

4/20/2023



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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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
Sweetgrass, Montana 3310

Subject: Requested action to be taken regarding the Oradess Washing Machine Cleaner: Deep Clean Formula FIFRA-08-2023-0029

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 Oradess Washing Machine Cleaner: Deep Clean Formula in the 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 shipment was inspected by EPA Officers at the Sweetgrass, Montana Port of Entry on April 12, 2023, and was determined to be out of compliance.

The following information pertains to the shipment of the Oradess Washing Machine Cleaner: Deep Clean Formula:

- The consignees are:
 - Alan Watkins, 1071 W Parkwood Avenue Flint, Michigan 48507.
 - Ali Alshuwili 3527 S Croft CV #B, South Salt Lake, Utah 84106
 - Rebecca Cintron Pacheco HC 8 Box 3041, Puerto Rico.
 - SSGT John Kendall 7885 Tabors Corner Road Wayland, New York 14572.
- The shipper is Shree Shyam Enterprise INC. located at 3404 302 Skyview Ranch Drive Northeast, Calgary, Alberta T3N0P5, Canada.
- The consignee is USPS located at 334 Church Street, Sweetgrass, Montana 59484.
- The shipment was imported under Section 321.
- The file date was April 12, 2023.
- The quantity is four boxes with a total net weight of 4 pounds.
- The port of entry is Sweetgrass, Montana 3310.
- 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. Additionally, 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 Oradess Washing Machine Cleaner: Deep Clean Formula contained the following claims:

- “Antibacterial Cleaning Tablet”
- “Removes odor causing residue”
- “Clean and sanitize”
- “Antibacterial”

These claims demonstrate a pesticidal intent pursuant to the definitions above. Oradess Washing Machine Cleaner: Deep Clean Formula is thus a pesticide subject to FIFRA regulation.

Oradess Washing Machine Cleaner: Deep Clean Formula is not registered pursuant to section 3 of FIFRA, 7 U.S.C. § 136a. Therefore, Oradess Washing Machine Cleaner: Deep Clean Formula is an unregistered pesticide. Importing Oradess Washing Machine Cleaner: Deep Clean Formula 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 an unregistered pesticide.

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. § 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. Therefore, the shipment that arrived at the border was also in violation of FIFRA section 12(a)(2)(N),

7 U.S.C. § 136j(a)(2)(N).

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 April 12, 2023, the Customs and Border Patrol Cargo Team in Sweetgrass, Montana was informed by the EPA that it would deny entry of this shipment.

Please contact Christine Tokarz, FIFRA Import Coordinator, by phone at (303) 312-6147 or by email at tokarz.christine@epa.gov if you have any questions concerning this matter.