



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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DELIVERY RECEIPT REQUESTED

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

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 Air Sniper Units and UV Germicidal Lamps in shipment with entry number 799-74722290 FIFRA-08-2024-0001

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 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 October 5, 2023.

The following information pertains to the shipment of the Air Sniper Units and UV Germicidal Lamps:

- The importer and manufacturer is Air Alpine Innovative Research, 6565 40 Street SE, Calgary Alberta T2C2J9 Canada. Point of contact Danielle Morrison dmorrison@airsniper.ca.
- The buyer is Codes Chaffee, 1120 Cummins Drive Chaffee Missouri, 63740.
- The broker is FedEx, Lisa Kasperek lisa.kasperek@fedex.com.
- The bill number is FDEG1043047531
- The cargo description is "Air Sniper"
- The arrival date was October 4, 2023.
- The quantity is 120 Air Sniper units and 120 UV Germicidal Bulbs, weighing 60 pounds.
- The port of entry is Pembina, North Dakota 3401.

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(h) of FIFRA, 7 U.S.C. § 136(h), defines “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately.”

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 labels for the Air Sniper Units had the following information:

- “Air Sniper”,
- “EPA Establishment 100516-CAN-1”

The labels for the UV Germicidal Lamps had the following information:

- “UV Germicidal Lamp”
- “EPA Establishment 96093-JPN-1”

These Air Sniper Units and UV Germicidal Lamps are devices under FIFRA section 2(h), 7 U.S.C. § 136(h), and 40 C.F.R § 152.500(a) because they fall within the definition of “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest[, which includes virus, bacteria, or other micro-organism,] or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.”

The shipment is 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 file reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. The following pertains to this entry:

- There were no product labels uploaded into the Document Imaging System (DIS).
- The ACE Entry data for the “UV Bulbs” disclaimed EPA and did not include any of the required Notice of Arrival information.
- The ACE Entry information for the “Air Sniper Units” had an EPA Establishment Number “100516CAN100”, which is not a valid EPA Establishment Number.

Therefore, these Air Sniper Units and UV Germicidal Lamps should not 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 October 5, 2023, 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.