



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA Region VIII
Hearing Clerk

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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 17:16:50
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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 Farm Water Systems Ozone Generator System
in shipment with entry number SCS04490308 FIFRA-08-2020-0036

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 Farm Water Systems Ozone Generator System 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 following information pertains to the shipment of the Farm Water Systems Ozone Generator System:

- The importer is UPS Supply Chain Solutions, Box 369, Pembina, North Dakota 58271-0369.
- The consignee is Jaydene Cattle Company, 2331 N Rebecca Avenue, Odessa, Texas 79763-6306.
- The manufacturer is Farm Water Systems, Box 42064 Edmonton Alberta T6K 4C4, <https://farmwatersystems.com/>.
- The ship date was May 13, 2020.
- The entry number is SCS-04490308.
- The airway bill number is UPSC0390W5VS3QDG.
- The product is Ozone Generator System, including pump, air dryer, hoses and accessories.
- 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)(2)(L), which states that it is unlawful for any person to produce a pesticide or pesticide device subject to the Act in an unregistered establishment. Under FIFRA, a device that makes pesticidal claims is a pesticide device, and it must be produced in an establishment registered with the EPA prior to distribution or sale. (40 C.F.R. § 167.20(a)(3)) This product, Farm Water Systems Ozone Generator System, makes pesticidal claims. From the manufacturer's website, <https://farmwatersystems.com/>, "Natural ozone water treatment, no disinfection by-products, just pure clean healthy water for your livestock's drinking and bio-security needs," and "Ozone – > 99% elimination of bacteria, arsenic, viruses, iron, manganese, coliforms, E-coli, cysts, sulphur (H2S), giardia, crypto, chemicals, medications, algae, taste, and more." Therefore, this product cannot be allowed entry into the United States.

On May 18, 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.

It is recommended that Farm Water Systems obtain a pesticide device determination from the EPA Office of Pesticide Programs through a PRIA application, <https://www.epa.gov/pria-fees>.

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.