



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

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September 11, 2020
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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**

Digitally signed by
DAVID COBB
Date: 2020.09.10
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To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Denver, Colorado 3307

Subject: Requested action to be taken regarding the Barry's Wet Wipes in shipment with entry number 9EX-20089408 FIFRA-08-2020-0056

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 Barry's Wet 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 September 4, 2020.

The following information pertains to the shipment of the Barry's Wet Wipes:

- The manufacturer is Haining Twowell Daily Commodity Company, Number 1, Tanghan West Road, Haizhou, Dis Haining China.
- The consignee is Barry's Bootcamp Holdings, LLC, 7373 Beverly Boulevard, Los Angeles, California 90036-2502.
- The broker is Josh Shao, B. Y. International Inc., 710 Epperson Drive, City of Industry, California, 91748. Point of contact is josh@byintl.com.
- The airway bill number is ONEYSH0FT3728300.
- The ship date is August 28, 2020.
- The quantity is 110,120 units of wet wipes.
- The product is Barry's Wet Wipe.
- The port of entry is Denver, Colorado 3307.
- 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 (or mixture of substances) 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 Barry's Wet Wipes indicates that they are "antibacterial equipment wipes" and that they "will safely and effectively eliminate 99.9% of germs and bacteria for your equipment." Therefore, this product cannot be allowed entry into the United States.

The Agency hereby notifies you that your merchandise has been refused admission. You must export this merchandise, under supervision of the U.S. Customs and Border Protection, within 90 calendar days from the date of this Notice (or within such time as otherwise specified by EPA) or within such additional time as the district director of CBP specifies. Failure to do so may result in either the destruction of the merchandise as authorized by the Act or, if the shipment has been released to you under bond, in any action necessary to enforce the terms of said bond.

On September 4, 2020, the Customs and Border Patrol unit chief in Denver, Colorado, 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.