



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

MEMORANDUM

SUBJECT: Notice of Refusal of Admission regarding the Nalco H-550 Micro with shipment entry number EI5-22306296 Docket No. FIFRA-08-2020-0020

FROM: David Cobb, Supervisor
Enforcement and Compliance Assurance Division

3/23/2020

X David Cobb

Signed by: Cobb, David

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 Nalco H-550 Micro 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. 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 "Hold Intact," "Refused" and "Re Export" in ACE by the EPA on March 4, 2020.

The following information pertains to the shipment of Nalco H-550 Micro:

- The importer is Nalco Company LLC, Nalco Center, Naperville, Illinois 60563.
- The consignee is Nalco Company LLC, Nalco Center, Naperville, Illinois 60563.
- The broker is Russell A. Farrow Inc., 2916 Walden Avenue, Suite 400, Depew, New York, 14043.
- The entry number is EI5-22306296.
- The quantity of product in this shipment 2,291 pounds.
- The brand name of the product uploaded into the ACE Customs and Border Patrol database is Nalco H-550 Micro, EPA registration number 464-704-1706.
- The establishment associated with this product and uploaded into the ACE Customs and Border Patrol database is 1706-PA-01.
- The port of entry is 3401, Pembina, North Dakota.

This shipment is in violation of FIFRA section 12(a)(1)(E) because the pesticide tote was misbranded in that the label affixed to the product was not the EPA label most recently approved at the request of the producer in 2014.

On March 4, 2020, 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 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.