



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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May 21, 2020
12:25 PM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-TP

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

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

DAVID COBB

Digitally signed by DAVID COBB
Date: 2020.05.20 17:13:04
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Pembina, North Dakota

Subject: Requested action to be taken regarding the Fibrenew Mildew + Mold Remover in shipment
with entry number SCS-05187341 FIFRA-08-2020-0037

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 Fibrenew Mildew + Mold Remover 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 May 20, 2020.

The following information pertains to the shipment of the Fibrenew Mildew + Mold Remover:

- The importer is Fibrenew Warehouse, 101 & 105, 220 – 3rd Street NE, Black Diamond, AB TOL 0H0.
- The point of contact at Fibrenew Warehouse is France LaRouche, france@fibrenew.com.
- The broker is UPS Supply Chain Solutions, 231 N 3rd Street, Pembina, North Dakota 58271.
- The airway bill number is UPSC85RV76K4749G.
- The ship date was May 14, 2020.
- The product is Fibrenew Mildew + Mold Remover.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(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. Under FIFRA, a product that makes pesticidal claims is a pesticide, and it must be registered with the EPA prior to distribution or sale. (40 C.F.R. § 167.20(a)(3)) This product,

Fibrenew Mildew + Mold Remover, makes a pesticidal claim: The label for this product indicates that it “Kills Bacteria.” Therefore, this product cannot be allowed entry into the United States.

On May 20, 2020, 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.