**WHY A NEW RULE?**

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.

**HOW IS CBP GOING TO ENFORCE THIS REGULATION?**

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.

**WHEN DOES THE LAW GO INTO EFFECT?  IS IT POSSIBLE TO DELAY IMPLEMENTATION?**

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.
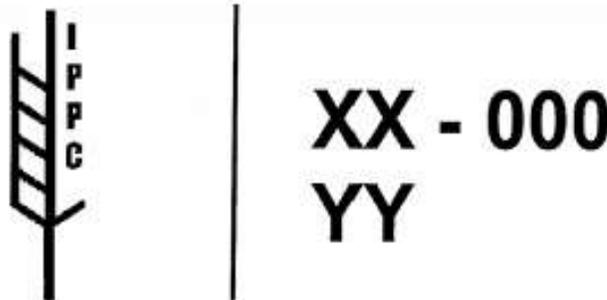
**WHAT ARE THE ACTUAL TREATMENT AND MARKING REQUIREMENTS?**

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.

**WHAT DOES THE APPROVED MARK LOOK LIKE?**

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.

**WHAT HAPPENS WHEN UNTREATED OR UNMARKED WPM ARRIVES?**

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.

**WHAT IF THE WOOD IS MARKED BUT BUGS ARE FOUND?**

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.

**WHAT KINDS OF WPM ARE COVERED BY THIS RULE?**

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.''

**WHAT ARE THE EXCEPTIONS TO THE RULE?**

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, and veneer,

2.      Pieces of wood that are less than 6 mm (0.24 in) in all dimensions,

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 all dimensions,

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.

**ARE THERE ANY INVOICE REQUIREMENTS?**

No, paper certification of treatment will no longer be required or accepted.

**IS THERE A LIST OF COMPLIANT COUNTRIES AND APPROVED FUMIGATORS?**

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 list of signatory countries and approved fumigators is maintained at:

http://www.palletcentral.com/ExportTreatment/ProgramOverview.htm#fumigators

.  A list of approved heat treatment facilities may be found at:

http://www.alsc.org/contacts_WPMlist_mod.htm