UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Date: May 9, 2019

To: U.S. Department of Homeland Security,
Bureau of Customs and Border Protection

From: Douglas K. McDaniel, Chief, Toxics Section
U.S. EPA, Region 9 – Enforcement and Compliance Assurance Division

Subject: Requested Action to Be Taken Regarding Pest Repellers in the Action Products Worldwide LLC Shipment with Entry Number SCS-43456525

By this memorandum, the U.S. Environmental Protection Agency, Region 9 (EPA) is informing the Bureau of Customs and Border Protection of the U.S. Department of Homeland Security (CBP) that the Pest Repellers from Action Products Worldwide LLC (Action Products) that are contained 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. § 12.114. The Notice of Arrival of Pesticides and Devices (EPA Form 3540-1) has been amended with an identical request.

On April 17, 2019, CBP inspected the shipment of Pest Repellers from Action Products in the shipment with entry number SCS-43456525 at Price Dominguez located at 2751 E. Dominguez Street in Carson, CA, 90810. As a result, EPA has determined that the Pest Repellers cannot legally be imported into the United States.

<u>The following information pertains to the shipment of Pest Repellers:</u>

- The broker is UPS Supply Chain Solutions, Ocean Import Brokerage, 150-20 132nd Avenue, 2nd Floor, Jamaica, NY 11434;
- The importer is Action Products Worldwide LLC, 130 Campbell Road, Far Hills, NJ 07931 (Importer Number 83-159069700);
- The consignee is Action Products Worldwide LLC, 130 Campbell Road, Far Hills, NJ 07931;
- The shipper is Shipco Transport (Shanghai) Ltd.;
- The entry number is SCS-43456525;
- The quantity of Pest Repellers is 20 containers with a total of 3,000 pieces of Pest Repellers (HS: 8543709990), and 1 container with a total of 60 pieces of Pest Repellers (HS: 8543709991);
- The alleged EPA Establishment Number is 94466-CHN-1;

- The bill number is MATS4960666000;
- The port of entry is Los Angeles;
- The arrival date is March 31, 2019; and
- The country of origin is China.

Based on the inspection conducted on April 17, 2019, EPA determined that the labels on the boxes of Pest Repellers contained no EPA establishment numbers. Therefore, the products are misbranded as that term is defined in Section 2(q)(1)(D) of FIFRA, 7 U.S.C. § 136(q)(1)(D) because the packages do not bear the establishment numbers of the registered establishment in which the pesticide devices were produced. The distribution of misbranded pesticide devices is an unlawful act under FIFRA Section 12(a)(1)(E), 7 U.S.C. § 136j(a)(1)(E). Pesticide devices entering the United States cannot be misbranded, therefore this entry is denied pursuant to Section 17(c) of FIFRA 7 U.S.C. § 136o(c).

If you have any further questions or concerns, please contact Janice Chan at 415-972-3308 or chan.janice@epa.gov.

Sincerely,

Douglas K. McDaniel
Chief, Toxics Section
Enforcement and Compliance Assurance Division

cc: UPS Supply Chain Solutions, Ocean Import Brokerage
Action Products Worldwide LLC

United States

ENVIRONMENTAL PROTECTION AGENCY

Washington, DC 20460

OMB Control No. 2070-0020
Expires on 12/31/2020

Notice of Arrival of Pesticides and Devices

Send Completed Form to Appropriate Regional Office Listed in the Instructions for this Form.
Note: Read Instructions before completing form.

