



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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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

DAVID COBB

Digitally signed by DAVID
COBB
Date: 2020.07.30 14:31:28
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August 3, 2020
7:00 AM

Received by

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

EPA Region VIII

Hearing Clerk

Subject: Requested action to be taken regarding the Cello UV Cart 300W in shipment with entry number EKH-07279477 FIFRA-08-2020-0050

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 Cello UV Cart 300W 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 July 22, 2020.

The following information pertains to the shipment of the Cello UV Cart 300W:

- The importer is Cello Lighting Inc., 2570 North 1st Street, San Jose, California 95131-1035.
- The manufacturer is Zhogshan Eiso Optoelectronics Company, Pinghe Road, Number 109, Tongyi Industry, Zhongshan City, Guangdong China.
- The broker is NYC Supply Chain Solutions Inc., Customs House Broker, 220 Jericho Turnpike 2nd Floor, Mineola New York 11501, point of contact, Michael Yan, myan@nycscs.com.
- The airway bill number is 29737647190-ASH2060117.
- The ship date was July 13, 2020.
- The quantity is 20 units, 480 pounds,
- The product is Cello UV Cart 300W.
- The port of entry is Salt Lake City, Utah, 3303.

- The country of origin is China.

The shipment that arrived at the border for import is 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 of this product, Cello UV Cart 300W, failed to file reports required by the Act. A Notice of Arrival of Pesticides and Devices, EPA form 3540-1, must be submitted prior to arrival, 19 C.F.R. § 12.11. A Notice of Arrival was not submitted either electronically or via the CBP authorized electronic data interchange system.

The shipment that arrived at the border for import is also in violation of FIFRA section 2(q)(1)(A), 7 U.S.C. 136 (q)(1)(A), which states that a pesticide is misbranded if its labeling bears any statement, design, or graphic representation relative thereto which is false or misleading in any particular. Section 12(a)(1)(E) of FIFRA, 7 U.S.C § 136j(a)(1)(E), states that it shall be unlawful for any person in any state to distribute or sell to any person any pesticide that is misbranded. “The term ‘labeling’ means all labels and all other written, printed, or graphic matter accompanying the pesticide.” FIFRA § 2(p)(2)(A), 7 U.S.C. § 136 (p)(2)(A).

On July 21, 2020, the EPA verified Cello Lighting is making illegal pesticidal claims on its website, <https://www.cellolighting.com/uv-light-kills-coronavirus> for the UV Germicidal Lamp. Three of the false or misleading claims identified are listed below:

- “Kills COVID-19.”
- “EFFECTIVELY KILLS VIRUS INCLUDING CORONAVIRUS”
- “Kill bacteria immediately”

Therefore, this product cannot be allowed entry into the United States. EPA hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection, within ninety (90) calendar days from the date of this Notice (or within such time as otherwise specified by EPA) 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 the Act or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

On July 22, 2020, the Customs and Border Patrol unit chief at Salt Lake City, Utah, 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.