



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

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MEMORANDUM

**SUBJECT:** Notice of Refusal of Admission regarding the Command 360ME with shipment entry number 916-40635107 Docket No. **FIFRA-08-2020-0005**

**FROM:** David Cobb, Supervisor *DCC*  
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 Command 360ME 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. § 12.112. The entry was marked "Hold Intact," "Refused" and "Re-Export" in ACE by the EPA on November 21, 2019.

The following information pertains to the shipment of Command 360ME:

- The importer is FMC Corporation, FMC Tower at Cira Centre S, Philadelphia, Pennsylvania 19104.
- The consignee is FMC Corporation, FMC Tower at Cira Centre S, Philadelphia Pennsylvania 19104.
- The broker is BDP International, 100 Concord Road, Aston, Pennsylvania, 19014.
- The entry number is 916-40635107.
- The Brand Name of the product is Command 360ME, it is not registered with the U.S. EPA.
- The quantity of product in in this shipment is 9811.20 liters.
- The Establishment Number of export is 92721-CAN-01.
- The Establishment Number of import is 279-NY-01.
- The port of entry is 3401, Pembina, North Dakota.
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(E) in that they distributed a pesticide which is misbranded in that the labeling has a statement, design, or graphic representation that is false or misleading. The on-product label contained a registration number that had not been approved by the EPA, nor had any information that indicated it was a foreign label. Therefore, these products cannot be allowed entry into the United States.