

**EXPORT WOOD PACKAGING MATERIALS
FUMIGATION
ENFORCEMENT REGULATIONS**

June 2009

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1 INTRODUCTION

1.1 General. Pursuant to the Memorandum of Understanding with the United States Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Plant Protection and Quarantine (PPQ), this program shall establish a common basis for uniform, industry-wide inspection and treatment marking procedures for the methyl bromide (MB) fumigation of new, used, remanufactured, repaired, combo, or recycled wood packaging materials (WPM), dunnage and lumber in compliance with the requirements of the International Standards for Phytosanitary Measures (ISPM) Publication Number 15 *Guidelines For Regulating Wood Packaging Material In International Trade*.

1.2 Methyl Bromide (MB) Fumigation – new, used, remanufactured, repaired, combo, or recycled WPM, dunnage and lumber fumigated with methyl bromide with the following approved fumigation schedules referenced from ISPM 15:

Wood temperature	Dosage rate		Minimum concentration at:			
	(g/m ³)	(lbs./1000 ft. ³)	(g/m ³)(oz./1000 ft. ³)			
			2 hrs.	4 hrs.	12 hrs.	24 hrs.
21°C (70°F) or above	48	3.0	36	31	28	24
16°C (61°F) or above	56	3.5	42	36	32	28
10°C (50°F) or above	64	4.0	48	42	36	32

The minimum temperature should not be less than 10°C and the minimum exposure time shall be 24 hours. Monitoring of concentrations should be carried out at a minimum at 2, 4, and 24 hours.

When a revised schedule is adopted for treatment of WPM, WPM treated under the previous treatment schedule does not need to be retreated, remarked or recertified.

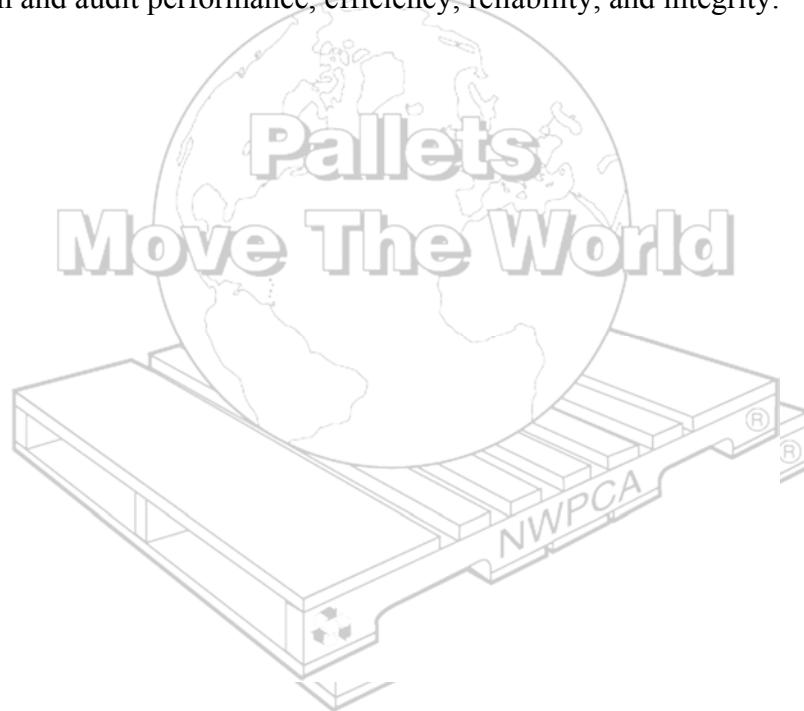
Wood Packaging Material (WPM) - Examples of WPM may include, but not limited to:

- Pallets, pallet collars, skids
- Containers, crating/crates, bins, boxes
- Packing cases
- Cable drums
- Spools/reels
- Dunnage

Lumber – Wood products that will only be used for dunnage and WPM assembly.

2 STANDARDS

- 2.1 The allowable MB fumigation of WPM, dunnage and lumber shall be based on those referenced in ISPM 15.
- 2.2 Inspection agencies accredited and monitored by the Export Wood Packaging Material Fumigation Enforcement Committee (also known as the Enforcement Committee) will carry out periodic inspection and auditing of fumigation, WPM and lumber facilities.
- 2.3 The detailed procedures by which the inspection agencies shall monitor adherence to the above standard shall be those approved by the Enforcement Committee.
- 2.4 Enforcement Committee activities involves accreditation of agencies and monitoring of its inspection and audit performance, efficiency, reliability, and integrity.



