



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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May 4, 2020
2:35 PM

Ref: 8ENF-AT-TP

Received by
EPA Region VIII
Hearing Clerk

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Date: May 4, 2020

From: David Cobb
Unit Chief, Toxics Enforcement Unit
Office of Enforcement, Compliance and Environmental Justice

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

Subject: Requested action to be taken regarding the EnviroNize Anolyte Multi-Use Disinfectant 500 in shipment with entry number DN2-16932785 FIFRA-08-2020-0035

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 EnviroNize Anolyte Multi-Use Disinfectant 500 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 May 4, 2020.

The following information pertains to the shipment of the EnviroNize Anolyte Multi-Use Disinfectant 500:

- The importer is New Flyer Industries Canada ULC, 711 Kernaghan Avenue, Winnipeg, Manitoba R2C3T4, Canada.
- The manufacturer is Warehouse Supply Inc, 10-975 Sherwin Road, Winnipeg, Manitoba R3H 0T8, Canada.
- The consignee is New Flyer MSP Donaldson Road, 1325 Donaldson Road, Erlanger, Kentucky 41018-3124.
- The point of contact is Dan Metoyer, Dan_Metoyer@newflyer.com.
- The ship date was April 29, 2020.
- The product is EnviroNize Anolyte Multi-Use Disinfectant 500.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(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. Under FIFRA, a product that makes pesticidal claims is a pesticide, and it must be registered with the EPA prior to distribution or sale. This product, EnviroNize Anolyte Multi-Use Disinfectant 500, makes pesticidal claims. The label for this product indicates that it is “For use as a broad spectrum disinfectant”, “Not harmful to humans”, and “DIN Registered disinfectant”. Therefore, this product cannot be allowed entry into the United States.

On May 4, 2020, the Customs and Border Patrol unit chief in Pembina, 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.