

Frequently Asked Questions (FAQs)

Updated September 15, 2005

On September 16, 2005, the United States, in cooperation with Mexico and Canada, will begin enforcement of the international phytosanitary standard (ISPM 15) for regulated wood packaging material (WPM) entering North America.

Enforcement of the ISPM 15 standard will be conducted in accordance with Customs and Border Protection (CBP) operational guidelines and procedures. Importers are encouraged to ensure that all regulated WPM are treated and marked according to the ISPM 15 standard and U.S. regulation to avoid possible delays or rejection of WPM in cargo shipments at U.S. ports of entry due to noncompliance.

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 materials (WPM) are 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 has completed its implementation plan and posted information to the trade at www.cbp.gov.

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 arrive in the U.S. on or after that date that are covered by this regulation (whether 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.

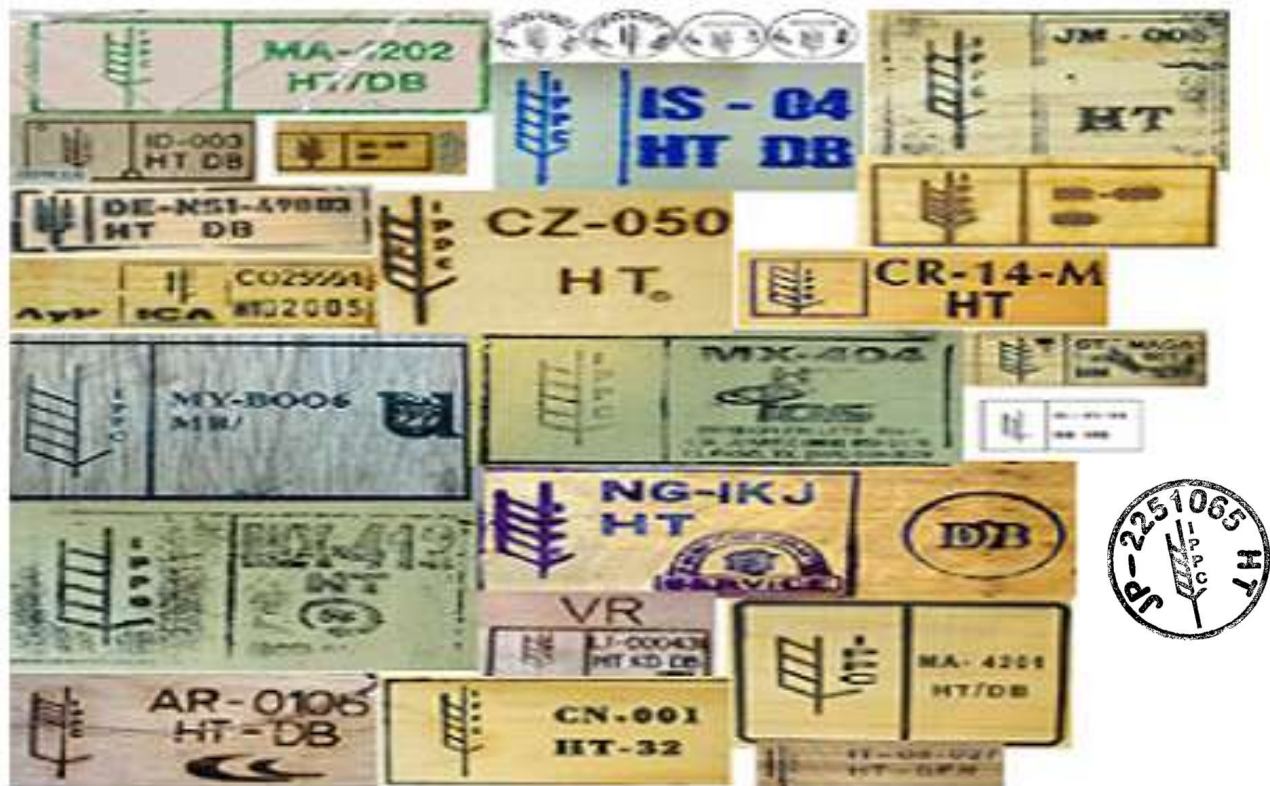
Q: What are the actual treatment and marking requirements?

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. Here are some examples:



As you can see, the marks may vary in size, shape, and color. What the mark must include is the IPPC trademarked 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.

Q: What happens when untreated or unmarked WPM arrive in the U.S.?

A: If WPM are unmarked, they are considered to be untreated and non-compliant. The regulation allows for immediate re-export 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 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 and at their expense. Specific protocol for this process will be posted at this site when approved.

Q: What happens if the WPM mark is determined to be improper?

A: If WPM is improperly marked, there are regulatory remedies in place. Proper marking will be the responsibility of the importer of the merchandise.

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: Are there any exceptions to the rule?

