

6/9/2023



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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12:06 PM

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

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

To: U.S. Department of Homeland Security  
Bureau of Customs and Border Protection  
Salt Lake City, Utah 3303

Subject: Requested action to be taken regarding the SaniBot CPAP Mask Cleaner Cleansing Tablets in the shipment with entry number EKH-08195995 FIFRA-08-2023-0052

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 SaniBot CPAP Mask Cleaner Cleansing Tablets 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. § 12.114. The entry was marked "Hold Intact," "Refused," and "Re-Export" in ACE by the EPA on June 9, 2023.

The following information pertains to the shipment of the SaniBot CPAP Mask Cleaner Cleansing Tablets:

- The importer and consignee is Evolution CPAP LLC, 11739 S Digory Drive, S Jordan, Utah 84009-5877.
- The manufacturer is Anhui Greenland Biotech Co. Ltd., Number 5 Kaiyuan Road, Mohckou Industrial 0ANHUI, 233000 China.
- The broker is Michael Yan, NYC Supply Chain Solutions Inc., Customs House Broker, [myan@nycscs.com](mailto:myan@nycscs.com).
- The file date was May 5, 2023.
- The bill number is ONEYSZPD33138400.
- The quantity is 18,000 boxes of SaniBot CPAP Mask Cleaner Cleansing Tablets weighing 9,000 pounds.
- The port of entry is Salt Lake City, Utah 3303.
- The country of origin is China.

The shipment that arrived at the border for import was 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 section 2(u) 7 U.S.C. § 136(u), 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. ( ). 40 C.F.R. § 152.15 states: “A substance is considered to be intended for a pesticidal purpose, and thus to be a pesticide requiring registration, if... [t]he person who distributes or sells the substance claims, states, or implies (by labelling or otherwise) ... [t]hat the substance... can or should be used as a pesticide.”

Section 2(t) of FIFRA, 7 U.S.C. § 136(t), defines “pest” as “(1) any insect, rodent, nematode, fungus, weed, or (2) any other form of terrestrial or aquatic plant or animal life or virus, bacteria, or other micro-organism (except viruses, bacteria, or other micro-organisms on or in living man or other living animals) which the Administrator declares to be a pest under section 136w(c)(1) of this title.”

Section 2(p) of FIFRA, 7 U.S.C. § 136(p), defines “label” as “the written, printed, or graphic matter on, or attached to, the pesticide or device or any of its containers or wrappers” and defines “labeling” in part, as “all labels and all other written, printed, or graphic matter – (A) accompanying the pesticide or device at any time; or (B) to which reference is made on the label or in literature accompanying the pesticide....”

The label of the SaniBot CPAP Mask Cleaner Cleansing Tablets has the following language:

- “Recommended for use with Sani Bot CPAP Mask Cleaning Machines for sanitization of CPAP Masks and Tubes.”
- “SaniBot”

These claims demonstrate a pesticidal intent pursuant to the definitions above. SaniBot CPAP Mask Cleaner Cleansing Tablets are thus pesticides and subject to FIFRA regulation.

SaniBot CPAP Mask Cleaner Cleansing Tablets are not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Therefore, these products are unregistered pesticides. Importing these products in the shipment referenced above is a violation of FIFRA section 12(a)(1)(A), 7 U.S.C. § 136j(a)(1)(A), as a distribution or sale of unregistered pesticides.

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 correctly file reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices (NOA), EPA form 3540-1, and a copy of one product label must be submitted.

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 9, 2023, 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.