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Phytosanitation of Wood Packaging Material Newsletter

Debarked/Bark Free Update

In the November 2006 Newsletter we reported that a draft international standard, specific to debarked and bark-free wood used in the production of wood packaging material (WPM), was being circulated internationally for comment, to be followed by a decision to create or shelve the new, stand-alone, standard. In the June 2007 Newsletter we reported on the planned review/revision of ISPM 15 scheduled for 2007. One of the topics under review by International Forestry Quarantine Research Group (IFQRG) was the issue of bark and WPM. Not reported in the June 2007 Newsletter was the status of the proposed bark standard because many questions arose which required further investigation.

What was subsequently determined was that the original standalone draft standard covering debarked/bark-free wood had been reduced to a supplement of ISPM 15, Glossary of Phytosanitary Terms. The logic in this was undoubtedly that a clarification of terminology and definition would be sufficient to rectify WPM problems arising from the existence of any bark on/in the wood used in WPM production. This supplement was scheduled for review at the third meeting of the Commission on Phytosanitary Measure (CPM). However, several comments from around the world indicated that the change from standalone standard to a supplement to the glossary had come about without leaving adequate time for proper discussion, with some believing a full blown standard was still required.

Following several communications with the International Phytosanitary Standards Program Director USDA APHIS Plant Protection and Quarantine and the results of the most recent Standards Committee meeting in Rome (November 5-9, 2007), a fair amount of clarity has emerged. The Committee decided to drop, entirely, the draft Standard on Debarked and Bark-Free Wood, but to retain the definitions in the Glossary of Phytosanitary Terms and to cover the bark issue in the revision of ISPM 15. The ISPM 15 revisions will include a bark tolerance component. ISPM 15 is currently being revised and should be out for country consultation next year.

The Standards Committee also indicated that parts of the draft bark standard will be incorporated into future standards. Three of these new wood-related specifications for future standards are to be forwarded by the Standards Committee to the Commission on Phytosanitary Measure (CPM) for approval. These include:

- International movement of wood
- International movement of forest tree seed
- Forestry surveillance

As these issues are addressed, the Appalachian Hardwood Center will keep track and report developments as they arise in upcoming newsletters.

Finally, an additional new topic is being forwarded to the CPM on raw wood handicrafts, which is anticipated to surface as a draft specification in 2009.

Bark Surveys

Two surveys of bark occurrence have recently been completed. A summary of each is provided below:

Bark Occurrence in US and Canadian Wooden Pallets

This study was conducted as a cooperative effort by The Pennsylvania State University School of Natural Resources and the National Wooden Pallet and Container Association, and was published in the March 2007 issue of the Forest Products Journal (Vol. 57, No. 3: 84-88). The objective of this study was to determine whether randomly selected pallets had at least one occurrence of bark or barky defect, were bark free, or had what the authors characterized as a blemish and which was too difficult to evaluate (because the pallet passed by the inspector too quickly for an accurate confirmation or was not accessible for closer inspection). The pallet samples were collected from pallet manufacturers in the US (east coast and west coast) and in Canada (Ontario).

The decision rules for bark occurrences were as follows:

- If less than 0.25 inches at its narrowest, not counted as a bark occurrence,
- If greater than or equal to 0.25 inches and equal to or less than 1 inch at its narrowest, but less than 3 inches at its widest, it was not counted as a bark occurrence,
- If its narrowest dimension was greater than 1 inch it was counted as bark, regardless of its width.

The total number of pallets inspected for bark occurrence was 5,584, with 677 (12%) from non-debarked raw material and 4907 (88%) from debarked raw material. Overall, 19.4% of the sampled pallets had bark occurrence, 67.6% were bark-free, and 13.0% could not be evaluated. For those pallets produced from debarked logs 17.3 % had at least one occurrence of bark, 70.7% were bark-free, and 12.0% could not be evaluated. As expected, pallets from non-debarked raw material had more instances of bark occurrence. Observed percentages were 34.4% with bark, 45.6% were bark-free, and 20% could not be evaluated.

Thus, about 1 in 5 pallets could be confirmed as having bark. Adding in those that could not be evaluated, about 1 in 3 had the possibility of bark. The eventual upshot of this analysis is that in a bark-free environment for WPM, pallet manufacturers will have to institute a systematic sorting procedure to eliminate bark occurrence for pallets entering international markets.

2007 IPPC Wood Packaging Bark Audit

In 2007 the International Plant Protection Convention (IPPC) asked participating countries to evaluate the incidence of plant pests on WPM with bark that had been treated and marked according to ISPM 15. Thirty-four countries provided data on 8,626 pieces of bark measured on WPM. Of these 8,626 ISPM 15 marked samples, 1889 (22%) were fumigated with methyl bromide, 6728 (78%) were heat treated, and the remaining 9 WPM had illegible marks.