3 INSPECTION AGENCY ACCREDITATION AND MONITORING

3.1 General

The initial and continuing accreditation of an inspection agency to provide quality control, inspection, certification and audit services under these regulations is contingent upon providing efficient and reliable services in accordance with the federal and state regulations, and ISPM 15. The Enforcement Committee will among other things use these regulations and standards to judge the performance, efficiency, reliability, and integrity of an agency to provide quality control, inspection, certification and auditing services to a facility that fumigates WPM in accordance with the federal and state regulations, and ISPM 15.

Service by an accredited inspection agency is extended to a facility that manufactures, recycles, fumigates and/or marks WPM, dunnage and lumber. Such facilities shall meet all of the requirements of the federal and state regulations, ISPM 15, the Export Wood Packaging Material Fumigation Policy, and these Export Wood Packaging Material Fumigation Enforcement Regulations.

3.2 Participation

3.2.1 Any inspection agency is eligible to participate in this program as established herein provided the agency:

3.2.1.1 Submits its inspection staff to a training/stewardship program on MB fumigation administered by the fumigant manufacturer or its authorized distributor. Continuing training programs will be provided to inspection agency as long as the agency is a member of the fumigation program.

3.2.1.2 Formulates, maintains and makes available its quality control, inspection, certification and audit procedures for fumigation of WPM, dunnage and lumber. Quality control procedures manual prepared and adopted by the facility that will perform the treatment and/or marking shall be presented to and approved by the inspection agency.

3.2.1.3 Submits their clients to general, random, spot and/or recall inspections conducted by Enforcement Committee representative. Records of each inspection agency will also be audited.

3.2.1.4 Demonstrates initial and continuing efficiency, reliability, and integrity in inspection and auditing of facilities that treat and/or mark WPM, dunnage and lumber.

3.2.1.5 Agrees to pay charges and fees assessed by the NWPCA.

3.2.2 Any inspection agency desiring to participate in this program shall apply in writing to the Program Manager of the Enforcement Committee in such form as may be prescribed by the Program Manager. If the application is in proper order, the Program Manager shall promptly forward the application to the Enforcement Committee for its consideration and the Program Manager shall undertake any further investigations of the applying inspection agency as may be requested by the Enforcement Committee. The applying inspection agency shall be responsible for the fees established to cover expenses incurred in conducting the qualification analysis. Such fees are to be paid in advance.

3.3 Accreditation Requirements

Prior to accrediting any inspection agency to provide quality control, inspection, certification and audit services to a facility that treat and/or mark WPM, dunnage and lumber, the Enforcement Committee shall require evidence that the agency conforms to the following requirements:

3.3.1 Any person or firm whose own products are subject to its quality control, inspection, certification and audit services shall not control the inspection agency nor shall its inspection staff be employed by any lumber processor, fumigator, WPM facility, manufacturer, recycler or buyer of WPM, dunnage and lumber, or engaged in any other undertaking which might conflict with their independent position as inspectors.

3.3.2 The inspection agency shall maintain the practice of having all services performed by qualified inspection staff all of which shall be under the direct control of the agency. Each agency inspector shall be thoroughly competent in quality control, inspection, certification and audit of WPM, dunnage and lumber. Inspectors shall be directed by a chief inspector, supervisor, or manager who is thoroughly experienced in quality control, inspection, certification and audit of WPM, dunnage and lumber, and who shall be held responsible for the proper functioning of the members of the inspection staff. Inspectors must have attended the Fumigation Inspector Training in order to participate in this program.

3.3.3 The inspection agency shall maintain a bona-fide fumigation inspection and audit procedures for the purpose of monitoring the uniform application by the agency of ISPM 15 and agency quality control, inspection, certification and audit procedures. Written reports of each inspection shall be made to the fumigation, WPM or lumber facility and copies shall be kept available by the inspection agency for examination by the Enforcement Committee or its representative upon request. These records shall be kept for a minimum of **three (3) years**.

It is the obligation of the inspection agency to inspect and audit the facility on a monthly basis, and the obligation of the facility to properly treat and/or mark WPM, dunnage and/or lumber, and to maintain records. The agency shall sample a sufficient amount of WPM, dunnage or lumber representative of the WPM, dunnage or lumber treated and/or marked by the facility to adequately evaluate the proficiency of the facility. When a sample indicates the product was not properly fumigated or marked, the lot shall be held for correction. The inspection agency shall verify that the product has been corrected by either re-treatment or removal of the treatment mark. The inspection agency shall take whatever steps are necessary to prevent recurrence. Each month the inspection agency shall review the performance of each facility and take whatever action warranted. In addition, the review shall include the assessment of the inspection agency sample results for each inspection. If the inspection results fail to meet the specified criteria, the inspection agency shall increase inspection and audit until such time as the results are within the specified criteria at which time the frequency of inspections may return to normal.

