



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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February 25, 2021  
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Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

**SENT VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

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

DAVID  
COBB

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DAVID COBB  
Date: 2021.02.25  
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To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Port of Salt Lake City Airport, Utah

Subject: Requested action to be taken regarding the Atlantium Hydro-Optic Disinfection™ system RZ104-11 in shipment with entry number 322-23849070 FIFRA-08-2021-0026

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 Atlantium Hydro-Optic Disinfection™ system RZ104-11 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 February 23, 2021.

The following information pertains to the shipment of the Atlantium Hydro-Optic Disinfection™ system RZ104-11:

- The consignee is Allegro Coffee Company, 12799 Claude Court Building B, Thorton, Colorado 80241-3828.
- The manufacturer is Atlantium Technologies, 11 Hamelacha Street, Har Tuv A Industrial Park POB 110710BEIT Shemesh, 9910001 Israel.
- The broker is David Dahbour, Supervisor, Schenker Inc., 380 Littlefield Avenue, South San Francisco, California 94080, [David.Dahbour@dbschenker.com](mailto:David.Dahbour@dbschenker.com).
- The house bill number is ORI05544490.
- The entry number is 322-23849070.
- The ship date was November 12, 2020.
- The quantity is 1 Atlantium Hydro-Optic Disinfection™ system RZ104-11 for a total weight of 179 kilograms/395 pounds.
- The port of entry is Salt Lake City, Utah, 3303.
- The country of origin is Israel.

This product is not in compliance with FIFRA and is subject to refusal of admission due to the following violations.

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 failed to file a report. As required by 19 C.F.R. § 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, must be submitted. 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 was in violation of FIFRA section 12(a)(2)(L), 7 U.S.C. § 136j(a)(2)(L), which states that it is unlawful for any person who is a producer to violate the provisions of FIFRA section 7(a), 7 U.S.C. § 136e(a), by producing a pesticide or pesticidal device subject to the Act in an unregistered establishment. 40 C.F.R. § 167.20. (See 40 C.F.R. section 152.500 for requirements for devices.)

Under FIFRA, a device that makes pesticidal claims is a pesticidal device, and it must be produced in an establishment registered with the EPA prior to distribution or sale. Antimicrobial pesticide devices are devices with claims that they can be used to destroy or suppress the growth of harmful microorganisms such as bacteria, viruses, or fungi on inanimate objects and surfaces.

Based on information in product brochure provided by the broker, the product is a pesticidal device because it makes the following pesticidal claims:

- “Ultraviolet Disinfection Equipment”
- “Atlantium was able to break the performance barrier by integrating optic and hydraulic principles in unique ways. The core of Atlantium's Hydro-Optic Disinfection system is a large quartz fiber optic disinfection chamber that effectively traps UV light rays. Long effective paths of UV light propagation, coupled with carefully designed patterns of water flow within the Hydro-Optic Disinfection chamber ensure that all microorganisms are exposed to the same UV dose, the key to reliable, cost-effective inactivation.”

A datasheet provided by the broker also contains the following pesticidal claims:

- “All pathogens are exposed a uniform UV dose – proven and validated!”
- “Compromises microorganisms’ repair mechanisms for long-term bio-security”

The product did not include an EPA registered establishment.

Therefore, this disinfection system cannot be allowed entry into the United States.

The Agency hereby notifies U.S. Customs and Border Protection that this merchandise has been refused admission and recommends that this merchandise be re-exported or destroyed within 90 calendar days from the date of this Notice.

On February 23, 2021, the Customs and Border Patrol unit chief in 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](mailto:tokarz.christine@epa.gov) if you have any questions concerning this matter.