



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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HEARING CLERK

Ref: 8ENF-AT-P

MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the Acclaim Herbicide with shipment entry number 231-15310308 Docket No. **FIPRA-08-2020-0012**

FROM: David Cobb, Supervisor, *DTC*
Enforcement and Compliance Assurance Division

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

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 Acclaim Herbicide 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. § 12.114. An electronic alternative to the Notice of Arrival was filed in the Automated Commercial Environment (ACE) in accordance with 19 C.F.R. section 12.112. The entry was marked "Hold Intact," "Refused" and "Re Export" in ACE by the EPA on December 17, 2019.

The following information pertains to the shipment of Acclaim Herbicide:

- The importer is Bayer Crop Science LP, 2 TW Alexander Drive, Research Triangle Park, North Carolina 27709-0144.
- The consignee is Bayer Crop Science LP, 2 TW Alexander Drive, Research Triangle Park, North Carolina 27709-0144.
- The broker is Expedito International 250 Sonwil Drive, Suite 254, Buffalo, New York 14225.
- The entry number is 231-15310308.
- The quantity of product in this shipment 812 gallons.
- The brand name of the product uploaded into the ACE Customs and Border Patrol database is Acclaim Herbicide, EPA registration number 432-951.
- The establishment associated with this product and uploaded into the ACE Customs and Border Patrol database is 264-CAN-01.
- The brand name of the actual product in the shipment is Acclaim Herbicide Extra, EPA registration number 432-950.
- The establishment associated with the actual product is 7969-CAN-1.
- The port of entry is 3401, Pembina, North Dakota.

Pursuant to section 12(a)(2)(N) of FIFRA, 7 U.S.C. § 136j(a)(2)(N), it is unlawful for a registrant, dealer, or other distributor to fail to file reports required by FIFRA. Title 19 C.F.R. section 12.112, promulgated under the authority of section 17 of FIFRA, 7 U.S.C. § 136o, requires an importer desiring to import a pesticide into the United States to submit an NOA to the EPA prior to the arrival of the shipment in the United States.

The NOA information that was submitted is false: The product's EPA registration number and establishment number recorded in the submission does not match the registration or establishment number on the product.

On December 17, 2019, 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.