



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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

August 27, 2020  
1:28 PM

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

**DAVID COBB**

Digitally signed by DAVID  
COBB  
Date: 2020.07.30 14:25:16  
-06'00'

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Port of Salt Lake City Airport, Utah

Subject: Requested action to be taken regarding the HealthPro HEPA Filter in shipment with entry  
number 8WP-00391237 FIFRA-08-2020-0052

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 HealthPro HEPA Filter 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 July 26, 2020.

The following information pertains to the shipment of the HealthPro HEPA Filter:

- The importer and consignee is IQ North America Inc., 14351 Firestone Boulevard, La Mirada, California 90638-5527, point of contact, Glory Dolphin Hammes, CIE, CAFS.
- Chief executive officer, IQAir North America, Inc., [glory.dolphin.hammes@iqair.com](mailto:glory.dolphin.hammes@iqair.com).
- The manufacturer is IQAir AG Blumenfeldstrasse 10 Goldach, 9403 China.
- The broker is Gebruder Weiss, Inc., Transport and Logistics, 19701 Hamilton Ave, Suite 210, Torrance, CA 90502, point of contact, Vital Joseph, [joseph.vital@gw-world.com](mailto:joseph.vital@gw-world.com).
- The airway bill number is HLCUMUC200407406.
- The ship date was July 21, 2020.
- The product is HealthPro HEPA Filter.
- The port of entry is Salt Lake City, Utah, 3303.
- The country of origin is China.

This product is not in compliance with FIFRA and is subject to refusal of admission due to the following violations.

The shipment that arrived at the border for import is 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 file reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, must be submitted. A Notice of Arrival was not submitted either electronically or via the CBP authorized electronic data interchange system.

The shipment that arrived at the border for import is also in violation of FIFRA section 2(q)(1)(A), 7 U.S.C. § 136(q)(1)(A), which states that a pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto which is false or misleading in any particular. Section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j(a)(1)(E), states that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded. “The term ‘labeling’ means all labels and all other written, printed, or graphic matter accompanying the pesticide.” FIFRA § 2(p)(2)(A), 7 U.S.C. § 136 (p)(2)(A).

On July 26, 2020, the EPA verified IQAir is making false or misleading pesticidal claims on its website, [https://www.iqair.com/us/blog/press-releases/iqair-takes-action-against-deadly-coronavirus-outbreak%3Futm\\_source%3Dhomepage\\_aql5](https://www.iqair.com/us/blog/press-releases/iqair-takes-action-against-deadly-coronavirus-outbreak%3Futm_source%3Dhomepage_aql5)

- “IQAir air purifiers were rigorously tested for virus control by the Hong Kong Hospital Authority and provided more than 150 hospitals to help protect staff and patients.”

From the IQAir Health Pro Series product brochure:

- “The IQAir® HealthPro has received more top reviews and awards than any other air purifier. It is the #1 choice for asthma and allergy sufferers. At the heart of this revolutionary system is the exclusive IQAir HyperHEPA® filtration technology. A dense network of nano-fibers effectively traps particles of all sizes. That includes viruses, pet dander, dust mites, other allergens, and even cigarette smoke.
- “HyperHEPA® Filter. The unequaled IQAir HyperHEPA filter eliminates fine and ultrafine particles, including bacteria, viruses and highway exhaust particles. The clean air is then expelled through the EvenFlow™ diffuser and distributed throughout the room.”
- “How it works, H11 HyperHEPA® Pre-Filter, The powerful HyperHEPA pre-filter eliminates allergens, smoke, bacteria, and viruses. The pre-filter also helps extend the life of the gas-phase media by preventing the gas control cartridges from clogging with particulates. Whole-house allergen and particle control. The Perfect 16 can transform your entire home into a safe haven from airborne allergy and asthma triggers and other airborne pollutants. It continuously filters all of the air in your home with advanced micro-fiber technology that filters dust, pollen, mold spores, viruses, and other particulate contaminants, including ultrafine particles. Rated a perfect MERV 16 according to ASHRAE 52.2 industry standards, the Perfect 16 delivers medical-grade clean air continuously and automatically throughout your home without impeding the airflow of your central heating and air conditioning system.
- Intake Grille: Ambient air is drawn in through a circular intake grille manufactured with an antimicrobial coating that maximizes air filtration while minimizing pressure drop, protecting internal components, and preventing the spread of harmful particles, including mold, bacteria, viruses, and ultrafines.”

Therefore, this product cannot be allowed entry into the United States. The EPA hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under

supervision of the U.S. Customs and Border Protection, within ninety (90) calendar days from the date of this Notice (or within such time as otherwise specified by EPA) 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, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

On July 26, 2020, the Customs and Border Patrol unit chief at Salt Lake City, Utah, was informed by 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](mailto:tokarz.christine@epa.gov) if you have any questions concerning this matter.