



REGION 8  
DENVER, CO 80202

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U.S. EPA REGION 8  
HEARING CLERK

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FIFRA-08-2026-0025

**SENT VIA EMAIL**  
**DELIVERY RECEIPT REQUESTED**

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  
Sweetgrass, Montana 3310

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 March 4, 2026.

The following information pertains to the Shipment:

- The importer is Blue Falls Manufacturing Ltd., Thorsby, Alberta, T0C2P0 Canada.
- The consignee is Aqua Balance Inc, 2368 S State Street, Salt Lake City, Utah 84115-2756.
- The broker is A.N. Deringer, Inc., [ksalem@anderinger.com](mailto:ksalem@anderinger.com).
- The arrival date was March 4, 2026.
- The entry number is 551-26121992.
- The bill number is PBJC0000195.
- The quantities are:
  - 8 ONZ-100375
  - 7 ZOO-140150
- The port of entry is Sweetgrass, Montana 3310.
- The country of origin, as entered in the Automated Commercial Environment (ACE), is Canada.

**Reason for refusal recommendation:**

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

The Shipment 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**

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).

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 therefrom.” See also 40 C.F.R § 152.500(a).

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....”

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 ACE entry data packet included two entries with the following information:

- “GENERATOR”
- “SPABOY”
- “099583CAN001”

The ACE entry data packet did not include:

- Unit size of the pesticide devices,
- The quantities and types of pesticide devices and
- A copy of the on-product pesticide device labels uploaded to the Document Imaging System (DIS).

Therefore, the Shipment 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).

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