



REGION 8

DENVER, CO 80202

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

SENT VIA EMAIL

DELIVERY RECEIPT REQUESTED

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

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

Subject: Requested action to be taken regarding shipment with entry number
BUU-17140738 FIFRA-08-2025-0034

Cobb, David Digitally signed by Cobb, David
Date: 2025.04.02 17:28:07 -06'00'

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 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. § 12.114. The shipment was sent to EPA for review on March 29th, 2025. The entry was marked “Hold Intact,” “Refused,” and “Re-Export” in the Automated Commercial Environment (ACE) by the EPA on April 1, 2025.

The following information pertains to this shipment:

- The consignee and importer is Fiber Protector America LLC, 2905 W Overland Road, Boise, Idaho, 83705-3041.
- The manufacturer is Fiber Protector Norge, Grini Naering Spark 100 Steras, Norway.
- The file date was March 24, 2025.
- The Broker is Lisa Ragan, Team5@lisaragan.net.
- The HTS Code for this product was 3808.94.5095, “Disinfectants: Other”
- The quantity is 270 kilograms (595.2 pounds) of Fiber ProTector.
- The country of origin is Norway.

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 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. Additionally, 40 C.F.R. § 152.15 states: “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

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....”

The label of the Fiber ProTector has the website, www.fiberprotector.com, which is the Norwegian version of <https://fpamerica.com/>. On April 1, 2025, the broker submitted the same website as the place where this product is offered for sale, <https://fpamerica.com/>.

- “In this modern day, textiles should be protected and cleaned for health just as much as appearance.”
- We have a special team of VIP Applicators ready to provide full cleaning and protection services at your location.”
- “Not only does Fiber ProTector® preserve the textiles from damage amid the demanding ocean elements, but our products also help mitigate bacteria propagation on textiles.”

Fiber ProTector is thus a pesticide subject to FIFRA regulation. Fiber ProTector is not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Therefore, Lysol Simply All-Purpose Cleaner is an unregistered pesticide. Importing Fiber ProTector 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 April 1, 2025, the EPA informed the CBP Cargo Chief 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.