

USDA Affirms Changes to Export Certification Regulations for Wood Packaging Material

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service (APHIS) is adopting as a final rule, without change, an interim rule published and effective on July 2 that amended its export certification regulations for wood packaging material. The changes clarified that an approved international quality/treatment mark used to verify that wood packaging material has been treated in accordance with International Standards for Phytosanitary Measures No. 15 (ISPM-15) may only be issued by industries which have entered into an agreement with APHIS.

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 by the exporting country's national plant protection organization to the treatment facility, 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 firms have developed and applied ISPM-15 quality/treatment marks to wood packaging material for export 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 of \$50,000 for any individual per violation and \$250,000 for a company per violation, with a \$500,000 maximum for all violations combined in a single proceeding.

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.

This affirmation of interim rule is scheduled for publication in the Oct. 30 *Federal Register*.

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