



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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Received by

EPA Region VIII

Hearing Clerk

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**SENT VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

From: David Cobb  
Section Chief, Toxics and Pesticides Enforcement Section  
Enforcement and Compliance Assurance Division

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Denver, Colorado 3307

Subject: Requested action to be taken regarding the Betula Aspen Alcohol Wipes in shipment with entry number 671-02368007 FIFRA-08-2021-0018

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 Betula Aspen Alcohol Wipes 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 December 4, 2020.

The following information pertains to the shipment of the Betula Aspen Alcohol Wipes:

- The importer is Betula Aspen Spa, 525 E. Cooper Avenue, Aspen, Colorado 81611.
- The manufacturer is Promocare B.V. Gerardus Gullaan 14 Hilversum, Netherlands.
- The broker is Radiant Customs Service Inc., points of contact, Shyon Trotman, Strotman.rcs@radiantdelivers.com.
- The release date was November 23, 2020.
- The airway bill number is 02051623121-315091302.
- The quantity is 10,200 wipes, approximately 271 pounds.
- The port of entry is Denver International Airport, Colorado 3307.
- The country of origin is Netherlands.

The shipment that arrived at the border for import was 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). Under FIFRA, 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. (See 40 C.F.R. § 152.15.)

From the Manufacturer website, Promocare BV, <https://www.promotissue.eu/>, these wipes are “Alcohol wipes for disinfecting purposes.”

When EPA requested information from the importer regarding the intended use of these wipes Laurent Cantineaux, Executive Chef at Betula Aspen, indicated that they were purchased for the following purposes:

- “for guests & clients sanitizing purposes”
- “to sanitize their hands and surroundings”
- “Due to Covid-19 sanitizing is extremely important to keep our guests & employees safe”

Sanitizers and disinfectants are designed to kill pests, specifically germs or microorganisms, and are considered pesticides. Therefore, these wipes are considered unregistered pesticides and cannot be allowed entry into the United States.

The Agency hereby notifies U.S. Customs and Border Protection that this merchandise has been refused admission and recommends that this merchandise be re-exported or destroyed within 90 calendar days from the date of this Notice.

On December 4, 2020, the Customs and Border Patrol unit chief in Denver, Colorado 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](mailto:tokarz.christine@epa.gov) if you have any questions concerning this matter.