



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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

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EPA REGION VIII
HEARING OF FRK

Ref: 8ENF-AT-P

MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the Distinct Herbicide with shipment entry number 300-83916247 Docket No. **FIFRA-08-2020-0003**

FROM: David Cobb, Supervisor *[Signature]*
Enforcement and Compliance Assurance Division

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

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 Distinct Herbicide 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. An electronic alternative to the Notice of Arrival was filed in the Automated Commercial Environment in accordance with 19 C.F.R. section 12.112. The entry was marked "Hold Intact," "Refused" and "Re-Export" in ACE by the EPA on November 14, 2019.

The following information pertains to the shipment of Distinct Herbicide:

- The importer is BASF Corporation, 100 Park Avenue, Florham Park, New Jersey, 07932-1049.
- The consignee is BASF Corporation, 100 Park Avenue, Florham Park, New Jersey, 07932-1049.
- The broker is Livingston International, Inc. 670 Young Street, Tonawanda, New York, 14150.
- The entry number is 300-83916247.
- The Brand Name of the product is Distinct Herbicide, it is not registered with the U.S. EPA.
- The Establishment Number of export is 72862-CAN-03.
- The port of entry is 3401, Pembina, North Dakota.
- The country of origin is the Canada.

The shipment that arrived at the border for import originated from a production facility that was in violation of FIFRA section 12(a)(2)(B)(i), in that they refused to PREPARE, MAINTAIN, or SUBMIT any RECORDS required under sections 5, 7ⁱⁱ, 8, 11, or 19. Therefore, this products cannot be allowed entry into the United States.

This product cannot be allowed entry into the United States and should be exported. On November 14, 2019, 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 if you have any questions concerning this matter.