



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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MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the Heads Up Plant Protectants HUPP 94-815 with Shipment Entry Number 581-00642759 Docket No. **FIFRA-08-2019-0008**

FROM: Suzanne J. Bohan, Director 
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 Heads Up Plant Protectants HUPP 94-815, EPA Reg. No. 81853-2, 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 "Rejected" in ACE by the EPA on August 8, 2019.

The following information pertains to the shipment of Heads Up Plant Protectants HUPP 94-815:

- The importer is Albaugh LLC, 1525 NE 36th Street, Ankeny, Iowa 50021-6754 United States.
- The manufacturer is Heads Up Plant Protectants, Inc., 3002 Millar Avenue, Saskatoon, S7K 5X9 Canada.
- The EPA establishment number is 81853CAN001.
- The EPA registration number is 81853-2.
- The entry number is 581-00642759.
- The port of entry is 3401, Pembina, North Dakota.
- The country of origin is Canada.

In accordance with 7 U.S.C. section 136o, all pesticides and devices imported into the United States must comply with U.S. pesticide law, be registered with the EPA, be properly labeled, and be produced in an EPA-registered establishment that files annual reports required by FIFRA section 7 with the EPA. 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) because they failed to prepare, maintain, or submit any records required under section 7.

This product cannot be allowed entry into the United States. On August 8, 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 EPA Region 8 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.