A: There are certain exceptions, yes. They are:

- Manufactured wood materials such as fiber board, plywood, whisky and wine barrels, polywood, strandboard, and veneer,
- Pieces of wood that are less than 6 mm (0.24 in) in any dimension,
- 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, and

- WPM used by the U.S. Department of Defense (DOD) to package non-regulated articles, including commercial shipments pursuant to a DOD contract.

Firewood, mesquite wood for cooking, and small, noncommercial packages of unmanufactured wood for personal cooking or personal medicinal purposes will continue to be allowed to enter directly from Mexican border states.

In addition, by reciprocal regulations in the U.S. and Canada, WPM made entirely from Canadian origin wood or U.S. origin wood are exempt from the treatment and marking requirements in trade between the two countries. Please see additional detail in the next question for shipments to and from Canada.

USDA has grandfathered in all wine crates for vintage years preceding 2006. This means that wine crates for any wine with a vintage year through 2005 are exempt from treatment and marking requirements regardless of when entry is made. 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 (for example, fuel gauges, armaments, ammo boxes, etc.) are not considered to be WPM and are not required to be treated and marked.

WPM that are part of any bundle of imported lumber are exempt from the rule. Other WPM used in the transport of bundled lumber (for example, pallets or planks) are not exempt and are regulated WPM.

There is no requirement for treatment or marking of WPM in domestic circulation.

Q: Please explain the Canada exception to the rule.

A: WPM made entirely of Canadian origin wood or U.S. origin wood are exempt from the treatment and marking requirements in trade between the two countries. The exception only pertains to WPM coming directly to the U.S. from Canada or directly to Canada from the U.S. Commercial shipments containing WPM made entirely of Canadian origin wood or U.S. origin wood that are traveling between these two countries are subject to inspection and must be accompanied by an importer document stating that they are derived totally from trees harvested in Canada or the United States. The statement requirement is in USDA regulations at 7 CFR 319.40-3. This section of the regulations does not change with the new WPM rule. The statement has been required for a long time and continues to be required.

For purposes of enforcement of the USDA WPM rule, 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. In other words, WPM in shipments of Chinese-made goods coming from Canada will be

considered Chinese and must be treated and marked. WPM in shipments of Canadian-made goods coming from Canada will be considered Canadian and need not be marked.

An exception to this would be, for example, non-Canadian goods that are repacked in Canada. In this case, the country of origin of the commodity (non-Canadian) is considered Canadian for WPM purposes only if it is stated that the WPM are Canadian. The statement must be in accordance with 7 CFR 319.40-3 which states that "an importer document stating that [WPM] are derived from trees harvested in Canada..." must accompany the shipment.

Q: Are there any invoice or certificate requirements?

A: Paper certifications of treatment will no longer be required or accepted. Invoice statements are no longer required for importation into the U.S. The only exception is noted above, that shipments containing WPM made entirely from Canadian origin wood or U.S. origin wood must be accompanied by an importer document stating that the WPM are derived totally from trees harvested in Canada or the United States if traveling between these two countries. Other countries may require certificates, statements, or treatment and marking.

Q. What about ABI requirements?

A: CBP continues to work with programmers to make the now-required field in ABI concerning solid WPM from China or Hong Kong into an optional field. Between September 16, 2005, and the time that the programming is completed, CBP field personnel will disregard any input in that field. In other words, CBP recognizes that, as long as the field is required, ABI filers will need to input data to avoid entry rejects and that, after September 16th, ABI filers will not necessarily have the information needed to make accurate input. Therefore, CBP will disregard any statements input to that particular field. An ADMIN message will be sent when the programming is completed.

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 arriving in the U.S. on or after September 16, 2005, are subject to the regulation.

Contact information for international treatment facilities outside the United States may be requested from the appropriate country's plant protection agency. A listing of international plant protection agencies is maintained at the IPPO website. (<https://www.ippc.int/IPPE/En/nppo.jsp>)

USDA has designated two entities to manage the treatment programs in the U.S. The National Wooden Pallet & Container Association (NWPCA) manages the fumigation program and the American Lumber Standards Committee (ALSC) manages the heat treatment program.

A list of approved U.S. fumigators is maintained at the NWPCA website. (<http://www.nwpc.com/ExportTreatment/ProgramOverview.htm>). A list of approved U.S. heat treatment facilities may be found at the ALSC website. (http://www.alsc.org/WPM_facsimile_mod.htm).

Q: If a shipment contains non-compliant WPM and the country of export or the country of 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.

Q: Where can I get more information?

A: A careful reading of these FAQs will provide an answer for most of your questions. Other answers will be found in the Implementation Plan.

If, after reading all the materials on this site, you have questions about the regulation itself, you may contact USDA. USDA has set up a toll free phone line for the months of September and October to answer questions about the regulation. That number is **1-866-738-8197**.

Please note that USDA will **not** answer any questions about CBP operational issues. Those issues are most appropriately directed to your local port if your question has not been answered on www.cbp.gov