- 3.3.4 The inspection agency shall conduct all quality control, inspection, certification and audit procedures in a manner that complies with all requirements of the Export Wood Packaging Material Fumigation Enforcement Regulations approved by the Enforcement Committee.
- 3.3.5 The inspection agency shall adhere to the policy of uniformly requiring its inspection staff to determine conformance to all applicable specifications before issuing a treatment mark and/or certificate.
- 3.3.6 The inspection agency shall uphold the standards of the industry through proper quality control, inspection, certification and audit and shall maintain sufficient checks of its inspection staff to assure the continuing honesty, integrity and competency of its clients, and consistency on their part in the proper fumigation and application of treatment marking.
- 3.3.7 Irrespective of production levels, each facility shall be inspected a minimum of twelve times per year at approximately monthly intervals, except in those cases where a facility is inactive in excess of two months in any 12 month period in which case an inspection is required for each month the facility actually treats and/or marks WPM, dunnage or lumber.

The inspection agency must also conduct spot inspections of fumigation facilities that were issued a floating or mobile treatment mark. Spot inspection involves randomly selected visits of an inspector to an on-site fumigation of WPM, dunnage and/or lumber that is marked using a floating or mobile treatment mark.

Compliance to these requirements will be used by the Enforcement Committee as one measure of determining the continuing reliability and integrity of an inspection agency.

- 3.3.8 All accredited inspection agencies shall provide at all times efficient and reliable quality control, inspection, certification and audit services according to the requirements of the Export Wood Packaging Material Fumigation Enforcement Regulations.
- 3.3.9 All quality control, inspection, certification and audit procedures submitted for approval shall conform to the minimum requirements of ISPM 15 and to the requirements of the Export Wood Packaging Material Fumigation Enforcement Regulations. If deficiencies are found in the review of an inspection agency's quality control, inspection, certification and audit procedures, the deficiencies shall be brought to the attention of the agency. The inspection agency shall have the option of amending its procedures to correct the deficiencies or requesting a hearing before the Enforcement Committee.
- 3.3.10 An inspection agency shall agree to have its quality control, inspection, certification and audit procedures carry a specific reference to the approval by the Enforcement Committee and that these procedures conform to ISPM 15.
- 3.3.11 When the Enforcement Committee has approved quality control, inspection, certification and audit procedures, subsequent revisions shall be submitted by the promulgating inspection agency to the Enforcement Committee for approval prior to their implementation.
- 3.3.12 *Security and Contracts.* The Enforcement Committee shall require as a condition to its accreditation of any inspection agency the payment when due of all charges and fees assessed by the NWPCA to cover the cost of carrying out the Enforcement Committee functions and the reimbursement to the NWPCA for all costs and expenses incurred by NWPCA or the Enforcement Committee in any investigation of the activities or practices of the agency, whether or not the investigation is initiated by the NWPCA or the Enforcement Committee or upon complaint. The Enforcement Committee shall require that each accredited inspection agency execute a contract with the NWPCA in such form and containing such provisions as the NWPCA may from time to time decide, and that each such agency observe and act in a manner consistent with the provisions of the contract.
- 3.3.13 The Enforcement Committee shall require each accredited inspection agency to prepare and submit to it for approval, a form of contract that each agency shall require the subscribing fumigation, WPM or lumber facility to execute. Accredited agencies shall maintain copies of contracts executed with each fumigation, WPM and lumber facilities receiving their services. Copies of contracts shall be retained for a period of not less than three years after termination of such contracts.

3.3.14 *Inspection Agency Policy Changes.* The inspection agency shall immediately notify the Enforcement Committee in writing if, at any time, there should be any change in any policies or procedures of an inspection agency relative to matters that are required under these Export Wood Packaging Material Fumigation Enforcement Regulations.

3.4 Approval

The Enforcement Committee shall require an applying inspection agency to submit complete information as to its form or organization, the length of time it has functioned, the experience of its management as well as the individual inspectors and the supervision of its inspection staff. The applicant shall also submit, as applicable to the service(s) offered: complete information about the facilities under its supervision, the production volume of the facilities, programs for which quality control, inspection, certification and audit services will be offered, procedures for handling requests for inspection and audit, the material involved, adequate provisions for supervision of in-facility quality control, supervision of facility performance, authority to apply the inspection agency's treatment mark and evidence that all applicable requirements of ISPM 15 will be met by the agency and its supervised facilities.

