



REGION 8

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**U.S. EPA REGION 8
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Ref: 8ECA-AT-P

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

FIFRA-08-2026-0024

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
Pembina, North Dakota 3401

Subject: Requested action to be taken regarding the products in the shipment described below

By this memorandum, the U.S. Environmental Protection Agency, Region 8, is informing the Bureau of Customs and Border Protection (CBP) of the U.S. Department of Homeland Security that the products in the import shipment described below (Shipment) 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. CBP inspected this shipment on February 11, 2026. Based on evidence gathered during a review of the at that inspection, the Shipment was refused entry on February 11, 2026.

The following information pertains to the Shipment:

- The importer is Glen Douglas, 359 Costigan Cres, Saskatoon SK, S7J 3P2 Canada.
- The consignee is Steve West, RD4AG, 1881 S Letvin Avenue, Yuma, Arizona 85365-2560. RGDAG@OUTLOOK.COM
- The broker is Lisa Kasperek, FedEx Logistics, Inc., lisa.kasperek@fedex.com.
- The arrival date was January 14, 2026.
- The entry number is 799-11631337.
- The bill number is FDEG1059094624.
- The quantity is 7.7 pounds of Liberty 150SN Herbicide.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin, as entered in the Automated Commercial Environment (ACE), is Canada.

Reason for refusal recommendation:

- **unregistered pesticide (7 U.S.C. § 136j(a)(1)(A))**
- **inaccurate notice of arrival (NOA) (7 U.S.C. §136j(a)(2)(N))**

The Shipment was 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. The Shipment also failed to include an accurate notice of arrival, required by 19 C.F.R. § 12.112, in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N).

Law and Regulation

FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), 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 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.

Under section 2(t) of FIFRA, 7 U.S.C. § 136(t), a pest is any insect, rodent, nematode, fungus, weed, or any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except those on or in living man or other living animals).

FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N), provides that it is unlawful for a registrant, wholesaler, dealer, retailer, or other distributor to fail to file accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

Facts and Violation

The label of the Liberty 150SN Herbicide included the following language:

- “ACTIVE INGREDIENT: glufosinate ammonium 150 g/L”
- “LIBERTY 150 SN Herbicide and Crop Desiccant MP provides control of a broad spectrum of grassy and broadleaf weeds in Canola and Soybean varieties or hybrids that are specially developed to be tolerant to glufosinate ammonium.”
- “EPA Est. 7969-CAN-1”

These statements demonstrate that the Liberty 150SN Herbicide has a pesticidal intent and is therefore a pesticide. The Liberty 150SN Herbicide is not registered with the EPA. This Shipment 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.

The ACE entry data for this shipment included the following language:

- “PS3”
- “007969CAN001”

On March 4, 2026, EPA confirmed that the EPA Establishment 7969-CAN-1 did not produce this pesticide. Therefore, the Shipment was also 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 accurate reports required by the Act. As required by 19 C.F.R. § 12.112, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

Summary

The EPA recommends that this Shipment 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. If the importer does not export or dispose of this merchandise, 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).

Please contact Christine Tokarz, EPA Region 8 Import Enforcement Coordinator, by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.