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DENVER, CO 80202

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U.S. EPA REGION 8  
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**SENT BY 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  
Port of Pembina, North Dakota 3401

Subject: Requested action to be taken regarding the products in shipment ID E638  
6ATQ 9MB FIFRA-08-2025-0015

Cobb,  
David

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by Cobb, David  
Date: 2025.03.28  
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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** 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. §12.114. On March 11, 2025, EPA inspected this shipment and found the following:

- The product is Bio Bomb Minis.
- The shipper is Carzilla, 146-239 Mayland Place NE, Calgary Alberta T2E7Z8, Canada.
- The importer was Anthony McIntosh, 36 Roosevelt Avenue, Poughkeepsie, New York 12601.
- The broker was UPS Pembina North Dakota.
- The entry date was March 11, 2025.

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. 40 C.F.R. § 152.15 states: "A substance is considered to be intended for a

pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

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(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....”

The label for the Bio Bomb Minis that attempted import has the following language:

- “Cleaning and Deodorizing Tablets”
- “Bio-Bomb Mini Tablets when dissolved in water create a powerful, safe for surfaces solution, that can be used to clean, sanitize, and deodorize in just one step.”
- When sprayed onto a surface BIO-BOMB™ MINI TABLETS quickly break down bio-film and bio-burden, leaving treated area clean and odor free.

These claims demonstrate a pesticidal intent pursuant to the definitions above. The Bio Bomb Minis are thus pesticides and subject to FIFRA regulation.

The Bio Bomb Minis are not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Therefore, these products are unregistered pesticides. Importing these products in the shipment referenced above is a violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), as a distribution or sale of unregistered pesticides.

The shipment that arrived at the border for import is 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 correctly file reports required by the Act. As required by 19 C.F.R. section 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.

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 March 11, 2025, the EPA informed the CBP Cargo Chief in Pembina, North Dakota that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator, by phone at (518) 416-8965, or by email at [tokarz.christine@epa.gov](mailto:tokarz.christine@epa.gov), if you have any questions concerning this matter.