



**REGION 8**

DENVER, CO 80202

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**Jan 15, 2025**

**4:45 pm**

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

**SENT VIA ELECTRONIC MAIL**

**DELIVERY RECEIPT REQUESTED**

**SUBJECT:** Requested action to be taken regarding the Air Filters in shipment with entry number CHQ-20075208 FIFRA-08-2025-0005

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

**Cobb,  
David**

Digitally signed  
by Cobb, David  
Date: 2025.01.14  
17:06:31 -07'00'

**TO:** U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Salt Lake City, Utah 3303

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** 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. section 12.114. The entry was marked "Hold Intact," "Refused," and "Re-Export" in the Automated Commercial Environment (ACE) by the EPA on January 14, 2025. The following information pertains to the shipment:

- The importer and consignee is Alen Corporation, 7710 N FM 620 Road, Austin, Texas, 78726.
- The broker is Morgan Pace, Flexport, [mpace@flexport.com](mailto:mpace@flexport.com).
- The bill of lading number: FLXT-00002896160A.
- The entry file date was December 23, 2024.
- The products in this shipment include:
  - B4-Pure RFID, 1200 filters
  - FL40-H RFID, 450 filters
  - BF35, 810 filters
  - BF35-Silver-Carbon, 720 filters
  - BF35-VOC, 450 filters
  - FF50, 240 filters
  - FF50-Silver-Carbon, 80 filters
  - FF50-VOC, 80 filters
- Total number of pieces 4,030 weighing 8,879 pounds.
- The port of entry is Salt Lake City, Utah 3303.

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.” See also 40 C.F.R. § 152.500(a).

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....”

On January 10<sup>th</sup>, 2025, EPA received images of the labels for each of the listed filters, these labels had the following language, “EPA Est. 89272-CHN-1”. EPA also received an Intended Use statement from the manufacture that stated, “Shipped under Bill of Lading Number: FLXT-00002896160A are intended to use as a part of appliance air purifier, air filter is normally assembled inside of air purifier to purify the air.”

Therefore based on the information available, the filters listed in the shipment above are subject to FIFRA regulation.

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 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. Therefore, these pesticide products in the shipment referenced above should not be allowed entry into the United States.

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 January 14, 2025, the EPA informed the CBP Cargo Chief in Salt Lake City, Utah, that it would deny entry of this shipment. Please contact Christine Tokarz, the import enforcement coordinator, by email at [tokarz.christine@epa.gov](mailto:tokarz.christine@epa.gov), if you have any questions concerning this matter.