



Appalachian Hardwood Center

Phytosanitation of Wood Packaging Material Newsletter



*A Cooperative Effort of the West Virginia University Appalachian Hardwood Center
and the US Forest Service Wood Education & Resource Center*

China Alert

The APHIS website, <http://www.aphis.usda.gov/ppq/wpm/export/china.html>, advises that China, as of January 1, 2006 was requiring ISPM 15 compliant wood packaging material (WPM) for all shipments. China will no longer accept form PPQ 553 for WPM.

Phased Compliance

The United States, Canada, and Mexico, under the auspices of the North American Plant Protection Organization (NAPPO), have agreed to implement a Phased Compliance process for Wood Packaging Material (WPM), beginning September 16, 2005 and continuing through July 5, 2006. The NAPPO strategy for enhanced enforcement will be conducted in three (3) phases, as outlined below. This description of Phased Compliance is based on the most current set of written documentation available through APHIS and CBP (Customs and Border Protection).

Phase 1

On September 16, 2005, an informed compliance period will begin and will extend through January 31, 2006. During this period no stoppage of shipments for non-ISPM 15 compliant WPM will occur. The Informed Compliance will occur via account managers and through written notices posted in connection with cargo containing non-compliant WPM.

Phase 2

During the period, February 1, 2006 through July 4, 2006, informed compliance will continue on all regulated WPM,

except pallets and crates. Full enforcement of the ban on non-compliant pallets and crates will be implemented, and will result in re-exportation from North America.

Phase 3

Beginning July 5, 2006, full enforcement on all articles of regulated WPM entering the US, Canada, and Mexico will begin. All informed compliance activities will be discontinued at this point.

Specific Stipulations between the US, Canada, and Mexico

It is important to note that certain stipulations on the movement of goods between the US, Canada, and Mexico will remain unchanged with regard to Phased Compliance:

- WPM comprised entirely of Canadian origin wood or US origin wood is exempt from the ISPM-15 treatment and marking requirements in trade between the two countries. However, the US is requiring an import declaration on the shipping documents/invoice that "Wood packaging in this shipment is derived from trees harvested in the US or Canada". A "Made in Canada" stamp is not acceptable. Canadian origin WPM is also exempt from ISPM-15 treatment and marking requirements when moving to non-continental territories of the US. The import declaration referenced above still applies. Also, if any WPM contains live pest infestation, the current policies, in each country, take precedence in eradicating the live pests.

- The US, through Customs and Border Protection (CBP), has decided that the country of origin of the commodity is the country of origin of the WPM on all shipments coming from Canada, absent an indication to the contrary. For instance, Chinese-made goods coming from Canada will be considered Chinese and must be treated and marked according to ISPM 15 requirements.
- Firewood, mesquite wood for cooking, and small, noncommercial packages of un-manufactured wood for personal cooking or personal medicinal purposes coming directly from Mexican border states is exempt from ISPM 15 compliance.

US Implementation of Phased Compliance for Imports

In the US, the Phased Compliance plan will be implemented by US Customs and Border Protection (CBP). The CBP website (www.cbp.gov) contains detailed information on ISPM 15 enforcement issues. A summary of that information is provided below:

Phase 1

During the informed compliance period, the CBP will be performing visual exams of cargo that will include a WPM component. If, during an inspection, WPM are present and are not marked as having been treated, the broker and importer will be informed of the non-compliance and given further information via a "Sample Notice of Violation". A sample notice is included on page 3 of this document.

Also, if a pest infestation is discovered in a shipment, CBP will institute their protocol for safeguarding or eradicating the pest threat, which supersedes WPM enforcement. The cost of this action will be borne by the importer.

Phase 2

Non-compliant pallets and crates, for the purposes of Phase 2, are considered by CBP to include single wooden pallets and all pallets that are part of a unitized packaging container, such as wooden pallets that comprise the base of a carton or crate (for example, in shipments of motorcycles, machinery parts, pipe fittings, etc.). Wood crates or lift vans constructed solely of manufactured wood (for example, plywood) are not regulated by the WPM rule. However, if other lumber is used in these crates, those pieces are covered by the WPM rule.

The regulated WPM that will remain under informed

compliance during Phase 2 includes: dunnage, packing blocks, drums, cases, and skids. Again, if these forms of WPM are present and not properly marked during any CBP inspection, a Notice of Violation will be issued.

For non-compliant pallets and crates, CBP will hold the shipment and a USDA Emergency Action Notification (EAN, Form PPQ-523) will be issued. The importer or their representative will be notified of the violation, at which point the importer may request separation of the imported merchandise from the non-compliant pallet or crate. It will be at the Port Directors discretion whether separation of the pallet or crate from the merchandise is feasible. If separation is not feasible, the shipment will be exported from the US, with all associated cost borne by the importer.

If separation is deemed feasible, then the cargo will be separated at the importers expense at a time and place determined by the Port Director. Following separation, if only the non-compliant WPM is to be exported, the importer or party of interest must supply evidence sufficient to the Port Director's satisfaction, that the non-compliant WPM will be removed from the US. This proof may include, but is not limited to, a bill of lading, statement on carrier letterhead, US export or foreign entry documents, etc. A sample PPQ-523 form is included on page 4 of this document.

Phase 3

The only recourse in the case of non-compliant WPM entering the US under full enforcement is exportation. The US regulations do not authorize domestic destruction (e.g., incineration) nor do they authorize fumigation in lieu of proper marking. The option of separating the merchandise from the non-compliant WPM will still be available, but approval will be at the sole discretion of the Port Director.

