



REGION 8

DENVER, CO 80202

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**U.S. EPA REGION 8
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Ref: 8ECA-AT-P

SENT VIA EMAIL
DELIVERY RECEIPT REQUESTED

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

DAVID COBB Digitally signed
by DAVID COBB
Date: 2025.08.20
16:10:16 -06'00'

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Portal, North Dakota, 3403

Subject: Requested action to be taken regarding the Ortho Bug Insecticidal Soap in the shipment
with entry number WRT-17548043 FIFRA-08-2025-0061

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 import shipment described below 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 shipment was marked "Hold Intact," "Refused," and "Re-Export" in ACE by the EPA on August 19, 2025.

The following information pertains to the shipment:

- The importer and consignee is The Scotts Company LLC, 14111 Scottslawn Road, Marysville, Ohio 43041. Point of contact, courtney.larson@scotts.com.
- The broker is Universal Logistics USA Inc, point of contact, mbradnam@universallogisticsusa.com.
- The arrival date was July 26, 2025.
- The bill number is GLGG024197.
- The quantity is 6,085 pounds of Ortho Bug Insecticidal Soap.
- The port of entry is Portal, North Dakota 3403.
- The country of origin, as entered in ACE, is Canada.

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. The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E), which states that it is unlawful for any person to distribute or sell any pesticide that is misbranded.

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. 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....”

Section 2(q) of FIFRA, 7 U.S.C. § 136(q), states:

“(1) A pesticide is misbranded if—

- (A) its labeling bears any statement, design, or graphic representation relative thereto or to its ingredients which is false or misleading in any particular;
- (B) it is contained in a package or other container or wrapping which does not conform to the standards established by the Administrator pursuant to section 136w(c)(3) of this title;
- (C) it is an imitation of, or is offered for sale under the name of, another pesticide;
- (D) its label does not bear the registration number assigned under section 136e of this title to each establishment in which it was produced;
- (E) any word, statement, or other information required by or under authority of this subchapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use;
- (F) the labeling accompanying it does not contain directions for use which are necessary for effecting the purpose for which the product is intended and if complied with, together with any requirements imposed under section 136a(d) of this title, are adequate to protect health and the environment;

(G) the label does not contain a warning or caution statement which may be necessary and if complied with, together with any requirements imposed under section 136a(d) of this title, is adequate to protect health and the environment; or

As evidenced by its name, Ortho Bug Insecticidal Soap has a pesticidal intent, and is therefore a pesticide. Ortho Bug Insecticidal Soap is not registered with the EPA pursuant to section 3 of FIFRA.

The Ortho Bug Insecticidal Soap in the shipment referenced above does not have an EPA Registration Number, EPA Establishment Number, or EPA registered directions for use. Therefore, the product is misbranded pursuant to section 2(q) of FIFRA, 7 U.S.C. § 136(q).

Therefore, these pesticide products in the shipment referenced above should not be allowed entry into the United States.

The EPA hereby notifies CBP that the Ortho Bug Insecticidal Soap in the shipment referenced above 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 August 19, 2025, the EPA informed the CBP Cargo Supervisor in Portal, North Dakota, 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.