



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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April 28, 2020

1:33 PM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-TP

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Date: April 28, 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 Enviolyte R-1200 Cell/Water Filtration
in shipment with entry number CIU-51556391 FIFRA-08-2020-0030

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 Enviolyte R-1200 Cell/Water Filtration 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 following information pertains to the shipment of the Enviolyte R-1200 Cell/Water Filtration:

- The broker is Cole International, 222 South 5th Street, Pembina, North Dakota 58271.
- The consignee is Omni-Lyte Inc., 415 Main Street, Aberdeen, South Dakota 57401-4364.
- The manufacturer is Omni-Lyte Enviro Inc., SW 68 16, Wawanesa, R0K 2G0 CA.
- The ship date was April 22, 2020.
- The airway bill number is RDWY4955500056.
- The product is Enviolyte R-1200 Cell/Water Filtration.
- The entry number associated with this shipment is CIU-51556391.
- 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. Devices, although not required to be registered, must not bear any statement, design, or graphic representation that is false or misleading. This product, Enviolyte R-1200 Cell/Water Filtration, makes pesticidal claims. The advertising of this product uses the phrases “On-site production of solutions for cleaning, disinfecting and sterilizing,” and “Safe, Effective, and Non toxic”.

Therefore, this product cannot be allowed entry into the United States.

On April 22, 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. In accordance with regulations, 19 C.F.R. § 112.14, the port director will cause the destruction of any shipment refused delivery and not exported by the consignee within 90-calendar days after notice of such refusal of delivery.

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.