Specific Exemptions of WPM Entering the US

Certain WPM remain exempted from US regulations and include:

- Manufactured wood materials such as fiber board, plywood, oriented strandboard, whisky and wine barrels, and veneer.
- Loose wood materials, including: excelsior (wood wool), sawdust, and wood shavings (produced as a result of sawing or shaving wood into small, slender, and curved pieces).

- Pieces of wood that are less than 6 mm thick in any dimension.
- Wine crates with a vintage year through 2005. Wines of vintage year 2006 and beyond will be required to be in crates that have been treated and marked.
- Articles of wood that are manufactured to transport a specific, non-regulated commodity (e.g., fuel gauges, armaments, etc.) are not considered WPM.
- WPM that are part of any bundle of imported lumber.

SAMPLE NOTICE OF VIOLATION

TO: Importer

FROM: US Customs & Border Protection Port Director

SUBJECT: Violative Wood Packaging Materials

USDA has revised its import regulation for wood packaging materials (WPM). Effective, **September 16, 2005**, WPM coming into the US must be treated and marked. Paper certificates of treatment or fumigation are no longer acceptable. The approved treatments are either heat treatment to a minimum wood core temperature of 56° C for a minimum of 30 minutes (HT) or fumigation with methyl bromide (MB).

An acceptable mark is determined by the national plant protection agency of each country and must include the trademarked ISPM-15 stamp. Contact information for representatives of national plant protection organizations can be accessed at: <http://www.ippc.int/IPP/En/nppo.jsp>.

CBP has tentatively determined that this shipment is not in compliance with the USDA requirement.

In cases of non-compliance, a CBP Officer or Agriculture Specialist at the port of first arrival may order the immediate export of regulated wood packaging materials (along with the accompanying cargo) at your expense. Please ensure your shipper's compliance, as this will affect whether you receive your goods in a timely manner.

For this shipment, CBP is using its enforcement discretion and is not ordering this shipment to be exported. This discretionary enforcement period will cease on February 1, 2006. On or after February 1, 2006, non-compliant WPM detected by CBP Officers or Agriculture Specialists will be subject to immediate exportation AT YOUR EXPENSE.

Please ensure that your suppliers are aware of this requirement.

There are certain exceptions to the new requirements. More information is available from USDA at 1-866-738-8197 or at www.cbp.gov.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information is 0579-0102. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

FORM APPROVED - OMB NO. 0579-0102

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|---|--|---|---------------------|
| U.S. DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE PLANT PROTECTION AND QUARANTINE EMERGENCY ACTION NOTIFICATION | | SERIAL NO. | |
| 3. NAME AND QUANTITY OF ARTICLE(S) | | 1. PPQ LOCATION | 2. DATE ISSUED |
| | | 4. LOCATION OF ARTICLES | |
| 6. SHIPPER | | 5. DESTINATION OF ARTICLES | |
| | | 7. NAME OF CARRIER | |
| 9. OWNER/CONSIGNEE OF ARTICLES | | 8. SHIPMENT ID NO.(S) | |
| | | 10. PORT OF LADING | 11. DATE OF ARRIVAL |
| Name: | | 12. ID OF PEST(S), NOXIOUS WEEDS, OR ARTICLE(S) | |
| Address: | | 12a. PEST ID NO. | |
| | | 12b. DATE INTERCEPTED | |
| | | 13. COUNTRY OF ORIGIN | 14. GROWER NO. |
| PHONE NO. | | 15. FOREIGN CERTIFICATE NO. | |
| FAX NO. | | | |
| SS NO. | | 15a. PLACE ISSUED | 15b. DATE |
| TAX ID NO. | | | |

Under Sections 411, 412, and 414 of the Plant Protection Act (7 USC 7711, 7712, and 7714) and Sections 10404 through 10407 of the Animal Health Protection Act (7 USC 8303 through 8306), you are hereby notified, as owner or agent of the owner of said carrier, premises, and/or articles, to apply remedial measures for the pest(s), noxious weeds, and or article(s) specified in Item 12, in a manner satisfactory to and under the supervision of an Agriculture Officer. Remedial measures shall be in accordance with the action specified in Item 16 and shall be completed within the time specified in Item 17.

AFTER RECEIPT OF THIS NOTIFICATION, ARTICLES AND/OR CARRIERS HEREIN DESIGNATED MUST NOT BE MOVED EXCEPT AS DIRECTED BY AN AGRICULTURE OFFICER. THE LOCAL OFFICER MAY BE CONTACTED AT:

16. ACTION REQUIRED

- TREATMENT:
- RE-EXPORTATION:
- DESTRUCTION:
- OTHER:

Should the owner or owner's agent fail to comply with this order within the time specified below, USDA is authorized to recover from the owner or agent cost of any care, handling, application of remedial measures, disposal, or other action incurred in connection with the remedial action, destruction, or removal.

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| 17. AFTER RECEIPT OF THIS NOTIFICATION COMPLETE SPECIFIED ACTION WITHIN (Specify No. Hours or No. Days): | 18. SIGNATURE OF OFFICER: |
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ACKNOWLEDGMENT OF RECEIPT OF EMERGENCY ACTION NOTIFICATION

I hereby acknowledge receipt of the foregoing notification.

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| SIGNATURE AND TITLE: | DATE AND TIME: |
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19. REVOCATION OF NOTIFICATION

ACTION TAKEN:

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| SIGNATURE OF OFFICER: | DATE: |
|-----------------------|-------|