



REGION 8
DENVER, CO 80202

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U.S. EPA REGION 8
HEARING CLERK

Ref: 8ECA-AT-P

SENT BY EMAIL
DELIVERY RECEIPT REQUESTED

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

Cobb, David
Digitally signed
by Cobb, David
Date: 2025.03.28
16:46:17 -06'00'

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

Subject: Requested action to be taken regarding the products in shipment SCS-
95170118 FIFRA-08-2025-0016

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 (CBP) 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 (FIFRA), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. §12.114. On March 12, 2025, the EPA inspected this shipment and found the following:

- The product is Hydrogen Chloride, weighing 769 pounds.
- The shipper is Seastar Chemicals ULC, 10005 McDonald Park Road, Sidney, British Columbia, V8L 5Y2.
- The importer was VWR International LLC, 100 W Matson ford Road, Radnor, Pennsylvania 9087-4558.
- The consignee is Avantor, 7001 Marton Luther Kings, Paris Kentucky 40361.
- The entry date was March 12, 2025.
- The broker was UPS Pembina, North Dakota.

The entry information for this shipment indicated that there was an EPA signed Notice of Arrival Form uploaded to the Document Image System (DIS) in Automated Commercial Environment (ACE), known as "Disclaim C". Disclaim C in ACE means, "This is a FIFRA regulated product with an EPA signed Notice of Arrival uploaded to ACE". There were no documents uploaded to DIS., and, in contradiction of the marking "Disclaim C", the shipment did not include a Notice of Arrival.

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 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, EPA form 3540-1, and a copy of one product label must be submitted.

The EPA hereby notifies CBP that this merchandise should be refused admission pursuant to the authority of FIFRA § 17(c), 7 U.S.C. § 136o(c), and the implementing regulations at 19 C.F.R. § 12.114. The importer should export this merchandise or dispose of the products under supervision of the CBP within ninety calendar days from the date of this memorandum 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 FIFRA or in any action necessary to enforce the terms of any bond under which the shipment has been released to the consignee. Alternatively, CBP may elect to seize the products as a prohibited importation pursuant to their authorities as set out at 19 U.S.C. § 1595a(c)(2)(A).

On March 12, 2025, the EPA informed the CBP Cargo Chief in Pembina, North Dakota that it would deny entry of this shipment.

Please contact Christine Tokarz, the import enforcement coordinator, by phone at (518) 416-8965, or by email at tokarz.christine@epa.gov, if you have any questions concerning this matter.