



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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September 2, 2020
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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 and Pesticides Enforcement Section
Enforcement and Compliance Assurance Division

DAVID COBB
Digitally signed by DAVID
COBB
Date: 2020.09.01 14:22:13
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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 SteriKleen Hospital Grade Disinfectant
in shipment with entry number 300-2048289-9 FIFRA-08-2020-0053

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 SteriKleen Hospital Grade Disinfectant 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 August 10, 2020.

The following information pertains to the shipment of the SteriKleen Hospital Grade Disinfectant:

- The shipper is Eco Sanitizer, 7664 Winston Street, Burnbury, British Columbia, V5A2H4, Canada.
- The consignee is Alabama Construction Supply Inc., 4900 5th Avenue South, Birmingham, Alabama 35222.
- The broker is Livingston International, 670 Young Street, Tonawanda, New York 14150.
- The airway bill number is RDWY8588724302.
- The ship date is August 6, 2020.
- The quantity is 2,900 pounds.
- The product is SteriKleen Hospital Grade Disinfectant.
- The port of entry is Pembina, North Dakota 58271
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(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. Under FIFRA, 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. The label for SteriKleen Hospital Grade Disinfectant indicates that it is a “disinfectant, sanitizer, fungicide, mildewstat, virucide.” Therefore, this product cannot be allowed entry into the United States.

The Agency 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 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 August 10, 2020, the Customs and Border Protection unit chief in Pembina, North Dakota, 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.