Before accrediting the services of any inspection agency, the Enforcement Committee shall require documentation that the agency conforms to all the requirements of Section 3.2 and Section 3.3 of the Export Wood Packaging Material Fumigation Enforcement Regulations in the conduct of its facility inspection and audit services and that the agency conforms to its own approved quality control, inspection, certification and audit procedures, federal and state regulations, these Enforcement Regulations and ISPM 15.

3.5 Application of the Treatment Mark

The application of the treatment mark shall be accomplished by one of three methods:

3.5.1 By a WPM or lumber facility that subscribes to this fumigation program employing a licensed fumigator or subcontracting a licensed fumigator who subscribes to this fumigation program.

3.5.2 By an approved agency inspector in cases where: a) a licensed fumigator who subscribes to this fumigation program but does not possess a floating or mobile treatment mark, and b) the WPM or lumber facility where the fumigation takes place does not subscribe to this fumigation program, or

- 3.5.3 By a licensed fumigator who subscribes to this fumigation program and is either a) operating at a fixed location to which its treatment mark is registered, or b) providing service at another location and using a floating or mobile treatment mark as authorized by its inspection agency. A licensed fumigator can obtain a floating or mobile treatment mark under prior arrangement with its inspection agency. Fumigator must notify its agency within 48 hours of start of the fumigation process every time it uses the floating or mobile treatment mark to allow spot inspection by inspector of its agency. The fumigator is required to return the treatment mark to their contracted fumigation office within 24 hours of completion or the next business day.
- 3.5.4 Licensed fumigators who do not subscribe to the program can still fumigate WPM, dunnage and lumber, and certify these products on their own but they are not authorized to apply the treatment mark or any mark similar to it. Any such application of the treatment mark shall be deemed a violation of these Enforcement Regulations and shall be reported to USDA APHIS.
- 3.5.5 Application of the treatment mark by an inspector, fumigation, WPM, or lumber facility that subscribes to the program shall be conducted under the requirements of ISPM 15, these Export Wood Packaging Material Fumigation Enforcement Regulations, and the inspection agency's quality control, inspection, certification and audit procedures.
- 3.6 Treatment Marking
- 3.6.1 An inspection agency is permitted to license the use and application of its treatment mark to complying WPM, dunnage and lumber by any fumigation, WPM or lumber facility that subscribes through the agency to this fumigation program.
- 3.6.2 Continued use of the treatment mark is subject to continued conformance to ISPM 15 as determined by sampling in accordance with the Export Wood Packaging Material Fumigation Enforcement Regulations.
- 3.6.3 Application of the treatment mark to products covered by ISPM 15 by a facility certified by an inspection agency constitutes declaration that the product has been treated and marked under the agency's quality control, inspection, certification and audit program.
- 3.6.4 A treatment mark shall not be applied to any product where the material is misrepresented by a confusing or deceptive grade mark, label, brand, or certificate.
- 3.6.5 When the treatment mark of an inspection agency is applied, each unit of WPM shall be marked on a visible location on at least two opposite sides of the WPM but are not required on each individual component piece of a WPM. The treatment mark can be applied on pallet kits as long as these materials are bound together.

For dunnage, the treatment mark must be applied every 24 inches (using a roller-type stamp can facilitate the marking faster) so that at least a mark will still be displayed if the board is later cut.

Lumber can only be marked after fumigation and the treatment mark must be applied to every piece of lumber. Treatment marking is not required for lumber that will be used for on-site WPM manufacturing. Lumber stack must be stickered when fumigated in this program.

The facility must designate a defined area for treated WPM, dunnage and lumber and segregate marked from unmarked WPM, dunnage and lumber.

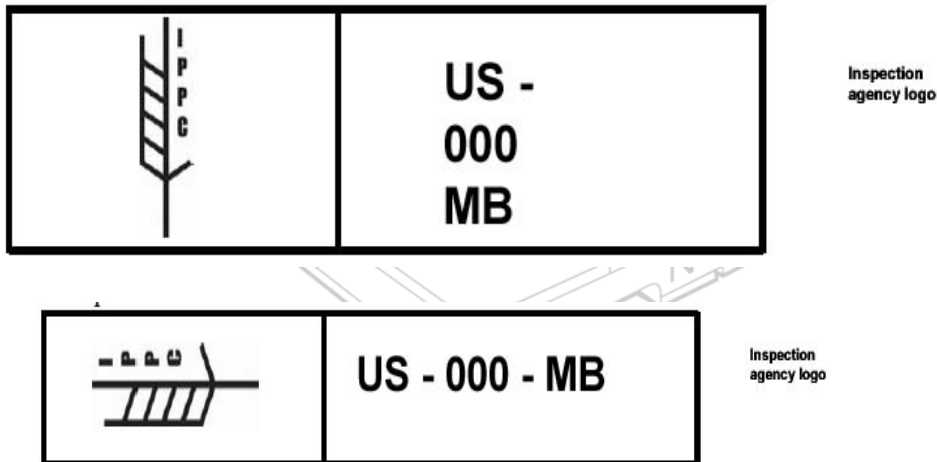
3.6.6 Treatment marks of inspection agencies shall be uniform in providing the required information, shall be legible when placed on WPM or dunnage and shall be in the format shown below. The following minimum information is required to be contained within the treatment mark whether stamped, stenciled or branded (tags are not permitted).

