



REGION 8

DENVER, CO 80202

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

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FIFRA-08-2026-0047

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
Pembina, 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 (CBP) 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 March 18, 2026, and it was refused entry.

The following information pertains to the Shipment:

- The importer is Fitzgerald Santos C/O Amazon Returns, 3837 Bay Lake Trail, Suite 113, Las Vegas, Nevada 89030.
- The shipper is Fitzgerald Santos, 7 Torwood Crescent, Winnipeg, Manitoba R2R 2T7, Canada.
- The broker is UPS, UPS Pembina upspembina@ups.com, UPSNB.PGA.Team@ups.com.
- The arrival date was March 18, 2026.
- The shipping number is Y200 H08B HDH.
- The quantity is 1 Sun Sun HW-303B Sterilizing Outside Filter.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin, as entered in the Automated Commercial Environment (ACE), is Canada.

Reason for refusal recommendation:

- **misbranded pesticide device (7 U.S.C. § 136j(a)(1)(F))**
- **no notice of arrival (NOA) (7 U.S.C. §136j(a)(2)(N))**

The Shipment was in violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), as a distribution or sale of a misbranded device. The Shipment also failed to include an accurate notice of arrival, required by 19 C.F.R. § 12.112, in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. §136j(a)(2)(N).

Law and Regulation

FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), states that it is unlawful for any person to distribute or sell any device which is misbranded.

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).

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.

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....”

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.

FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), provides that it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

Facts and Violation

The label of the Sun Sun HW-303B Sterilizing Outside Filter included the following language:

- “UV Lamp both for fresh and seawater”
- “Multi-layer Filtration”
- “MULTI-LAYER FULL OF VARIOUS FILTER MATERIALS

HIGH EFFICIENCY OF BREEDING NITRO
BACTERIA
PERFECT FILTRATION CAPACITY
Touch the perfection”

- www.sunsuncn.com

The website, www.sunsuncn.com which leads you to www.sunsunglobal.com includes the following statements:

- “Five Core Technologies...04 Sterilize”
- “HW-303A/B (B with UV Lamp)”

These statements demonstrate that the Sun Sun HW-303B Sterilizing Outside Filter has a pesticidal intent and is therefore a pesticide device.

The Sun Sun HW-303B Sterilizing Outside Filter did not have an EPA Establishment Number on the label. Importing the shipment referenced above is a violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), as a distribution or sale of a misbranded device.

The Shipment was 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 file accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

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.