



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

Ref: 8ENF-AT-P

September 29, 2020
8:28 AM

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Received by

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

EPA Region VIII

Hearing Clerk

DAVID COBB

Digitally signed by DAVID
COBB
Date: 2020.09.25 15:05:09
-06'00'

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Pembina, North Dakota 3401

Subject: Requested action to be taken regarding the Clorox Healthcare Germicidal Disinfecting Cleaner and the Diversey Intervention AHP Wipes in shipment with entry number DN2-17329510 FIFRA-08-2020-0059

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 Clorox Healthcare Germicidal Disinfecting Cleaner and the Diversey Intervention AHP 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 September 23, 2020.

The following information pertains to the shipment of the Clorox Healthcare Germicidal Disinfecting Cleaner and the Diversey Intervention AHP Wipes:

- The consignee is Analytical Lab Group 2341 Stanwell Drive, Concord, California 94520-4808.
- The importer is Precision ADM Inc. 1595 Buffalo Place, Winnipeg, Manitoba, R3T1M1 Canada.
- The broker is GHY USA, Inc., GHY International, 572 South 5th Street, Pembina, North Dakota 58271. Point of contact is Kimberly Weber kimw@ghy.com.
- The airway bill number is EATL10207190.
- The ship date is September 15, 2020.
- The quantity is 1 bottle of Clorox Healthcare Germicidal Disinfecting Cleaner and 1 unit of Diversey Intervention AHP Wipes.

- The port of entry is Pembina, North Dakota 3401.
- The country of origin is Canada.

The shipment that arrived at the border for import is 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.)

The label for Clorox Healthcare Germicidal Disinfecting Cleaner indicates that it is a “disinfectant”, does not have the EPA registered labeled adhered to the product, and is therefore an unregistered pesticide. The label for the Diversey Accel INTERVENTION – One Step Surface Cleaner and Disinfectant indicates that it is a “disinfectant”, does not have an EPA registration number, and is therefore an unregistered pesticide.

Therefore, these products cannot be allowed entry into the United States.

The Agency 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 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 the Act or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

On September 23, 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.