



# FedEx Regulatory Alerts & Updates

## **Regulatory Alert: U.S. Customs Increased Enforcement of Wood Packing Material Regulations**

October 3, 2017

### **WHAT HAS CHANGED?**

Pursuant to U.S. Code of Federal Regulations 7 CFR § 319.40-3, non-exempt wood packaging material (WPM) imported into the United States must have been treated at approved facilities at places of origin to kill harmful timber pests that may be present. This regulation has been in effect since September 16, 2005.

U.S. Customs and Border Protection (CBP) is responsible for enforcing the WPM regulation at all U.S. ports of entry. CBP issued Cargo Service Messaging System (CSMS) Notice 17-000612 on September 26, 2017 addressing Updated Wood Packaging Material Penalty Guidance. The key point in the notice was the effective date of the new penalty guidance: "To motivate WPM compliance, effective **November 1, 2017**, responsible parties with a documented WPM violation may be issued a penalty under Title 19 United States Code (USC) § 1595a(b) or under 19 USC § 1592."

This is a change from the previous published threshold of 5 violations.

There will be no yearly reset for calculating repeat violations as each WPM violation may incur a penalty.

### **Q&A**

#### ***Which U.S. federal agency regulates wood packaging materials?***

The Animal and Plant Health Inspection Service (APHIS) at the U.S. Department of Agriculture. The complete regulations are in Part 319 - FOREIGN QUARANTINE NOTICES located here:

[https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=00d469d94f7cdf9267b8b8ae6603c25f&tpl=/ecfrbrowse/Title07/7cfr319\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=00d469d94f7cdf9267b8b8ae6603c25f&tpl=/ecfrbrowse/Title07/7cfr319_main_02.tpl)

#### ***What is ISPM 15?***

ISPM 15 is the acronym for International Standards for Phytosanitary Measures #15. It was created by the International Plant Protection Convention (IPPC), a part of the United Nation's

Food and Agriculture Organization. The standard addresses the need to have all wood packaging made of softwood or hardwood species treated. It requires packaging that has been treated to carry a special mark to certify it as such.

***Why is ISPM 15 required?***

Untreated lumber poses a risk of carrying harmful plant pests. This standard was developed to reduce the risk of transferring those pests across international borders. Since wood packaging (boxes, pallets, crates, dunnage, etc.) is typically made from the lowest grade of lumber, the instances of pests is often higher due to the presence of bark.

***What are the requirements for Wood Packaging Material (WPM) imports?***

The IPPC standard calls for most Wood Packaging Material (WPM) to be either heat treated or fumigated with methyl bromide in accordance with the guidelines and marked with an approved international mark certifying that treatment.

Any WPM from foreign origin found to be lacking appropriate IPPC-compliant markings or found to be infested with a timber pest is considered not properly treated to kill timber pests and in violation of the regulation.

***How is the mark on the wood packaging to be shown to indicate it is fully ISPM 15 compliant?***

The IPPC mark must be applied to the wood packaging. This mark is commonly applied as an ink stamp, stencil or brand on a clearly visible exterior surface of the packaging. The IPPC mark is applied to a minimum of two opposite sides and certifies that all solid wood has met the heat treatment requirement.

***Are there any exceptions to the required heat treatment for WPM imported into the USA?***

The CBP site lists some exceptions to the WPM requirements here:

[https://help.cbp.gov/app/answers/detail/a\\_id/931/related/1/session/L2F2LzEvdGltZS8xNTA2MzY0NzI0L3NpZC9FbThlZUN0bg%3D%3D](https://help.cbp.gov/app/answers/detail/a_id/931/related/1/session/L2F2LzEvdGltZS8xNTA2MzY0NzI0L3NpZC9FbThlZUN0bg%3D%3D)

Other exemptions are cited in the original 2004 Final Rule from APHIS cited in the reference section below.

**WPM Support**

Customers with specific questions about their commodity or the SWPM requirements should contact APHIS at this email address: [Wood.Permits@aphis.usda.gov](mailto:Wood.Permits@aphis.usda.gov)

**Timeline for Implementation:** November 1, 2017

**References:**

Cargo Systems Messaging Service (CSMS) Notice 17-000612 September 26, 2017 regarding Issuance of Wood Packaging Material Penalty:

[https://apps.cbp.gov/csms/viewmssg.asp?Recid=23011&page=&srch\\_argv=17-000612&srctype=all&btype=&sortby=&sby=](https://apps.cbp.gov/csms/viewmssg.asp?Recid=23011&page=&srch_argv=17-000612&srctype=all&btype=&sortby=&sby=)

CBP Import requirements for SWPM into the USA:

[https://help.cbp.gov/app/answers/detail/a\\_id/931/related/1/session/L2F2LzEvdGltZS8xNTA2MzY0NzI0L3NpZC9FbThlZUN0bg%3D%3D](https://help.cbp.gov/app/answers/detail/a_id/931/related/1/session/L2F2LzEvdGltZS8xNTA2MzY0NzI0L3NpZC9FbThlZUN0bg%3D%3D)

CBP Guidelines for Liquidated Damages and Penalties on Wood Packing Material:

[https://www.cbp.gov/sites/default/files/documents/guidelines\\_wpm\\_3.pdf](https://www.cbp.gov/sites/default/files/documents/guidelines_wpm_3.pdf)

Animal and Plant Health Inspection Service (APHIS) Import Information – Wood Packaging Material:

<https://www.aphis.usda.gov/aphis/ourfocus/planthealth/import-information/wood-packaging-material>