

Pesticide Import Watch Newsletter

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Intercepting illegal pesticides before entering the United States commerce is critical to protecting the environment and public health from the hazards posed by use of these products.

It is illegal to import a noncompliant pesticide into the United States. EPA will bring enforcement actions against importers and others to ensure compliance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Illegal importation of unregistered, misbranded, adulterated, and/or otherwise violative pesticide products can result in pesticide misuse, illegal food crop residues, human injury or exposure, and environmental damage. Once EPA determines a violation has occurred, the Agency determines the appropriate enforcement response and penalty, consistent with EPA's enforcement response policies and the range of enforcement options available under FIFRA. For example, EPA may issue a civil administrative complaint to any person who violates FIFRA. EPA may also issue a Stop Sale, Use or Removal Order (SSURO) prohibiting the person who owns, controls, or has custody of a violative pesticide or device from selling, using, or removing that product except in accordance with the provisions of the SSURO. Not only does enforcement restore compliance and prevent and reduce risks of unsafe products from entering our country, it also acts as a deterrent to other entities trying to import non-compliant pesticides/devices into the United States. These actions serve to ensure that only compliant products enter the U.S. territory.

*Did you know?
It is unlawful under FIFRA to distribute (including import) or sell a pesticide in the U.S. unless the pesticide is registered with EPA.*



Imports by Sea

A Snapshot of Recent Enforcement/Settlements

Nufarm Americas, Inc.

In March 2012, EPA determined that Nufarm Americas, Inc. illegally imported five misbranded pesticide products; Bromoxynil Mixed Ester (EPA Reg. No. 264-533), Bromoxynil Octanote (EPA Reg. No. 264-442), Dichlorprop-P Technical Acid (EPA Reg. No. 15440-24), MCPA Technical Acid (EPA Reg. No. 70596-1), and Nufarm USA 2, 4-D Acid (EPA Reg. No. 61272-3). The imported products were illegal because the labels on the products either contained information that conflicted with the EPA-accepted label or had claims that substantially differed from the claims made as part of the product registration under FIFRA. Nufarm agreed to relabel the violative products, prepare and implement a compliance monitoring plan to prevent or eliminate any future violations of FIFRA, and pay a \$105,000 civil penalty.

BASF Corporation

In March 2012, EPA determined BASF Corporation illegally imported a misbranded product, "Poast Manufacturer Concentrate" (EPA Reg. No. 7969-56). The imported product was illegal because the label on this product contained information that conflicted with the EPA-accepted label. BASF agreed to relabel the violative product, prepare and implement a compliance monitoring plan to prevent or eliminate any future violations of FIFRA, and pay a \$7,500 civil penalty.

United Phosphorus, Inc.

In 2011, EPA issued two separate SSUROs to United Phosphorus, Inc. for the distribution (importation) of five shipments of a misbranded pesticide, Asulox (EPA Reg. No. 70506-139). The imported product was illegal because the product label differed from the EPA-approved label. United Phosphorus, Inc. took steps to re-label the product and obtained a release from the SSUROs. United Phosphorus, Inc. agreed to pay a total of \$14,600 civil penalty to address the distribution of a misbranded pesticide.

Fast Fact!

Pesticides and devices must be properly labeled in accordance with FIFRA and Title 40 C.F.R., Section 156. Prior to the arrival of pesticides or devices being imported to the United States, the importer is required to submit EPA Form 3540-1 "Notice of Arrival (NOA) of Pesticides and Devices" to the appropriate EPA regional office of the port of entry where the shipment is to arrive.



Drums without EPA label

Nissco America, Inc.

In December 2011, EPA issued a SSURO to Nissco America, Inc. for failure to submit a Notice of Arrival form to EPA and for distribution (importation) of 44 drums of misbranded pesticide product (8,800lbs of violative product).

Ag Specialties, LLC

In March 2012, EPA issued a SSURO to Ag Specialties, LLC for distribution (importation) of a misbranded pesticide, "StrikeOut Extra" (EPA Reg. No. 81142-3). The imported product was illegal because the full product label was not prominently placed or securely attached to the pesticide container. The SSURO affected over 475,470 pounds of violative pesticide product.

Douglas Products and Packaging, LLC

In November 2011, EPA determined that Douglas Products and Packaging LLC failed to submit to EPA a Notice of Arrival prior to importing a shipment of 50,000 pounds of aluminum phosphide fumigant, a registered pesticide. The company agreed to pay a \$6,237 civil penalty.

Cheminova, Inc.

In March 2012, EPA issued a SSURO to Cheminova, Inc. for distribution (importation) of a misbranded pesticide, "Zoro Miticide Insecticide (EPA Reg. No. 67760-71). The imported product was illegal because the product label differed from the EPA-accepted label, specifically the Storage and Disposal section. The SSURO affected over 46,804 pounds of violative

pesticide product. Cheminova, Inc. agreed to relabel the product and agreed to pay a \$5,800 civil penalty to address the alleged distribution of a misbranded pesticide.

Learn more about other import enforcement actions taken by EPA - <http://www.epa.gov/enforcement/waste/index.html>.

Disclaimer: This document attempts to clarify in plain language some EPA regulatory provisions. Nothing in the Enforcement Alert revises or replaces any regulatory provisions in the cited part, any other part of the Code of Federal Regulations, the Federal Register, or the Toxic Substances Control Act. For more information go to: www.epa.gov/enforcement

Pesticides Import Watch Newsletter

The Pesticides Import Watch Newsletter is published periodically by EPA's Office of Enforcement and Compliance Assurance, Office of Civil Enforcement, to provide information regarding the efforts EPA is undertaking to intercept illegal pesticides.

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Report a Violation!

Protecting the environment is everyone's responsibility. Help EPA fight pollution by reporting potential environmental violations.

www.epa.gov/tips