U.S.C. § 136(h), defines “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.”

Clean Comfort Indoor Air Essentials Ultraviolet Coil Purifiers had product labeling that included the following pesticidal claims:

- “Germicidal UV System”
- “Helps reduce allergens and irritants such as bacteria, viruses and mold.”

The Air Purification Equipment NE, SOI units have the following product pesticidal claims:

- “Air Purification”

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 reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. Neither a Notice of Arrival nor an image of the label was submitted either electronically or via the CBP authorized electronic data interchange system.

Therefore, none of the products referenced above in the shipment with entry number 791-30745081 can 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 May 10, 2021, the Customs and Border Patrol unit chief in Pembina, North Dakota, 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.