



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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February 2, 2022

2:42PM

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

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Denver, Colorado 3307

Subject: Requested action to be taken regarding the Nordox 750 WG Copper Fungicide  
in shipment with entry number ALB-00752940 FIFRA-08-2022-0022

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 (FIFRA), 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 February 1, 2022.

The following information pertains to the shipment:

- The importer and consignee is American Chemet Corporation, 740 Waukegan Road, Deerfield, Illinois 60015-4374.
- The manufacturer is Grochem Australia Party Limited, SE 1 L 3 262 Lorimer Street, Port Melbourne, 3207 Australia.
- The broker is Peter Wittwer North America, Inc., [erik.sundling@peterwittwer.com](mailto:erik.sundling@peterwittwer.com).
- The bill number is MEL0036729.
- The entry file date was January 25, 2022.
- The quantity is 1.98 pounds of Nordox 750 WG Copper Fungicide.
- The port of entry is Denver, Colorado 3307.
- The country of origin as entered in ACE is Australia.

The shipment that arrived at the border for import 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). 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.) The Name of the product, Nordox 750 WG Copper Fungicide indicates that it is a pesticide. Therefore, this product cannot be allowed entry into the United States.

The shipment that arrived at the border for import is 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 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. Therefore, none of the products referenced above in the shipment with entry number ALB-00752940 can 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 February 1, 2022, the Customs and Border Patrol unit chief in Denver, Colorado, 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.