



REGION 8

DENVER, CO 80202

FILED

Nov 18, 2025

2:37 pm

**U.S. EPA REGION 8
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Ref: 8ECA-AT-P

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 with entry number 551-XXXX6095 (Shipment) FIFRA-08-2026-0004

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, as 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 the Automated Commercial Environment (ACE) by the EPA on October 14, 2025.

Based on the information provided by CBP, the following information pertains to the Shipment:

- The importer and consignee is Betco Corporation Ltd. 400 Van Camp Road, Bowling Green, Ohio 43402-9062 EPA Establishment 4170-OH-2.
- The Manufacturer is Hector Canas, Future Transfer, 35 East Lake Circle NE, Airdrie, Alberta, T4A, @J9, Canada.
- The broker is A.N. Deringer, Inc., Rebecca Hill rhill@anderinger.com, Samantha Yates syates@anderinger.com.
- The Bill of Lading Number is BOL# ODFL24400615852.
- The arrival date was October 2, 2025.
- The products in this Shipment were 40 gallons of Daily Disinfectant Dual.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin, as entered in ACE, is United States.

The Shipment was in violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), and FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), and therefore should not be allowed entry into the United States.

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. Pursuant to 40 C.F.R. § 152.15, “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if:

- (a) The person who distributes or sells the substance claims, states, or implies (by labeling or otherwise): (1) That the substance (either by itself or in combination with any other substance) can or should be used as a pesticide; or (2) That the substance consists of or contains an active ingredient and that it can be used to manufacture a pesticide; or
- (b) The substance consists of or contains one or more active ingredients and has no significant commercially valuable use as distributed or sold other than: (1) use for pesticidal purpose (by itself or in combination with any other substance), (2) use for manufacture of a pesticide; or
- (c) The person who distributes or sells the substance has actual or constructive knowledge that the substance will be used, or is intended to be used, for a pesticidal purpose.”

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 of the Daily Disinfectant Dual included the following language:

- “Cleaner, Disinfectant, Virucide and Deodorant”

Based on the language above, as well as the name of the product, Daily Disinfectant Dual is intended for a pesticidal purpose and is therefore a pesticide pursuant to the definitions above.

The Daily Disinfectant Dual product labels in the Shipment did not include a registration number pursuant to section 3 of FIFRA, and the Daily Disinfectant Dual in the Shipment is not registered under section 3 of FIFRA, 7 U.S.C. § 136a.

Therefore, the Shipment is 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.

The Shipment that arrived at the border for import 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

correctly file reports required by the Act. As required by 19 C.F.R. § 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.

Accordingly, these pesticide products in the Shipment should not be allowed entry into the United States.

The EPA hereby notifies CBP that the products referenced above 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 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 October 14, 2025, the EPA informed the CBP Cargo Supervisor in Pembina, North Dakota, that it would deny entry of the Shipment.

Please contact Christine Tokarz, the import enforcement coordinator by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.