



REGION 8
DENVER, CO 80202

FILED

May 21, 2025

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**U.S. EPA REGION 8
HEARING CLERK**

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

SUBJECT: Requested action to be taken regarding the Axcela product in shipment with entry number H41-13582369 FIFRA-08-2025-0046

FROM: Alexis North for David Cobb
Section Supervisor, Toxics Enforcement Section **ALEXIS**
Enforcement and Compliance Assurance Division **NORTH**

Digitally signed by
ALEXIS NORTH
Date: 2025.05.20
07:24:27 -06'00'

TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Salt Lake City, Utah 3303

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 (CBP) 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. §12.114. On May 16, 2025, Customs and Border Protection Officers at the Port of Salt Lake City Utah inspected this shipment and submitted their evidence for a compliance determination.

The following information pertains to the shipment:

- The importer and consignee is Arxada LLC, 412 Mount Kemble Avenue, Morristown, New Jersey, 07960-6666, JOEL.ENGETSCHWILER@ARXADA.COM. EPA Establishment Number 6836-NJ-1.
- The broker is Odessey Logistics, ANGELAJACKSON@ODYSSEYLOGISTICS.COM.
- The arrival date was April 15, 2025.
- The bill number is HLCUANR250276685.
- The quantity was 18,000 kilograms.
- The port of entry is Salt Lake City, Utah 3303.
- The country of origin, as entered in ACE, is China.

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(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....”

Under FIFRA section 2(u), 7 U.S.C. § 136u, 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.

Axcela, EPA Reg. No. 6836-350, is a registered pesticide and is therefore a pesticide pursuant to FIFRA section 2(u), 7 U.S.C. § 136u.

Axcela, EPA Reg. No. 6836-350 was not labeled with the EPA Registered, FIFRA Section 3 labels that are required for registered pesticides. Therefore, the Axcela, EPA Reg. No. 6836-350 presented for import are not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Accordingly, importing the Axcela, EPA Reg. No. 6836-350 in the shipment referenced above is a violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), as a distribution or sale of an unregistered pesticide.

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 correctly file reports required by the Act. As required by 19 C.F.R. § 12.114, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted. Therefore, the shipment that arrived at the border was also in violation of FIFRA section 12(a)(2)(N), 7 U.S.C. § 136j(a)(2)(N).

The EPA hereby notifies CBP that this merchandise should 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. The importer should export this merchandise or dispose of the products under supervision of the CBP within ninety calendar days from the date of this memorandum or within such additional time as the District Director of CBP specifies. Failure to do so may result in either the destruction of the merchandise as authorized by FIFRA or in any action necessary to enforce the terms of any bond under which the shipment has been released to the consignee. Alternatively, 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).

On May 16, 2025, the EPA informed the CBP Cargo Officer in Salt Lake City, Utah, that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.