



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

1595 Wynkoop Street  
Denver, CO 80202-1129  
Phone 800-227-8917  
www.epa.gov/region8

June 28, 2021

5:00 PM

Ref: 8ENF-AT-P

Received by  
EPA Region VIII  
Hearing Clerk

**SENT BY ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

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

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Pembina, North Dakota 3401

Subject: Requested action to be taken regarding the CHLORINSITU® Ila 60-300 Water Filter in shipment with entry number SQ4-03640213 FIFRA-08-2021-0056

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 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 June 21, 2021.

The following information pertains to the shipment of the CHLORINSITU® Ila 60-300 Water Filter:

- The importer and manufacturer is VDH Water Technology Limited, 46172 Fifth Avenue, Chilliwack British Columbia, V2P1M9 Canada.
- The consignee is Prominent Fluid Controls Incorporated, 136 Industry Drive, Pittsburgh, Pennsylvania 15275-1014.
- The broker is A & A Customs Brokers Ltd., point of contact, Jessica Foltz [jfoltz@aacb.com](mailto:jfoltz@aacb.com).
- The bill number is DAYRVAN3574303.
- The entry number is SQ4-03640213.
- The release date was March 31, 2021.
- The quantity is 1 unit, weighing approximately 250 pounds.
- The port of entry is Pembina, North Dakota 3401.
- The country of origin is Canada.

FIFRA section 12(a)(1)(A) (7 U.S.C. § 136j(a)(1)(A)) 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. (7 U.S.C. § 136(u); See 40 C.F.R. § 152.15).

The accompanying operator's manual for this product has the following language:

- “The system is only intended for the production and metering of a disinfection solution containing chlorine from sodium chloride.”
- “This disinfection solution is used to disinfect water.”

The operator's manual indicates that the product is a pesticide.

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 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, the shipments should not 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 June 21, 2021, the Customs and Border Patrol 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](mailto:tokarz.christine@epa.gov) if you have any questions concerning this matter.