



The Bottom Line

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NON-COMPLIANT WOOD PACKAGING CAN LEAD TO ADDITIONAL CHARGES

Summary

Violations of regulations regarding the treatment and making of wood packing materials (WPM) can result in delays, additional incurred costs or substantial penalties imposed by the U.S. Department of Agriculture (USDA), Customs and Broker Protection (CBP), and other government agencies around the world.

Background

Wood packaging material made of unprocessed raw wood is recognized as a pathway for the introduction and spread of pests. Crops and trees in the United States have been affected by imported pests, such as Dutch Elm Disease (in the 1950s to the 1980s), the Asian Long-horned Beetle (1990s), the Emerald Ash Borer (2000s), Stinkbugs (2010s) and the Spotted Lantern Fly. To limit the entry and spread of quarantined pests through international trade, the International Plant Protection Convention adopted the International Standards for Phytosanitary Measures Guidelines for Regulating Wood Packaging Material in International Trade (ISPM 15). The standard was first adopted by the Fourth Session of the Interim Commission on Phytosanitary Measures in March 2002. The USDA website includes summaries of the regulations for 46 countries worldwide with controls similar to the U.S.

Current Status

Regulated wood packing materials, including crates, pallets, boxes, and pieces of wood used to support or brace cargo (dunnage), must be heat treated or fumigated with methyl bromide, and include a mark that certifies the wood has completed the required treatment. Compliant wood packing materials must be identified with the registered ISPM-15 markings.

A shipment accompanied by a phytosanitary certificate indicating that the wood has been treated will not be acceptable if the wood does not bear the appropriate markings. The ISPM-15 standard applies to softwood and hardwood packing materials, but does not apply to wood-based products, such as plywood, particle board or oriented strand board, which are created using glue, heat, pressure or a combination thereof. Domestically, the spread of invasive species is propagated through the

Transport of untreated (raw) wood, often used for firewood, across state lines and into uninfected areas. Thirty states have imposed various levels of quarantine as a result of the Emerald Ash Borer and other invasive species. The risk to agriculture in the countries that these pests invade is nearly incalculable. Since the introduction of Dutch Elm Disease (spread by the Elm Bark beetle), 75% of the native Elm population in the U.S. has been lost, despite the costs borne by communities nation-wide to remove and destroy infected trees. 1.2 billion trees have been lost to the Asian Longhorn Beetle and 8.7 billion trees are at risk from the Emerald Ash Borer. Stinkbugs and Spotted Lantern flies attack crops as well as trees, putting fruit and vegetable harvests at risk in the infected areas. The costs incurred by farmers and local communities in interdiction efforts runs into the billions.

Although the USDA has been actively enforcing ISPM-15 standards since 2009, U.S. Customs and Border Protection announced in 2017 that they would also issue penalties to importers found in violation of the standards under the statutes for Fraud, Negligence and Gross Negligence (19 U.S. Code § 1592). Instances of importers being issued penalties up to the value of their imported cargo have risen in the second half of 2019 and continue to increase.

Impact

In the United States, if non-compliant wood is discovered as part of a shipment, the first response to the importer will be from the USDA, in the form of an Emergency Action Notice. The notice will outline the steps that must be taken regarding the materials, up to the immediate re-export of any quarantined wood and its associated cargo. Customs and Border Protection has also increased the issuance penalties, up to the value of the cargo shipped in/on the non-compliant wood. For exports from the U.S., other countries will require the immediate segregation and destruction of any offending material and will hold the release of the cargo shipment until all control measures (treatment, destruction or re-export) have been completed, resulting in potential storage charges, handling or freight charges borne at the expense of the importer.

RESOURCES:

[Wood Packaging Materials FAQ's \(USDA\)](#)
[Guidelines for Penalties for Non-Compliant WPM \(CBP\)](#)
[Adopted Standards for ISPMs \(IPPC\)](#)
[Countries Requiring ISPM-15 \(USDA\)](#)