3.6.6.1 The approved IPPC logo.

3.6.6.2 The two-letter US abbreviation followed by a unique number assigned by the inspection agency to the fumigation facility or WPM facility.

3.6.6.3 The “MB” abbreviation for methyl bromide fumigation.

3.6.6.4 The identifying symbol, logo or name of the inspection agency.



3.6.6.5 “DUN” or “DUNNAGE”



3.6.7 Treatment marks placed on lumber should also be legible and shall be in the format shown below. The following minimum information is required to be contained within the treatment mark whether stamped, stenciled or branded (tags still not permitted).

- 3.6.7.1 Unique number assigned by the inspection agency to the fumigation or lumber facility.
- 3.6.7.2 The “MB” abbreviation for methyl bromide fumigation
- 3.6.7.3 The identifying symbol, logo or name of the inspection agency

000 MB INSPECTION AGENCY LOGO

A representative facsimile of an inspection agency’s treatment mark shall be on file with the Program Manager.

3.6.8 It is the policy of the Enforcement Committee that treatment marks, certificates or other product description shall not be confusingly or deceptively similar to the treatment marks of other accredited inspection agencies, including, but not limited to, reference to ISPM 15 directly or indirectly.

- 3.6.9 It is the policy of the Enforcement Committee that treatment marks, certificates or other product description shall not misrepresent WPM and dunnage, in this program or outside it, including, but not limited to, reference to ISPM 15 directly or indirectly.
 - 3.6.10 Previous treatment marks on WPM must be obliterated prior to repair and remanufacturing. Repaired and remanufactured WPM that will be remarked must be retreated in assembled form. Fumigated or heat treated components for recycled WPM will not be allowed and the aforementioned process must be followed.
- 3.7 Warnings, Suspensions, and Withdrawals

Inspection agencies shall issue warnings or suspensions to, or withdraw treatment marks from any facility utilizing their services when an inspection and audit or a series of inspections and audit reveal serious non-conformances. Agency will immediately notify the Program Manager by letter when it warns, suspends or withdraws the treatment marking services at any facility for cause, supplying all pertinent details. Upon receipt of such notice, the Program Manager shall immediately notify by letter all other accredited agencies extending services in the area. No other agency shall extend supervisory service or any other treatment marking services to the facility for a period of 180 days in the case of a suspension or withdrawal notice, or 60 days in the case of a warning notice, after the date of the letter of the agency's notification, unless the facility has been reinstated by the agency which warned, suspended or withdrew its service, when the services of the other agency result in evading the warning, suspension or withdrawal. The agency may reinstate treatment marking inspection services only after the facility involved demonstrates the ability and willingness to maintain the applicable requirements of the agency's inspection and audit procedures, these Export Wood Packaging Material Fumigation Enforcement Regulations, and ISPM 15. The agency shall file a complete report with the Enforcement Committee outlining all corrective steps taken.

3.8 Re-inspection

- 3.8.1 Re-inspection by inspection agencies shall be available to both facilities and end-users upon request for the purpose of determining compliance with specifications of this program and effecting settlement of complaints.
- 3.8.2 Complaints regarding product compliance with the requirements of ISPM 15 may be made to the fumigation, WPM or lumber facility within 90 days after shipment. Partial use of a shipment shall not prejudice the right to re-inspection as long as the unused portion is in the form in which it was shipped.
- 3.8.3 Where the WPM, dunnage or lumber is represented as "Methyl Bromide (MB) Fumigated" by a treatment mark, certificate or invoice, MB is defined as WPM, dunnage or lumber fumigated with methyl bromide with the approved schedule as provided for in Section 1.2.

The expense of re-inspection shall be borne in accordance with the provisions of the quality control, inspection, certification and audit procedures of the inspection agency; however, the person calling for the re-inspection shall be responsible to the agency for the costs thereof.