Part 1: To Be Completed by Importer of record or Licensed Customs Broker

1. Name and Complete Address of Licensed Customs Broker

Camille Persaud
UPS Supply Chain Solutions
Ocean Import Brokerage
150-20 132nd Avenue 2ND FL.
Jamaica NY 11434

☐ Return Form to this Address

2. Name and Complete Address of Importer of Record

Jason Levine
Action Products Worldwide, LLC
130 Campbell Road
Far Hills, NJ 07931

☑ Return to this Address

3. Name and Complete Address of Shipper

Ningbo Getter Electronics Establishment
Chuangfu Road, No. 8, Small Harbor Industrial Park, Beilun District, Ningbo, Zhejiang, China

4. EPA Registration Number

5. EPA Producer Establishment No.

94466-CHN-1

6. Brand Name of Product

XTerminator Ultrasonic Pest Repeller

7. Active Ingredients and Percentage of Each

8. Unit Size	9. Quantity	10. Total Net Weight	11. Country of Origin
2.5"W x 5"H x 3.25"D	3060	1800	China

12. Port of Entry

Long Beach

13. Name and Complete Address of Carrier

UPS Supply Chain Solutions
Ocean Import Brokerage
150-20 132nd Avenue 2ND FL.
Jamaica NY 11434

14. Entry Number

SCS43456525

15. Anticipated Entry Date

03/31/2019

17. Location of Goods for Examination after Importation

PRICE TRANSFER

16. I assert that information constituting Confidential Business Information is shown in the above blocks numbered: (Note: Blocks 4, 5, 6 and 7 are not entitled to CBI treatment--see instructions.)

18. [Optional] For pesticides without an EPA Registration No., select all that apply: (The following information may expedite the processing of the Notice of Arrival.)

☐ 18a. A pesticide transferred between registered establishments operated by the same producer. Domestic Producer Establishment Number: _____

☐ 18b. A pesticide transferred between registered establishments not operated by the same producer. Domestic Producer Establishment Number: _____ EPA Registration Number of Product being Formulated, if applicable: _____

☐ 18c. A pesticide distributed under an Experimental Use Permit. Experimental Use Permit Number:

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EPA Registration Number:	Product Name: XTerminator Ultrasonic Pest Repeller
Total Net Weight: 1800	Entry Number:

☐ 18d. A Pesticide distributed for research and development purposes without an Experimental Use Permit.

☐ 18e. A pesticide transferred solely for export. Domestic Producer Establishment Number: _____

☐ 18f. A pesticide distributed under an emergency exemption. Emergency Exemption Number: _____

☐ 18g. A pesticide transferred for the purposes of disposal.

☐ 18h. Other. Provide an explanation including the intended use and a description of why the product is being imported into the United States in Block 19 -- Remarks.

19. Remarks. Provide additional information here. It is recommended that a copy of the label affixed to the product be submitted with the NOA.

Certification

I certify that the statements I made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.

20. Printed Name of Importer of Record or Licensed Customs Broker	Action Products Worldwide, LLC	Telephone No.:	9086982723
21. Signature of Importer of Record or Licensed Customs Broker:	Jason Chin	Date:	April 3, 2019

Part II: To Be Completed by U.S. Environmental Protection Agency

Action to be taken by U.S. Customs and Border Protection:

☐ Release Shipment ☐ Detain for inspection ☐ Release shipment to consignee under bond. Shipment must be held intact pending inspection.

☑ Other. (Specify) Denied Entry - Refused Delivery

Remarks:

Signature and Title of EPA Official:	Janice Chen Enforcement Officer	Date:	5/9/2019

Part III: To Be Completed by U.S. Customs and Border Protection

The information shown in Part I was compared with the entry papers for this shipment and no discrepancies were noted. The shipment was handled as instructed by EPA in Part II. Any deviations should be brought to the attention of EPA before releasing the shipment and should be noted in "Remarks."

Remarks:

Signature of District Director of Customs:	Date:

Paperwork Reduction Act Notice: The estimated average time to read the instructions and complete this form is 26 minutes. Send comments regarding the burden estimates or any other aspect of this collection of information to: Director, Collection Strategies Division, Office of Environmental Information (OEI), U.S. Environmental Protection Agency (Mail Code 2822), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include OMB number 2070-0020 in any correspondence.

Print Form Reset Form