



REGION 8

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**U.S. EPA REGION 8
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SENT VIA EMAIL
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
Portal, North Dakota, 3403

Subject: Requested action to be taken regarding the products in the shipment with entry number DSV-79658784 (Shipment) FIFRA-08-2025-0070

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 products in the import Shipment, as 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. Customs and Border Protection Officers (CBP) inspected this shipment and provided EPA the evidence.

Based on the information provided by CBP, the following information pertains to the Shipment:

- The importer and consignee is FMC Stine, 1090 Elkton Road, Newark, Delaware 19711-3507.
- The broker is DSV Air & Sea Inc, Amy Breeman-Rhodes - DSV amy.breeman-rhodes@dsv.com.
- The Bill of Lading Numbers are LRGR1289960004.
- The arrival date was September 16, 2025.
- The products are:
 - Ally Extra SG W-Total Sol SG, EPA Reg. Number 279-9603, weighing 2,542.5 pounds.
 - Harmony Extra W-Total Sol, EPA Reg. Number 279-9602 weighing 10,260.2 pounds.
- The port of entry is Portal, North Dakota 3403.
- The country of origin, as entered in ACE, is Canada.

Under FIFRA section 2(u), 7 U.S.C. § 136(u), 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. 40 C.F.R. § 152.15 states: “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

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 label for the Ally Extra SG W-Total Sol SG, EPA Reg. Number 279-9603, included the following language:

- EPA Reg. No. 279-9603.
- EPA Est. No. 279-CAN-001.
- “Herbicide”

The label for the Harmony Extra W-Total Sol, EPA Reg. Number 279-9602, included the following language:

- EPA Reg. No. 279-9602.
- EPA Est. No. 279-CAN-001.
- “Herbicide”

The language above indicates that each of the products in the Shipment are pesticides pursuant to the definitions above. Each product is a registered pesticide under section 3 of FIFRA, 7 U.S.C. § 136a. The ACE Entry data incorrectly indicated that these were unregistered pesticides, and they were entered as “PS3.” No pesticide labels were uploaded to the Document Imaging System for EPA review.

Therefore, the shipment that arrived at the border for import was 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. § 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. Accordingly, these pesticide products in the Shipment should not be allowed entry into the United States.

The EPA hereby notifies CBP that the products referenced above 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 September 16, 2025, the EPA informed the CBP Cargo Supervisor in Portal,

North Dakota, that it would deny entry of this shipment. Please contact Christine Tokarz, the import enforcement coordinator by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.