3.9 Inspection Agency Reports

The Enforcement Committee shall require the inspection agencies to submit reports quarterly. The reports shall include, among other things, information as follows:

- 3.9.1 The list of certified facilities, number of inspections performed during a particular period, and the description, number/ volume of WPM, dunnage and lumber involved.
- 3.9.2 Re-inspection of WPM, dunnage and lumber originally inspected by the inspection agency or marked with an agency's treatment mark during a particular period with details on each, including the name of the original agency inspector and the date of the original inspection, the point of origin, name and location of the consignee, date of re-inspection, item(s) and quantities involved and results of the re-inspection.
- 3.9.3 Number of spot inspections conducted per month, items inspected, inspection locations, and reference numbers on facilities that used a floating or mobile stamp.
- 3.9.4 A summary report on the inspection agency's own facility inspections for a given time which generally shall coincide with the random sample survey conducted by the Enforcement Committee.

3.10 Record Retention

As a condition of accreditation, an inspection agency shall maintain for a period of at least three years records of pertinent information of all inspections made. These records shall be available for examination by Enforcement Committee or its representative at any time during normal working hours. Staff of an inspection agency whose principal job is inspecting and auditing a facility's treatment and marking shall be supervised by the agency and reports of the supervision kept in the agency's files for period of three years.

3.11 Enforcement Committee General Inspection

Each inspection agency shall agree to permit Enforcement Committee representatives to sample/examine any WPM, dunnage or lumber certified and/or treatment marked by the facility under the agency's inspection and audit procedures at facilities or origin points, for the purpose of checking the performance of the agency, its inspection staff, and the general efficiency, reliability, and integrity of its service.

The inspection agency shall agree that if any WPM, dunnage or lumber treated under its inspection and audit services whether marked or not, is found to be deficient, the agency

shall cooperate fully in taking such steps as shall be necessary to eliminate the risk of recurrence of such deficiencies by the same inspector or facility. Each inspection agency shall also agree that serious deficiencies, when found, shall require complete re-inspection of the lot. Any facility failing to hold the lot for corrective action shall be suspended immediately by the inspection agency.

3.12 Enforcement Committee Random Inspection

The Enforcement Committee shall conduct on a random sampling basis, inspections on WPM, dunnage and lumber treated by inspection agency's facilities. The facilities included in each survey shall be selected at random and shall be of sufficient number to be deemed representative of the total number of WPM, dunnage and lumber treated under an agency's authority. Annual number of random inspections to be conducted by the Enforcement Committee shall represent at least 5% of the number of facilities under each agency's authority. The results of the random inspection shall be used by the Enforcement Committee as one measure of determining the continuing reliability and integrity of an agency.

3.13 Enforcement Committee Spot Inspection

The Enforcement Committee may also conduct spot inspections of facilities that use a floating or mobile stamp for the purpose of checking the performance of the agency, its inspection staff, and the general efficiency, reliability, and integrity of its service.

3.14 Inspection Agency Follow-up to Unsatisfactory Reports

When a field report by an Enforcement Committee representative reveals a serious infraction, the Program Manager shall promptly notify the inspection agency of the infraction, send the agency a copy of the representative's report, and request that the agency take corrective action with the facility and inspection agency staff involved to prevent a recurrence of the infraction. The inspection agency shall reply within two weeks of receipt of the notice, stating in detail the corrective actions taken, and shall continue to make such reports until such time as it is satisfied that a recurrence of the infraction is unlikely and it notifies the Enforcement Committee that it is satisfied. Appropriate documentation shall accompany all reports.

The Enforcement Committee shall periodically evaluate the effectiveness of an inspection agency's follow-up. The Enforcement Committee shall, to the extent possible, confirm that the inspection agency took all action as reported to the Enforcement Committee.

The Enforcement Committee shall maintain records of the inspection agency's follow-up performance for at least three years. The Enforcement Committee shall use these records as one measure of the continuing reliability and integrity of an inspection agency.

3.15 Enforcement Committee Re-inspection

Upon finding treatment marked and/or certified WPM, dunnage or lumber at the point of origin which contains serious infractions, the Enforcement Committee representative shall request the fumigation, WPM, dunnage or lumber facility to hold the lot for review by the inspection agency and notify the Program Manager immediately of the infraction giving full details. The Program Manager shall immediately notify the inspection agency whose treatment mark appears on the WPM, dunnage or lumber. The inspection agency shall then notify the facility and confirm that the WPM, dunnage or lumber is to be held for review by the agency. The inspection agency shall examine the WPM, dunnage and/or lumber being held and determine the appropriate action and promptly report the action taken to the Enforcement Committee. Re-inspection shall be made by the Enforcement Committee representative to ensure that the appropriate actions have been taken.

The expense of re-inspection shall be borne by the inspection agency.

