



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 8

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2/2/2024

8:17 AM

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Ref: 8ENF-AT-P

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**DELIVERY RECEIPT REQUESTED**

From: David Cobb  
Section Supervisor, Toxics & 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 POE 3303

Subject: Requested action to be taken regarding the Patriot Pure Personal Water Filters  
in shipment with entry number 8UU-00234609 FIFRA-08-2024-0011

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. Both entries were marked “Hold Intact,” “Refused,” and “Re-Export” in ACE by the EPA on January 31, 2024. The following information pertains to the shipment:

- The importer and consignee is F and I Holdings, LLC, 447 W Pumpkin Patch Drive, Saratoga Springs, Utah 84045.
- The broker is Circulus CHB Inc., point of contact, [olivia@circuluschb.com](mailto:olivia@circuluschb.com).
- The entry file date was January 24, 2024.
- The quantity is 4,400 Patriot Pure Personal Water Filters, weighing 8,800 pounds.
- The port of entry is Salt Lake City, Utah 3303.
- The country of origin as entered in ACE is China.

Section 12(a)(1)(F) of FIFRA, 7 U.S.C. 136j(a)(1)(F), provides that it shall be unlawful for any person in any State to distribute or sell to any person any device which is misbranded.

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....”

Section 2(h) of FIFRA, 7 U.S.C. § 136(h), defines “device” as “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.” (See also 40 C.F.R § 152.500(a)).

Under FIFRA section 2(q)(1), 7 U.S.C. § 136(q)(1), a device is misbranded and subject to enforcement action if, among other reasons:

- the labeling bears any statements, designs, or graphic representations that are false or misleading (see also 40 CFR 156.10(a)(5));
- its packaging or wrapping does not conform to standards established pursuant to FIFRA section 25(c)(3) (as of 2010, such standards have yet to be established for devices);
- it is an imitation of, or is offered for sale under the name of another device;
- the label fails to bear the establishment number of the establishment where it was produced;
- any required information is not prominently displayed on the label;
- it lacks adequate directions for use; or
- it lacks an adequate warning or caution statement.

The Patriot Pure Personal Water Filters have the following language in the manual that accompanies the products:

- “Personal Water Bottle Filtration Method”
- “Does the filter work on E.coli and parasites like Giardia and Cryptosporidium? Yes. Our filter is capable of filtering 99.9% of bacteria and parasites.”

These statements demonstrate a pesticidal intent pursuant to the definitions above.

Based on the information known at this time, the Patriot Pure Personal Water Filters are devices under FIFRA section 2(h), 7 U.S.C. § 136(h), and 40 C.F.R § 152.500(a) because they fall within the definition of “any instrument or contrivance (other than a firearm) which is intended for trapping, destroying, repelling, or mitigating any pest, [which includes virus, bacteria, or other micro-organism,] or any other form of plant or animal life (other than man and other than bacteria, virus, or other microorganism on or in living man or other living animals); but not including equipment used for the application of pesticides when sold separately therefrom.”

The Patriot Pure Personal Water Filters are misbranded pursuant to FIFRA section 2(q)(1), 7 U.S.C. § 136(q)(1) because there is no EPA Establishment Number, no directions for use, and no caution or warning statements on their labels.

Therefore, importing the products in the shipment(s) referenced above is a violation of FIFRA section 12(a)(1)(F), 7 U.S.C. § 136j(a)(1)(F), as a distribution or sale of a misbranded device.

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, none of the products referenced above can be allowed entry into the United States.

EPA therefore hereby notifies Customs and Border Protection 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 Customs and Border Protection within ninety (90) calendar days from the date of this memorandum or within such additional time as the District Director of Customs and Border Protection specifies. Failure to do so may result in either the destruction of the merchandise as authorized by the Act or in any action necessary to enforce the terms of any bond under which the shipment has been released to the consignee. Alternatively, Customs and Border Protection 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 January 31, 2024, the Customs and Border Protection Cargo 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.