



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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Ref: 8ENF-AT-TP

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Date: April 28, 2020

From: David Cobb
Unit Chief, Toxics Enforcement Unit
Office of Enforcement, Compliance and Environmental Justice

April 29, 2020

10:22 AM

Received by

EPA Region VIII

Hearing Clerk

To: U.S. Department of Homeland Security Bureau
of Customs and Border Protection
Port of Denver International Airport, Colorado

Subject: Requested action to be taken regarding the Bacoban for Aerospace Surface Disinfectant in shipment with entry number E37-01068016 FIFRA-08-2020-0034

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 Bacoban for Aerospace Surface Disinfectant 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 April 28, 2020.

The following information pertains to the shipment of the Bacoban for Aerospace Surface Disinfectant:

- The manufacturer is Fraser Aerospace, 1 St. James Road, Brentwood, Essex, CM14 4LH, UK.
- The importer is Frontier Airlines, Inc. 4545 Airport Way, Denver, Colorado 80239-5716 US.
- The point of contact is Nathan Pullum, NATHAN.PULLUM@FLYFRONTIER.COM.
- The ship date was April 27, 2020.
- The product is Bacoban for Aerospace Surface Disinfectant.
- The port of entry is Denver International Airport, Colorado.
- The country of origin is Germany.

The shipment that arrived at the border for import was in violation of FIFRA section 12(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. § 136j(a)(1)(A). Under FIFRA, a product that makes pesticidal claims is a pesticide, and it must be registered with the EPA prior to distribution or sale. This product,

Bacban for Aerospace Surface Disinfectant, makes pesticidal claims.

The label for this product indicates that it is an “Alcohol-free disinfectant and cleaning product for Aerospace surfaces” and a “Biocide.” The label also provides use directions “Ready-to-use disinfectant product with residual effect.” Therefore, this product cannot be allowed entry into the United States.

On April 28, 2020, the Customs and Border Patrol unit chief at Denver International Airport, Colorado 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.