The types of WPM encountered in the survey, the frequency of occurrence and average moisture content are included in the following table:

Type of WPM	Instances of Bark	Percent of Total (%)	Average Moisture Content (%)
Pallets	3,520	40.8	16
Dunnage	2,511	29.1	19
Crate/Box	2,270	26.3	22
Block	229	2.7	14
Other	52	0.6	24
Unknown	44	0.5	---
Total	8,626	100.0	

The bark area of each incidence of bark was measured as well. The following table shows the frequency of bark occurrences by size (area):

Bark Area	No. of Pieces	Percent of Total (%)
<= 50 cm ²	4,916	57.0
51 – 100 cm ²	1,365	15.8
101 – 200 cm ²	983	11.4
201 – 300 cm ²	670	7.8
301 – 400 cm ²	243	2.8
401 – 500 cm ²	174	2.0
501 – 630 cm ²	64	0.7
> 630 cm ²	211	2.5
Total	8,626	100.0

Only 13 incidences of insects were found on the 8,626 pieces of WPM sampled in the study. In at least 5 of 13 cases it was deemed likely that the infestations occurred before the logs were manufactured into boards, suggesting that the live pests resulted from treatment failure, not insect colonization after treatment. The other 8 incidences of live insects could have resulted from treatment failure or infestation after treatment.

The entire summary report can be found on the International Forestry Quarantine Research Group (IFQRG) website (www.forestry-quarantine.org) under supporting documentation and listed as IFQRG 2007-08. Follow these steps in accessing the document: select the language you prefer to use; select “Meetings”; select “Background Documents” under the September 2007 Rome Italy meeting; and finally scroll down the list and select IFQRG 2007-08.

GUIDELINES FOR LIQUIDATED DAMAGES AND PENALTIES ON WOOD PACKAGING MATERIAL

These particular guidelines went into effect on March 9, 2007 in the US. The statutory requirements of 7 CFR 319.40-3 mandate that regulated WPM – such as crates, boxes, and pieces of wood used to support or brace cargo – being imported into the US shall be heat treated or fumigated with methyl bromide in accordance with EPA label instructions and include a mark that certifies the wood completed the required treatment under the “Guidelines for Regulating Wood Packaging Material in International Trade (ISPM 15). Failure to comply with the regulations falls into 3 categories:

Unmarked: WPM that is encountered by US CBP (Customs & Border Protection) during the course of inspection and found not bearing the required treatment and markings required under 7 CFR 319.40-3 and CFR 319.3(b)(2);

Inappropriately Marked: WPM that is encountered by CBP during the course of inspection and found to be inappropriately marked or illegibly marked is assumed to be untreated by either of the approved methods identified under 7 CFR 319.40-3(b)(1);

Infested: WPM that is infested with a named pest confirms that the WPM has not been treated in accordance with 7 CFR 319.40-3(b)(1). Named pests are live wood boring pests of the families Cerambycidae, Buprestidae, Siricidae, Cossidae, Curculionidae, Platypodidae, Sesiidae, or Scolytidae.

Immediate re-export is required for any noncompliant WPM. All costs associated with the handling of violative WPM, including the cost of re-export are the responsibility of the violator.

CBP may issue claims for liquidated damages and/or penalties against importers, carriers, or bonded custodians for importing WPM in violation of the regulations. Liquidated damages result from a breach of obligation under bond.

Customs laws and regulations require bonds to be filed by the importer of record, warehousemen, and other custodians of merchandise, and in bond and international carriers of merchandise, to ensure compliance with a variety of obligations relating to entry, transportation, and storage of imported goods, into and through the United States. The bond is a contract between the principal (e.g., importer, carrier, warehousemen, etc.) and the surety with Customs as the beneficiary of the bond.

If there is a breach of an obligation under a bond (e.g., failure of the importer to comply with a proper request to redeliver merchandise to Customs custody), Customs may issue a claim for liquidated damages at an amount prescribed under the regulation for the type of breach involved. As the guaranteeing party, the surety is legally liable, and “stands in the shoes” of the bond principal, if the principal fails to pay a liquidated damages claim.

When violations occur, liquidated damages and/or penalties will be assessed based on the value of the merchandise, which is considered the value of the WPM plus the value of the commodity or commodities identified for importation on the entry documentation. The liquidated damages claim may be issued at three times the entered value of the merchandise but not greater than the bond amount.