The Enforcement Committee shall use the re-inspection results as one method of determining an inspection agency's performance, efficiency, reliability, and integrity .

3.16 Enforcement Committee Actions

3.16.1 *Probation, Suspension or Revocation of Agency Accreditation.* The Enforcement Committee shall judge the continued performance, efficiency, reliability, and integrity of accredited agencies under these Export Wood Packaging Material Fumigation Enforcement Regulations. The Enforcement Committee, after reviewing the performance, efficiency, reliability, and integrity of the inspection agency, shall take any of the following actions as in the judgment of the Enforcement Committee is necessary to maintain the integrity of this program:

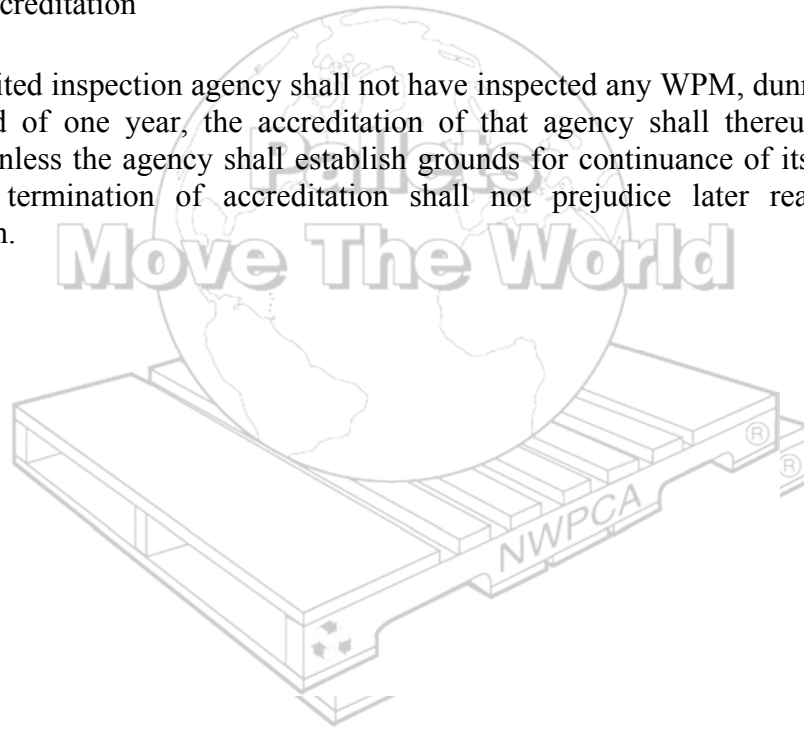
1. Place an inspection agency on probation.
2. Suspend the accreditation of an inspection agency.
3. Revoke the accreditation of an inspection agency.

In arriving at its decision to take any of the above actions, the Enforcement Committee shall consider any information at its disposal, including, but not limited to, the information contained in inspection agency reports to the Enforcement Committee, results of the general, random and spot inspections, results of re-inspections, and follow-up performance of an agency in specific instances. Actions of probation, suspension, or revocation by the Enforcement Committee shall be made public.

3.16.2 *Enforcement Committee Procedures.* Before any inspection agency is placed on probation or its accreditation suspended or revoked by the Enforcement Committee, the Enforcement Committee shall notify the agency that enforcement actions against the agency may be taken by the Enforcement Committee and the agency shall be afforded an opportunity to appear before the Enforcement Committee in person and by counsel in connection with such pending action before the Enforcement Committee. An Enforcement Committee action placing an inspection agency on probation, suspension or revoking the accreditation of an agency shall be taken on the basis of evidence introduced on the record in a hearing held by the Enforcement Committee with opportunity on the part of the agency concerned to examine the evidence of record, cross examine witnesses testifying before the Enforcement Committee and to submit its own evidence in the hearing.

3.17 Lapse of Accreditation

If an accredited inspection agency shall not have inspected any WPM, dunnage or lumber for a period of one year, the accreditation of that agency shall thereupon lapse and terminate, unless the agency shall establish grounds for continuance of its accreditation. Lapse and termination of accreditation shall not prejudice later reapplication for accreditation.



