Dear Customer:

Please find below hereto a reminder in regards to the new regulations as they apply to solid wood packing materials and enforcement thereof effective September 16, 2005. This is in addition to previous alerts including the last one from this office on February 11, 2005.

BULLETIN:

Effective September 16th all wooden crates, pallets and bracing must be stamped showing compliance with the international standard or the shipment will be refused entry in the U.S. Please advise all staff and warehouse facilities not to load any shipments containing un-approved wood or the shipment will be returned.

DETAILS:

The International Standards for Phytosanitary Measures will be fully enforced on any and all solid wood packing materials arriving in the U.S. on and after September 1 6th. U.S. Customs and the U.S. Department of Agriculture will **REFUSE ENTRY OF ANY SOLID WOOD PACKING MATERIAL THAT DOES NOT HAVE THE REQUIRED STAMP ON THE WOOD.** Fumigation after arrival in the U.S. will not be allowed. Non-compliant wood packing material , other than plywood , pressboard , or other excluded manufactured wood packing material, will result in Customs **REQUIRING EXPORT OF THE SHIPMENT**. Fumigation certificates and statements on the commercial paperwork will not be accepted. **ALL WOOD PACKING MATERIAL MUST HAVE THE INTERNATIONAL STAMP ON THE LUMBER. THIS INCLUDES ALL SKIDS AND DUNNAGE USED IN CONTAINERS.** The U.S. Department of Agriculture may allow segregation of the wood packing material from the freight, if possible. If not allowed, the entire shipment will require export from the U.S.

ANY CHARGES INCURRED DUE TO NON-COMPLIANT WOOD PACKING MATERIAL FOUND IN A SHIPMENT ARE THE RESPONSIBILITY OF THE PARTY LOADING THE CONTAINER. Please review procedures with your suppliers to ensure that all shipments with wood packing material are compliant with the regulations. Shipments packed with non-compliant wood packing material must not be made and must not be loaded for shipping to the U.S. Any dunnage used for blocking and bracing must be properly marked and if cut-to-size, each piece requires the NPPO stamp.

Please note the Frequently Asked Questions as issued by U.S. Customs:

Printer Friendly Version Of:
http://www.cbp.gov/xp/cgov/import/commercial_enforcement/wpm/wpm_faq.xml
Printed:
Thu Aug 25 16:19:07 CDT 2005

Frequently Asked Questions (FAQ's)

08/22/2005

Q: Why a new rule?

A: Untreated wood poses a significant risk of introducing plant pests, including pathogens, that can be detrimental to agriculture and to natural, cultivated, and urban forest resources. U.S. Department of Agriculture (USDA) regulations contain provisions to mitigate plant pest risk presented by the importation of such wood. Because wood packaging material (WPM) is very often reused, the true origin of any piece of WPM is difficult to determine and, thus, its treatment status cannot be ascertained.

Therefore, the USDA amended its regulations to decrease the risk of WPM introducing plant pests into the U.S. by adopting the international standard for WPM approved by the Interim Commission on Phytosanitary Measures of the International Plant Protection Convention (IPPC) on March 15, 2002. By adopting the IPPC Guidelines, the U.S. is harmonizing its trade requirements with a host of other countries that have also adopted the guidelines and have, or are preparing to, implement the requirements.

Q: How is CBP going to enforce this regulation?

A: The USDA regulation allows for enforcement discretion. CBP is currently completing its draft implementation plan. When the plan is completed and approved, general guidelines, processes, and other frequently asked questions will be made available on this site.

Q: When does the law go into effect? Is it possible to delay implementation?

A: The effective date of the regulation is September 16, 2005. Any WPM that arrives in the U.S. on or after that date that is covered by this regulation (whether it is in actual use or being imported as cargo) must comply with the treatment and marking requirements stated in the regulation. The regulation does not allow for any deviation from this effective date.

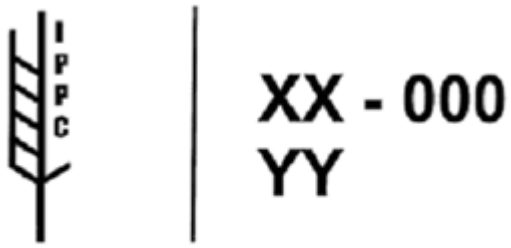
Q: What are the actual treatment and marking requirements?

A: There are two treatment options, heat treatment or fumigation with methyl bromide. For heat treatment, WPM must be heat treated to achieve a minimum wood core temperature of 56 °C for a minimum of 30 minutes. For fumigation, the WPM must be fumigated with methyl bromide in an enclosed area for at least 16 hours at the regulated dosage and then must be aerated to reduce the concentration of fumigant below hazardous exposure levels.

After either of these treatments, the WPM must be marked in a visible location on each article, preferably on at least two opposite sides of the article, with a legible and permanent mark, approved by the IPPC, to certify that wood packaging material has been subjected to an approved treatment.

