

5/9/2023

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8**

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Received by
EPA Region VIII
Hearing Clerk

Ref: 8ENF-AT-TP

SENT BY ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Date: May 7, 2023

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

To: U.S. Department of Homeland Security
Bureau of Customs and Border Protection
Port of Portal, North Dakota 3403

Subject: Requested action to be taken regarding the Genics Inc Pesticides in shipment with entry number SCS-79778299 FIFRA-08-2023-0039

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 products 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 (FIFRA), 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 the Automated Commercial Environment (ACE) by the EPA on May 5, 2023.

The following information pertains to the shipment of the Genics Inc Pesticides:

- The broker is UPS Supply Chain Solutions, point of contact UPSNB_PGA_Team@ups.com.
- The consignee is Express Logistics, 1595 Erie Street, North Kansas City, Missouri 64116-3804.
- The importer and shipper is Genics Inc., 27717 Acheson Road, Acheson, Alberta T7X6B1, Canada.
- The contact for the broker is Sam Diaz, SAM.DIAZ@GENICSINC.COM.
- The entry number is SCS-79778299.
- The bill number is CIRI014235.
- The file date was May 4, 2023.
- There are two registered pesticide products in this shipment:
 - Cobra Rod, EPA Reg. No. 71653-2
 - Cobra Wrap, EPA Reg. No. 71653-10
- The country of origin is Canada.

The shipment that arrived at the border for import was in violation of FIFRA section 12(a)(2)(N), because a registrant, wholesaler, dealer, retailer, or other distributor failed to file documents required by the Act. Per 19 C.F.R. § 12.114, the required Notice of Arrival of Pesticides and Devices (Notice of Arrival), EPA Form 3540-1 was not submitted and none of the required information was entered into the ACE database.

Therefore, these products cannot be allowed entry into the United States.

On May 5, 2023, the Customs and Border Patrol Cargo Team in Portal, 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.