

CSMS #17-000609

Title: ISSUANCE OF WOOD PACKAGING MATERIAL PENALTY

Date: 9/25/2017 11:02:10 AM

To: Automated Broker Interface, ACE Outreach Events, ACE Portal Accounts, Air Manifest, Ocean Manifest, Rail Manifest, Trade Policy Updates, Truck Manifest

Pursuant to U.S. Code of Federal Regulations 7 CFR § 319.40-3 (effective since September 16, 2005), 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. The WPM must display a visible, legible, and permanent mark certifying treatment, preferably in at least 2 sides of the article. The mark must be approved under the International Plant Protection Convention (IPPC) in its International Standards of Phytosanitary Measures (ISPM 15) Regulation of wood packaging material in international trade (<https://www.ippc.int/en/publications/640/>). 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. The responsible party (importer, carrier, or bonded custodian) for the violative WPM must adhere to the Emergency Action Notification stipulations and be responsible for any costs or charges associated with disposition.

The purpose of the WPM requirement is to prevent the introduction of exotic timber pests. Introduced exotic pests lack the natural environmental controls that may be found in their respective native lands to keep them in check. When exotic timber pests go unchecked they can cause widespread tree mortality with detrimental ecological

impacts. Additionally, there may be economic impact for the lumber, fruit, and nut industries, as well as the loss of horticultural trees. Eradication efforts can prove to be very expensive and ineffective once an exotic pest is introduced, as is the case with the Emerald Ash Borer which was introduced with infested WPM. Therefore, preventing introduction is critical with these exotic pests.

U.S. Customs and Border Protection is responsible for enforcing the regulation at ports of entry. 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.

As trade industry members, you are encouraged to consider alternatives to WPM if possible, and to educate your supply chains about ISPM 15 requirements. Informational material on WPM is available from U.S. Customs and Border Protection.