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 Al:
  – Letter to Region with (confidential) chemical name and code for NOA, Box 7.
  – Need region’s and EPA Headquarter acceptance.