



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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3/14/2022

8:03am

Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-AT-P

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Portal, North Dakota 3403

Subject: Requested action to be taken regarding the Stress Shield 600, Trilex Component A and Trilex Component B, in shipment with entry number 791-35806177

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 (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 ACE by the EPA on March 11, 2022.

The following information pertains to the shipment:

- The importer and consignee is Bayer Crop Science LP, 651 Colliers Way, Weirton, West Virginia 26062-5053.
- The manufacturer is Bayer Crop Science 295 Henderson Drive, Regina, S4N 6C2 Canada.
- The broker is CH Robinson, point of contact Nekesha Williams, Nekesha.Williams@chrobinson.com.
- The bill number is DNCJ0042615.
- The entry file date was March 9, 2022.
- The quantities are:
 - Stress Shield 600 1,549 gallons
 - Trilex Component A 372 gallons
 - Trilex Component B 238 gallons
- The port of entry is Portal, North Dakota 3403.
- The country of origin as entered in ACE is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(A) (7 U.S.C. § 136j(a)(1)(A)), which states that it is unlawful for any person to distribute or sell any pesticide that is not registered under section 3 of FIFRA (7 U.S.C. § 136a). 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. (See 40 C.F.R. § 152.15.)

- The label for Stress Shield 600 has the following language, “Stress Shield 600 is a systematic seed treatment insecticide for protection of wheat, barley, oats and legumes against listed insect pests.”
- The label for Trilex Component A has the following language, “A seed treatment fungicide”.
- The label for Trilex Component B has the following language, “Seed Treatment Fungicide”.

Each of the products listed above are pesticides as defined by FIFRA. None of the products are registered pursuant to FIFRA. Therefore, none of the products referenced above in the shipment with entry number 791-35806177 should 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 March 11, 2022, the Customs and Border Patrol unit chief in Portal, 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.