



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

December 28, 2020

7:19 AM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the X-Cide 825 and 2K7 Bugsticks in shipment with entry number 300-64345615 FIFRA-08-2021-0016

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 X-Cide 825 and 2K7 Bugsticks 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 December 21, 2020.

The following information pertains to the shipment of the X-Cide 825 and 2K7 Bugsticks:

- The importer is OSP Microcheck Inc. 820 26th Street, North East Bay 6, Calgary, Alberta, T2E7E1 Canada.
- The consignee is OSP Telomer Corporation, 16223 Park Row Drive, Houston, Texas 77084.
- The broker is Livingston International, points of contact, Koteris, Richard RKoteris@livingstonintl.com and Ernest Hughes, ehughes@livingstonintl.com.
- The release date was November 12, 2020.
- The quantity is 3,000 X-Cide 825 cartons (39,000 pounds) and 1,000 2K7 Bugstick cartons (13,000 pounds).
- The port of entry is Sweetgrass, Montana, 3310.
- The country of origin is Canada.

The shipment that arrived at the border for import is in violation of FIFRA section 12(a)(2)(N), a registrant, wholesaler, dealer, retailer, or other distributor failed to file reports required by the Act. These products, X-Cide 825, EPA Reg. No. 33753-18-10707 and 2K7 Bugsticks, EPA Reg. No 67420-1 are registered pesticides. Per 19 C.F.R. section 12.114 the required Notice of Arrival of Pesticides and Devices (Notice of Arrival), EPA Form 3540-1 was not submitted either electronically or via the CBP-authorized electronic data interchange system. Therefore, these products 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 December 21, 2020, the Customs and Border Patrol unit chief in Sweetgrass, Montana 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.