



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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June 15, 2020

5:51 AM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-TP

**SENT BY ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

From: David Cobb **DAVID COBB** Digitally signed by DAVID COBB  
Section Chief, Toxics and Pesticides Enforcement Section Date: 2020.06.11 09:05:32  
Enforcement and Compliance Assurance Division -06'00'

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

Subject: Requested action to be taken regarding the Mi-Lyte 75A in shipment with entry number  
EMO-02618842 FIFRA-08-2020-0039

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 Mi-Lyte 75A 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 June 9, 2020.

The following information pertains to the shipment of the Mi-Lyte 75A:

- The broker is EMO Trans, Inc. (SFO), 400 Oyster Point Blvd, Suite 210, South San Francisco, California 94080.
- The contact for the broker is Rodney Villaruz, Import Manager, [Rodney.villaruz@emotrans.com](mailto:Rodney.villaruz@emotrans.com).
- The United States manufacturer is Clarentis Technologies, LLC, 4440 PGA Boulevard #600, Palm Beach Gardens, Florida 33410.
- The Canadian manufacturer is Clearteck Manufacturing Inc., Decker, R0M0K0 XM.
- The consignee is NFX Hypo Clean LLC, 2983 Sterling Court, Boulder, Colorado 80301-2342.
- The ship date was June 5, 2020.
- The product is Mi-Lyte 75A.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(2)(N), a registrant, wholesaler, dealer, retailer, or other distributor failed to file reports required by the Act.

This product, Mi-Lyte 75A, produces the pesticide UltraLyte, EPA Reg. No. 86854-1. Per 19 C.F.R. section 12.114, submission of Notice of Arrival of Pesticides and Devices (Notice of Arrival), EPA Form 3540-1 is required. A Notice of Arrival was not submitted either electronically or via the CBP-authorized electronic data interchange system.

On June 9, 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](mailto:tokarz.christine@epa.gov) if you have any questions concerning this matter.