

# Importing Pesticides

- *Ask of the EPA/Regions: More guidance/less fines, for “misbranded” imported shipments.*
- *Protecting identity of AI’s in NOA for R&D pesticides.*



# “Misbranded” Imported Shipments

- Background:
  - NOA filed (manually or electronically).
  - Region reviews label against Master Label.
  - Any differences, establishment numbers, misspelling – “misbranded.”
  - Importer/Registrant Options:
    - Return shipments to country/original establishment.
    - Negotiate and Sign Consent Agreement Final Order (CAFO) and pay fine.
      - Permits transfer of shipment to registered establishment for fixing and then release for shipment.



# “Misbranded” Imported Shipments

- Fines (CAFO’s) and Entries Denied:
  - <https://www.epa.gov/enforcement/pesticides-imports-enforcement>
  - Problems:
    - Per shipment fines are significant
    - Labeling
    - Multiple shipments on the water
    - Regions operate independent of OPP



# “Misbranded” Imported Shipments

- The “Ask”:
  - Regions exercise greater discretion and issue warnings where the violation does not pose human or environmental risks.
- Rationale:
  - The shipment has not entered the domestic market.



# Importing Pesticides: R&D Pesticides

- R&D pesticides are considered pesticides for NOA.
- Box 7 “Active Ingredients and %” (Not CBI).
- 40 CFR 2.203 – Protect confidentiality of AI:
  - Letter to Region with (confidential) chemical name and code for NOA, Box 7.
  - Need region’s and EPA Headquarter acceptance.

