



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
Denver, CO 80202-1129
Phone 800-227-8917
www.epa.gov/region8

March 15, 2021
1:29 PM

Received by

EPA Region VIII

Hearing Clerk

Ref: 8ENF-AT-P

SENT VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

From: David Cobb
Section Chief, Toxics and Pesticides Enforcement Section
Enforcement and Compliance Assurance Division

DAVID
COBB

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DAVID COBB
Date: 2021.03.15
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Salt Lake City, Utah 3303

Subject: Requested action to be taken regarding the HM Sanitizing Wipes in shipment with entry number 316-26215953 FIFRA-08-2021-0030

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 HM Sanitizing Wipes 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. The entry was marked "Hold Intact," "Refused," and "Re-Export" in ACE by the EPA on March 11, 2021.

The following information pertains to the shipment of the HM Sanitizing Wipes:

- The importer and consignee is DAS Companies Inc. 724 Lawn Road, Palmyra, Pennsylvania 17078-837, point of contact, Arlene Napes, ANAPLES@DASINC.COM.
- The manufacturer is Zhejiang Greenface Housewares Company, 32, NO 3 Road, Dongzhou Industrial, Hangzhou, 311401 China.
- The broker is Maersk Customs Services USA, Inc., point of contact, Crispina Palacio, cris.palacio@maersk.com.
- The bill number is OOLU2118553930.
- The release date was March 2, 2021.
- The quantity is 488 24-count cartons, 1,614 pounds.
- The port of entry is Salt Lake City, Utah 3303.
- The country of origin is China.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(1)(A) (7 U.S.C. § 136j(a)(1)(A)), which states that it is unlawful for any person to distribute or sell any

pesticide that is not registered under section 3 of FIFRA (7 U.S.C. § 136a). Under FIFRA, a pesticide is any substance (including antimicrobials) intended for a pesticidal purpose, i.e., use for the purpose of preventing, destroying, repelling, or mitigating any pest or use as a plant regulator, defoliant, or desiccant. (See 40 C.F.R. § 152.15.)

The label for this product has the following language:

- “HM Sanitizing Wipes”
- “Directions: Wipes surface thoroughly with products and allow to dry”
- “Active Ingredient Purpose Benzalkonium chloride 0.13%.....Antibacterial”
- “May discolor some fabrics”

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 file reports required by the Act. As required by 19 C.F.R. section 12.114, a Notice of Arrival of Pesticides and Devices, EPA form 3540-1, and a copy of one product label must be submitted. Neither a Notice of Arrival nor an image of the label was submitted either electronically or via the CBP authorized electronic data interchange system.

Therefore, it cannot be allowed entry into the United States.

The Agency hereby notifies U.S. Customs and Border Protection that this merchandise has been refused admission and recommends that this merchandise be re-exported or destroyed within 90 calendar days from the date of this Notice.

On March 11, 2021 the Customs and Border Patrol unit 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 if you have any questions concerning this matter.