



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA Region VIII

Hearing Clerk

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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: 2021.02.17
16:15:13 -07'00'

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 Optim 33TB Wipes in shipment with entry number 988-09259959 FIFRA-08-2021-0025

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 Optim 33TB Wipes 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 12, 2021.

The following information pertains to the shipment of the Optim 33TB Wipes:

- The manufacturer is Global Health Imports Corporation, 1400-10303 Jasper Avenue, NW0 Edmonton T5J 3N6 Canada.
- The consignee is B A Nurses Uniforms Showroom Inc., 1045 NW 20th Street Miami, Florida 33127-4509.
- The broker is Noatum Logistics, point of contact, Maureen Gorcheck maureen.gorcheck@noatumlogistics.com.
- The release date was February 11, 2021.
- The quantity is 1,704 canisters, 2,556 pounds.
- The port of entry is Portal, North Dakota 3403.
- The country of origin is Canada.

The shipment that arrived at the border for import is 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). Under FIFRA, a pesticide

is any substance (including antimicrobials) 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. (See 40 C.F.R. § 152.15.)

The label for this product has the following language:

- “Intermediate Level Disinfectant”
- “1 Minute Tuberculocide, Viricide, Bactericide”
- “3 Minute Fungicide”
- “Nettoyant-Désinfectant pour Surfaces”

The shipment that arrived at the border for import is also 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 reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. Neither a Notice of Arrival nor an image of the label was submitted either electronically or via the CBP authorized electronic data interchange system.

Therefore, it 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 12, 2021, the Customs and Border Patrol unit chief in Portal, 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.