

USDA AMENDS EXPORT CERTIFICATION REGULATIONS FOR WOOD PACKAGING MATERIAL

The U.S. Department of Agriculture's (USDA) Animal and Plant Health Inspection Service (APHIS) is amending its export certification regulations to clarify that an approved international quality/treatment mark used to verify that wood packaging material has been properly treated may only be issued by industries which have entered into an agreement with APHIS. In order to issue the stamp, the treatment must also be in accordance with *International Standards for Phytosanitary Measures No. 15* (ISPM-15) guidelines.

The ISPM-15 standard describes the application of phytosanitary measures to reduce the risk of introducing quarantine pests, such as the Asian longhorned beetle, associated with wood packaging material that is used in international trade. This standard requires wood packaging material to either be heat treated (HT) or fumigated with methyl bromide (MB). The material must also be marked with the International Plant Protection Convention logo and the two-letter International Standardization code for the country that treated it. Additionally, the wood packaging material must be marked with a unique number assigned to the treatment facility by the exporting country's national plant protection organization, and either the abbreviation HT or MB.

In July 2001, APHIS and the American Lumber Standard Committee (ALSC) formalized a memorandum of understanding (MOU) providing for the implementation of an APHIS-approved industry HT program compliant with ISPM-15. In May 2003, APHIS and the National Wooden Pallet and Container Association (NWPCA) formalized a similar MOU providing for the implementation of an APHIS-approved industry MB program compliant with ISPM-15. The programs consist of inspection agencies accredited by ALSC or NWPCA, which audit facility production and quality markings of wood packaging material compliant with ISPM-15. The inspection agencies' trademark logo

is added to the lower right corner of each stamp they issue. The trademark allows them to seek legal prosecution for unauthorized reproductions.

Since the adoption of ISPM-15, APHIS has encountered several cases where private export firms have developed and applied ISPM-15 quality/treatment marks to wood packaging material without entering into an agreement with APHIS, and possibly without applying the treatments that are required under ISPM-15.

APHIS has the legal authority to prosecute companies that develop fraudulent treatment marks under the Plant Protection Act. The penalties for falsifying the treatment marks for wood packaging material carry the maximum fine of \$50,000 for any individual per violation and \$250,000 for a company per violation, with a \$500,000 maximum penalty for all violations combined in a single proceeding.

Notice of this interim rule is scheduled for publication in the July 2 *Federal Register*.

Consideration will be given to comments received on or before Aug. 31. Send an original and three copies of postal mail or commercial delivery comments to Docket No. APHIS-2006-0122, Regulatory Analysis and Development, PPD, APHIS, Station 3A-03.8, 4700 River Road, Unit 118, Riverdale, Md. 20737-1238. If you wish to submit a comment using the Internet, go to the Federal eRulemaking portal at <http://www.regulations.gov>, select "Animal and Plant Health Inspection Service" from the agency drop-down menu; then click on "Submit." In the Docket ID column, select APHIS-2006-0122 to submit or view public comments and to view supporting and related materials available electronically.

Comments are posted on the Regulations.gov Web site and may also be reviewed at USDA, Room 1141, South Building, 14th St. and Independence Ave., S.W., Washington, D.C., between 8 a.m. and 4:30 p.m., Monday through Friday, excluding holidays. To facilitate entry into the comment reading room, please call (202) 690-2817.

Additional Information

For more information on the wood packaging material regulations, please visit the APHIS Web site at < http://www.aphis.usda.gov/newsroom/hot_issues/wood_packing.shtml >.

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