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Phytosanitation of Wood Packaging Material N e w s l e t t e r

Canada/US Bi-lateral Agreement Ending

Because of a bilateral agreement between the two countries, wood packaging material (WPM) and dunnage has been able to pass between the US and Canada without the necessity of being treated to ISPM 15 standards. The assumption underlying this agreement was that WPM from either country was in fact originating from the same forest.

In order to prevent the introduction of, or slow the spread of, invasive species such as the Asian long horned beetle and the emerald ash borer, the Canadian Food Inspection Agency (CFIA) and the United States Department of Agriculture's Animal & Plant Health Inspection Service (APHIS) are coordinating an effort to implement and enforce ISPM-15 regulations. The joint strategy of APHIS/CFIA would involve a multi-year phase-in period culminating in full implementation of the ISPM 15 standard for WPM moving between the two countries. The CFIA has issued a request (07/24/08) for WPM stakeholder input, allowing ninety days for comment. Individuals/companies can go to the CFIA website and click on the "Comment on this document" link. According to the CFIA website the phase-in approach is as follows:

- Phase 1 – A 12-month period for industry and stakeholders to adjust operations to comply with ISPM 15.
- Phase 2 – A second 12 – month period where industry will receive notices (informed compliance) of requirement to comply. Importers/brokers will be given notices in connection with any cargo found to contain non-compliant WPM.
- Phase 3 – An 8 – month period of enforcement action on non-compliant WPM. Shipments with non-compliant WPM will NOT be allowed entry to Canada. Importer/exporters with cargo containing other types of non-compliant material (dunnage, spools, blocking and bracing) will receive notice (informed compliance) of requirement to comply.
- Phase 4 – Enforcement on all articles of regulated WPM with non-compliant WPM material being refused entry into Canada.

Following the creation of the Canadian rule change the US/ APHIS will submit a proposed rule which will be published in the Federal Register. It is expected that this US action will occur sometime in the summer or fall of 2009. Interested parties will need to review the Federal Register during this time period looking for the proposed rule. There will be a comment period specified along with directions on how to go about submitting comments.

US Domestic Concerns

Efforts to contain, if not eradicate, the emerald ash borer (EAB) are high on the list for APHIS. Currently the EAB has been confirmed in ten states, including what might be considered the heart of hardwood pallet territory. The most recent EAB confirmation, July 2008, was in Missouri. The other nine states are Wisconsin, Michigan, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, Maryland, and Virginia. While the US/Canada situation has been at the forefront for APHIS, in the not too distant background has been the possibility of requiring ISPM 15 treatment for all WPM within the US. According to an APHIS spokesperson, the domestic WPM treatment requirement remains a priority for APHIS. However, with this being an election year, a specific plan (if any) is not likely to be floated until sometime in 2009.

In the event of a domestic treatment requirement, questions and concerns are raised for all parties involved relative to WPM. Manufacturers are concerned about bottom line issues such as increased cost, capital outlays for more heat treating equipment, increased cost resulting from increased energy consumption, and whether their customers will be willing and/or able to pay the increased cost per unit of WPM. End users of WPM will also look at the bottom line to determine if there is a more cost effective material that can be substituted. While plastic may seem to be an easy substitution, the rise in oil prices has led to a rise in the cost of derivatives, such as plastic. A more likely alternative may be packaging made from wood fiber and engineered wood products, which would eliminate the need for ISPM 15 treatment. And finally, exactly how to enforce the domestic treatment requirement would need to be worked out.

Country Updates

There are no changes or additions in ISPM 15 regulations or enforcement for any countries since the last update.

AHC Domestic WPM Phytosanitary Treatment Awareness Survey

A survey was sent to WPM manufacturers in July 2008 with the intention of collecting feedback on the possible requirement for a phytosanitary treatment of WPM used within the US (domestic) as well as gaining information on possible business responses to the requirement. An initial mailing of 1771, from a list used for an ISPM 15 awareness

survey done several years ago, resulted in a total of 215 returned surveys out of 1291 good addresses (the remainder, 480, were returned as undeliverable). The first question, "Are You Currently Manufacturing WPM?" had 46 "No" answers indicating a high percentage having decided to exit the business. The remaining specifics are being analyzed and will be submitted for publication.

Lacey Act Provisions

The Lacey Act, first enacted in 1900 and significantly amended in 1981, is the US' oldest wildlife protection statute, combating trafficking in illegal wildlife, fish, and plants. A broader range of plants and plant products were included when the act was amended again, effective May 22, 2008. Generally speaking, this will have little if any effect on WPM based on the following excerpt, "*All covered plants and plant products will require an import declaration, except for those used exclusively as packaging material to support, protect, or carry another item, unless the packaging material itself is the item being imported.*" (*Emphasis added*). While the scope of products requiring an import declaration is broad, including possible wood products such as lumber, wood pulp, paper and paperboard, and furniture, the included exemption leaves most WPM exempt from an import declaration.

The Federal Register notice is intended to inform the public about the new Lacey Act provisions, particularly the declaration requirements and the Federal government plan for implementation and enforcement of the declaration requirement. The full text of the notice can be viewed by going to <http://www.regulations.gov/search/index.jsp> and typing in Docket No. APHIS-2008-0119. Comments are being accepted through 12/08/2008. The notice provides two methods for submitting comments.

Plant Protection and Quarantine Stakeholder Registry

You can register on line at <https://web01.aphis.usda.gov/PPQStakeWeb2.nsf/Login?OpenForm> for updates directly from APHIS. Fill in the basic information and check the boxes related to specific topics you would like to receive information on. Topics include, but are far from limited to, the Asian long horned beetle, the emerald ash borer, and emerging plant pests.