



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA REGION VIII
HEARING OFFICE

Ref: 8ENF-AT-P

MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the Panoflex with shipment entry number 916-40750336
Docket No. **FIFRA-08-2020-0007**

FROM: David Cobb, Supervisor *D. Cobb*
Enforcement and Compliance Assurance Division

TO: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Portal, 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 Panoflex 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 25, 2019.

The following information pertains to the shipment of Panoflex:

- 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, 510 Walnut Street, Philadelphia, Pennsylvania, 19106.
- The entry number is 916-40750336.
- The quantity of product in this shipment is 12,960 pounds.
- The Brand Name of the product is Panoflex, Registration Number 279-9619.
- The Establishment Number of export is 279-CAN-01.
- The port of entry is 3403, Portal, North Dakota.
- The country of origin is 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 as required under sections 5, 7ⁱⁱ, 8, 11, or 19. Therefore, this products cannot be allowed entry into the United States.