Q: What does the approved mark look like?

A: Marks will vary by country and treatment establishment. A mark must include a unique graphic symbol, the ISO two-letter country code for the country that produced the wood packaging material, a unique number assigned by the national plant protection agency of that country to the producer of the wood packaging material, and an abbreviation disclosing the type of treatment. Here is a sample:



XX represents the ISO country code.
000 represents the unique number assigned by the national plant protection organization.
YY represents either HT for heat treatment or MB for methyl bromide fumigation.

Q: What happens when untreated or unmarked WPM arrives?

A: If WPM is unmarked, it is considered to be untreated and non-compliant. The regulation allows for immediate exportation of non-compliant WPM. It does not allow for fumigation. It does not allow for any alternative disposal methods. Other countries may have other options, but the U.S. regulation allows only for export of the non-compliant WPM. Exportation of non-compliant WPM will be the responsibility of the importer or importers of the merchandise.

If it is feasible to separate merchandise from non-compliant WPM, all expenses associated with that separation are the responsibility of the importer or importers of the merchandise. Separation of non-compliant WPM from compliant WPM or associated merchandise is not an absolute right; it is an option left to the government's discretion. All expenses related to the movement, inspection, separation, safeguarding, storage, and ultimate disposition of non-compliant WPM are the responsibility of the importer or importers and at their expense. Specific protocol for this process will be posted at this site when approved.

Q: What if the wood is marked but bugs are found?

A: The enforcement of the WPM regulation is a separate process from the normal course of pest interdiction duties conducted by CBP Agriculture Specialists. In every case of discovery of a pest infestation, the protocol associated with safeguarding or eradication of the pest threat will supersede WPM enforcement. Once a pest threat has been eliminated, the WPM enforcement will be applied.

Q: What kinds of WPM are covered by this rule?

A: Most wood packaging materials are covered by the new rule including wooden packaging materials such as pallets, crates, boxes, and pieces of wood used to support or brace cargo. These materials are currently referred to as solid wood packing material (SWPM), which is defined as "[w]ood packing materials other than loose wood packing materials, used or for use with cargo to prevent damage, including, but not limited to, dunnage, crating, pallets, packing blocks, drums, cases, and skids."

Q: What are the exceptions to the rule?

A: The regulation outlines specific exemptions for some WPM. These exceptions to the rule are:

1. Manufactured wood materials such as fiber board, plywood, whisky and wine barrels, polywood, and veneer,
2. Pieces of wood that are less than 6 mm (0.24 in) in any dimension,
3. Sawdust, wood wool, and wood shavings, produced as a result of sawing or shaving wood into small, slender, and curved pieces less than 6 mm in any dimension,

4. WPM used by the U.S. Department of Defense (DOD) to package non-regulated articles, including commercial shipments pursuant to a DOD contract, and
5. Firewood, mesquite wood for cooking, and small, noncommercial packages of unmanufactured wood for personal cooking or personal medicinal purposes coming directly from Mexican border states.

In addition, by bilateral agreement between the U.S. and Canada, WPM made entirely from Canadian origin wood is exempt from the treatment and marking requirements.

Q: Are there any invoice requirements?

A: No, paper certification of treatment will no longer be required or accepted. Likewise, the ABI statement requirements will no longer be required or accepted.

Q: Is there a list of compliant countries and approved fumigators?

A: There is a list of signatory countries. Signing the Agreement and being in compliance are not necessarily the same. All WPM imported into the U.S. on or after September 16, 2005, is subject to the regulation. A partial list of signatory countries and approved U.S. fumigators is maintained at the National Wooden Pallet and Container Association website. (Signatory Countries and Approved Fumigators) . A list of U.S. approved heat treatment facilities may be found at the American Lumber Standard Committee, Incorporated website. (Approved Heat Treatment Facilities) .Contact information for international treatment facilities may be requested from the appropriate country plant protection agency. A listing of a plant protection agencies is maintained at the IPPO website. (International Plant Protection Agencies)

Q: If a shipment contains non-compliant WPM and the country of export or the country or origin will not take it back, what then?

A: The regulation does not state that violative WPM must be returned to any particular country. It simply states that the violative WPM may not come into the U.S. and may be re-exported. It will be the responsibility of the importer to determine an alternate destination that will accept the untreated WPM.

Q: How often does the WPM need to be re-treated?

A: Acceptable treatments (i.e., heat treatment or fumigation with methyl bromide) need only be done once. Once the WPM are properly treated and marked by an approved treatment facility in any country, the mark will be accepted as proof of compliance for the life of the WPM.

Q: How will CBP handle WPM in consolidated shipments, mixed loads, bulk cargo, and any merchandise traveling in bond or on a carnet?

A: All regulated WPM must be treated and marked; the regulation does not differentiate among types of loads or types of entry document. All regulated WPM is either compliant or non-compliant and will be handled accordingly.

Best regards
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