



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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**SENT BY ELECTRONIC MAIL**  
**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  
Port of Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the products in shipment with entry number N5Q-24005437 FIFRA-08-2024-0041

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 (CBP) that the pesticide products 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 (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. §12.114. On May 8, 2024, a Sweetgrass Montana Customs and Border Protection Officer inspected the shipment at the Sweetgrass, Montana Port of Entry. EPA reviewed the information and accompanying photos to make this compliance determination.

The following information pertains to the shipment of the shipment:

- The importer, consignee, and manufacturer is 101165120 Saskatchewan Limited, Hague, SK, S0K1X0 Canada, point of contact, [J.ROBINSON@PEACOCKCORP.COM](mailto:J.ROBINSON@PEACOCKCORP.COM) and Kordic Benham [k.benham@peacockcorp.com](mailto:k.benham@peacockcorp.com).
- The broker is Border Buddy Customs Brokers.
- The arrival date was May 15, 2024.
- The bill number is TMBM9050186.
- The port of entry is Sweetgrass, Montana, 3310.
- The country of origin, as entered in ACE, is Canada.

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 product that attempted import was Eco Bran 2%, EPA Registration Number 19713-630-67650. Eco Bran 2% is an EPA registered pesticide,

[https://ordspub.epa.gov/ords/pesticides/f?p=113:8:::NO::P8\\_PUID,P8\\_RINUM:503374,19713-630](https://ordspub.epa.gov/ords/pesticides/f?p=113:8:::NO::P8_PUID,P8_RINUM:503374,19713-630).

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 correctly file reports required by the Act. As required by 19 C.F.R. section 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 with the shipment.

Therefore, the pesticide products in the shipment referenced above cannot be allowed entry into the United States.

The EPA hereby notifies CBP that this merchandise 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 the 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 May 17, 2024, the EPA informed the CBP Cargo Chief in Sweetgrass, Montana, 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.