Penalties may be assessed in addition to claims for liquidated damages, and may be assessed even though there is compliance with all EAN’s (Emergency Action Notification). In cases where the importer, carrier, or bonded custodian attempts to conceal a violation of WPM or the importer, carrier, or bonded custodian has continuous documented violations (more than 5) over one fiscal year period nationally, CBP personnel may issue a penalty.

WPM violations (all categories) shall be documented in the EAN database, and WPM (Wood Packaging Material) violations under Categories 1 and 2 shall be documented in CBP databases with the WPM violation code wp:nc.

More detailed descriptions of these issues are available at the CBP website (www.cbp.gov), by accessing the section on Wood Packaging Materials.

OTHER NEWS

Asian Longhorned Beetle

A final rule has been adopted and published in the Federal Register (Docket No. AHPHIS-2006-0105 – Asian long-

horned Beetle: Removal of Quarantined Area in Illinois), removing the Oz Park area in Cook County, IL from the list of quarantined areas and removing restrictions on the interstate movement of regulated articles from those areas. There are no longer any areas in Illinois that are quarantined because of the Asian longhorned beetle.

The Animal and Plant Health Inspection Service (APHIS) has adopted as a final rule APHIS-2006-0127 (Asian longhorned beetle; Additions to Quarantined Areas), effective November 5, 2007, amending the Asian longhorned beetle regulations by expanding the boundaries of the quarantined areas in New Jersey and restricting the interstate movement of regulated articles from those areas. The additional quarantined areas are located in parts of Middlesex and Union counties. To access the final rule go to <http://www.regulations.gov> and click on the “Docket Search” tab. In the Docket ID field, enter APHIS-2006-0127, then click on “Submit”.

APHIS has issued interim rule APHIS-2007-0104 (Asian longhorned beetle; Additions to Quarantined Areas in New York), effective August 20, 2007, amending the Asian longhorned beetle regulations by expanding the boundaries of the quarantined areas in New York and restricting the interstate movement of regulated articles from those areas. This action is necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the US. The additional quarantined areas are located in parts of New York City. The comment period for this interim rule ended on October 19, 2007. To access the interim rule go to <http://www.regulations.gov> click on the “Docket Search” tab. In the Docket ID field, enter APHIS-2007-0104, then click on “Submit”.

Export Certification

On October 30, 2007 APHIS adopted a final rule (Docket No. APHIS-2006-0122; Export Certification for Wood Packaging Material) that amends the export certification regulations to clarify that the ISPM 15 quality/treatment mark is an industry-issued certificate and thus may be issued only when the organization applying the mark has entered into an agreement with APHIS. The rule also removed all references to a certificate of heat treatment from the regulations because such certificates have been replaced by the ISPM 15 treatment mark.

The reason behind this amendment was that APHIS had 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, it appears, without applying the treatments that are required under ISPM 15. These compa-

nies have developed a mark similar to what is described and pictured in ISPM 15 and are using this mark outside of the export certification regulatory program. This practice is deemed by APHIS to not be in conformity with the purpose and intent of the regulations.” APHIS believes this action was necessary to maintain integrity of the export certification program and to fulfill their obligations under the Plant Protection Act.

To access the final rule go to <http://www.regulations.gov> and click on the “Docket Search” tab. In the Docket ID field, enter APHIS-2006-0122, then click on “Submit”.

Methyl Bromide

APHIS has issued interim rule APHIS-2006-0129 (Wood Packaging Material; Treatment Modification), effective June 1, 2007, amending the regulations for importation of unmanufactured wood articles to bring the methyl bromide treatment schedule into alignment with current international phytosanitary standards. The ISPM 15 treatment schedule has increased the treatment exposure time from 16 to 24 hours and adjusted the concentration readings per cubic meter accordingly.

The comment period ended on July 31, 2007. To access the interim rule go to <http://www.regulations.gov> and click on the “Docket Search” tab. In the Docket ID field, enter APHIS-2006-0129, then click on “Submit”.

Emerald Ash Borer

According to a news release dated October 19, 2007, the emerald ash borer has been confirmed in West Virginia. The confirmation was made in Fayette county on a “trap tree”, which is a tree that has been intentionally damaged to provide an attractive host for the beetles to inhabit, if they are in fact present in the area. State and federal officials are inspecting the area more closely to determine the extent of the infestation. The official press release can be viewed at: http://www.wvagriculture.org/news_releases/2007/10-19-07.html.

PHYTOSANITATION WEBSITE UPDATES

Updates of the following lists have been made: Custom Heat Treaters, Certified Inspection Agencies, and Registered Fumigators. The newest Certified Inspection Agency is:

Forest Products Services, LLC
1132 Quincy Street
Green Bay, WI 54301
Phone: (920) 217-5704
FAX: (920) 227-6316
Email: ddebroux@new.rr.com
Coverage area: Midwest US