



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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April 29, 2020

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EPA Region VIII

Hearing Clerk

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SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Date: April 29, 2020

From: David Cobb
Unit Chief, Toxics Enforcement Unit
Office of Enforcement, Compliance and Environmental Justice

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 Ozone Generator and Accessories Nano 15 in shipment with entry number SCS-01826603 FIFRA-08-2020-0032

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 Ozone Generator and Accessories Nano 15 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 Ozone Generator and Accessories Nano 15:

- The importer is UPS Supply Chain Solutions, Box 369, Pembina, North Dakota 58271-0369.
- The consignee is Anric Technologies LLC, 230 Lincoln Street, Lexington, Massachusetts 02421-7521.
- The manufacturer is Absolute Systems, Inc, 10712 181 Street, Edmonton, AB, Canada, T5S 1K8.
- The ship date was April 16, 2020.
- The airway bill number is UPSCR9528AH4B79F.
- The product is Ozone Generator and Accessories Nano 15.
- 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), 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. This product, Ozone Generator and Accessories Nano 15, makes pesticidal claims. The advertising of this product uses the phrases “Ozone Pest Control,” “Ozone is one of the most powerful oxidants available for potable water disinfection,” and “Ozone is one of the best disinfectants available.” Therefore, this product cannot be allowed entry into the United States.

On April 17, 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.

After reviewing photos, a product brochure, and associated website of the Nano 15 product, on April 20, 2020, the import coordinator for EPA Region 8, Christine Tokarz, informed Absolute Systems, Inc. that the product in the above referenced shipment was subject to FIFRA regulations. Ms. Tokarz further recommended that Absolute Systems, Inc. obtain a pesticidal device determination from the EPA Office of Pesticide Programs through a PRIA application, <https://www.epa.gov/pria-fees>. Ms. Tokarz noted that the basis of the NORA was related to the pesticidal claims made in the advertisement of the product and that the shipment would be denied entry with or without that determination.

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.