REGION 8
DENVER, CO 80202

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FIFRA-08-2026-0097

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

DAVID COBB Digitally signed by DAVID COBB Date: 2026.08.03 09:30:32 -06'00'

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 (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. § 12.114. EPA inspected this shipment on June 22, 2026.

The following information pertains to the Shipment:

- The importer is Sidney Wicks, 9128 Isles Cay Drive Delray Beach, Florida, 33446.
- The consignee is Otio Qui Nescit, PO BOX 99900, YQ 077 609, High River Alberta T1V0H7, Canada.
- The broker is UPS, UPS Pembina upspembina@ups.com, UPSNB.PGA.Team@ups.com.
- The arrival date was June 22, 2026.
- The bill number is C600614GK3K.
- The quantity is 1 Widex Charge and Clean, WPC101.
- The country of origin, as entered in ACE, is Canada.

Reason for refusal recommendation:

- **misbranded device (7 U.S.C. § 136j(a)(1)(F))**

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

The Shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), which states that it is unlawful for any person to distribute or sell any device that is misbranded. 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 that is misbranded.

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…."

Section 2(q)(1) of FIFRA, 7 U.S.C. § 136(q)(1), provides that a pesticide or device 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;
> (E) any word, statement, or other information required by or under the authority of this Act to appear on the label or labeling is not prominently placed thereon with such conspicuousness (as compared to other words, statements, designs, or graphic matter in the labeling) and in such terms as to render it likely to be read and

understood by the ordinary individual under customary conditions of purchase and use;
(F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 3(d) of this Act, are adequate to protect health and the environment; [or]
(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 3(d) of this Act, is adequate to protect health and the environment[.]"

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 Widex Charge and Clean, WPC101 had the following language:

- "Charge and Clean"

Awebsite where these were offered for sale at the time of inspection, https://apebo.com/widex-ric-charge-n-clean-station, included the following language:

- "Advantages of Charge & Clean"
- "Integrated drying function
- "UV-light disinfection"
- "Fast charge function"

These claims indicate pesticidal intent, and the Widex Charge and Clean, WPC101 is therefore a device pursuant to FIFRA.

The Widex Charge and Clean, WPC101 product is misbranded pursuant to FIFRA section 2(q)(1), 7 U.S.C. § 136(q)(1) because there are no directions for use and no caution or warning statements on its label or labeling.

Therefore, this product is misbranded pursuant to 7 U.S.C. § 136(q)(1). Importing this product in the Shipment 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 failed to include a 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).

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, tokarz.christine@epa.gov, by email if you have any questions concerning this matter.