



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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January 21, 2021  
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Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

**SENT VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

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

**DAVID**  
**COBB** Digitally signed  
by DAVID COBB  
Date: 2021.01.21  
09:51:24 -07'00'

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the PREempt Wipes in shipment with entry  
number CIU-41037817 FIFRA-08-2021-0024

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 PREempt 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 January 13, 2020.

The following information pertains to the shipment of the PREempt Wipes:

- The consignee is Evans Consoles Inc. 1577 Spring Hill Road Suite 110, Vienna, Virginia 22182-2223.
- The manufacturer is Evans Consoles Inc. 1616 27 Avenue NE0 Calgary, T2E 8W4 Canada.
- The broker is Cole International, Scott Middlekauff, [Scott.Middlekauff@coleintl.com](mailto:Scott.Middlekauff@coleintl.com).
- The release date was January 7, 2020.
- The bill number is FXFC782299659590.
- The quantity is 1 canister of wipes, approximately 2 pounds.
- The port of entry is Sweetgrass, Montana 3310.
- 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.)

From the PREempt Wipes container, “One step surface cleaner and disinfectant”.

Disinfectants are designed to kill pests, specifically germs or microorganisms, and are considered pesticides. Therefore, these wipes are considered unregistered pesticides and cannot be allowed entry into the United States.

The Agency hereby notifies U.S. Customs and Border Protection that this merchandise has been refused admission and recommends that this merchandise be re-exported or destroyed within 90 calendar days from the date of this Notice.

On January 13, 2020, the Customs and Border Patrol unit chief in Sweetgrass, Montana 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.