4 EXPORT WOOD PACKAGING MATERIAL FUMIGATION ENFORCEMENT COMMITTEE

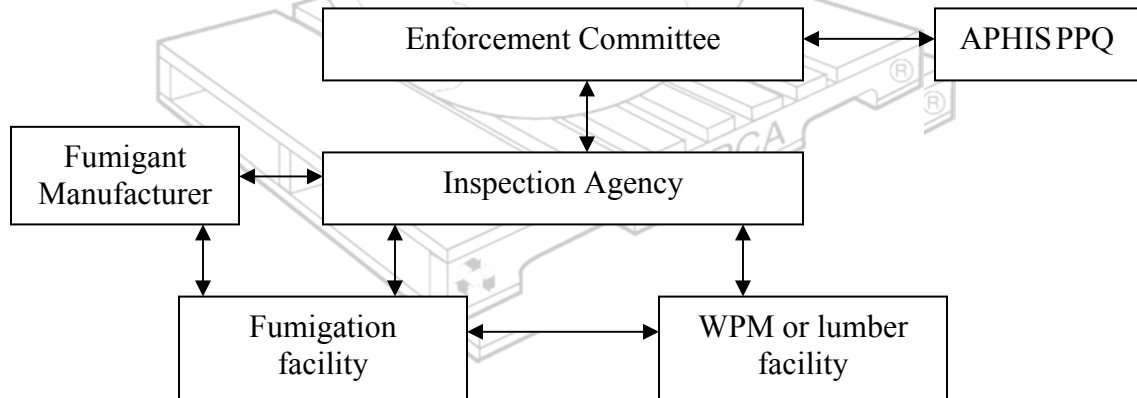
4.1 Organization

The Enforcement Committee will be composed of ten (10) members listed as follows:

1. NWPCA staff /Program Manager (1)
2. Representative from WPM industry (4) (including at least two NWPCA industry members)
3. USDA APHIS PPQ staff (2)
4. Faculty member from a research or academic institution (1)
5. Fumigant manufacturer representative (1)
6. Inspection agencies representative (1)

All are voting members except for the inspection agencies representative who is a non-voting member (observer status).

Shown below is how the Enforcement Committee, APHIS, fumigant manufacturer, an inspection agency, and fumigation, WPM and lumber facilities will participate in this program.



4.2 Inspection Visits

The Program Manager or representative/s of the Enforcement Committee for the purpose of monitoring inspection agency performance, efficiency, reliability, and integrity shall perform inspection conforming to the Export Wood Packaging Material Fumigation Policy. Four (4) types of inspection shall be made. They are as follows:

1. General Inspections
2. Random Inspections
3. Spot Inspections
4. Re-inspections

The purpose for each type of inspection is:

- 4.2.1 *General Inspections:* Inspections shall be made at facilities on a general basis. Samples taken at these inspections shall be from any WPM, dunnage or lumber present at the facility at the time of inspection.
 - 4.2.2 *Random Inspection:* Inspections shall be made at a specific number of an inspection agency's facilities chosen at random. The number of facilities chosen for inspection from each inspection agency shall be determined by the number of facilities an agency supervises. Samples from randomly selected WPM, dunnage and lumber shall be obtained at each facility and the number of samples taken at any facility included in a survey shall be dependent on the facility's annual production.
 - 4.2.3 *Spot inspections:* Inspections made to check the use of floating or mobile stamps.
 - 4.2.4 *Re-inspections:* Where serious deficiencies are found at a facility during a general, random or spot inspection, re-inspections shall be made to determine that the deficiencies have been corrected.
- 4.3 Inspection
- 4.3.1 Items that shall be checked for each inspection include:
 - 4.3.1.1 The use of WPM, dunnage and/or lumber labeled as "MB" with accredited inspection agency treatment marks.
 - 4.3.1.2 Correct use of treatment marks.
 - 4.3.1.3 Correctness and legibility of treatment marks.
 - 4.3.1.4 Correct segregation of MB fumigated WPM, dunnage and/or lumber.
 - 4.3.1.5 Record keeping, treatment records and other relevant information pertaining to the program.
 - 4.3.2 When WPM, dunnage or lumber bearing an inspection agency's treatment mark is found to be non-conforming during any Enforcement Committee inspection, the agency shall be notified immediately. It shall be the obligation of the inspection agency to take immediate corrective actions and report such action to the Enforcement Committee.

4.4 Record Review

The Enforcement Committee shall check the records of each inspection agency at least once a year. The following groups of records shall be among those checked:

- 4.4.1 Records pertaining to inspection agency supervision of its own inspection staff, including records of initial inspector training and continuing inspector training, records of the correction of deficiencies in individual inspectors, records showing specific qualifications of individual inspectors and records showing assignments of individual inspectors.
- 4.4.2 Records pertaining to facility inspections including results of samples taken during facility inspections. Records of procedures for application of the treatment mark. Records of frequency of facility inspections.
- 4.4.3 Records pertaining to the correction of deficiencies found by inspection at facilities and origin sites and their satisfactory correction and records of re-inspection generated by end-user and Enforcement Committee complaints, and the settlement of claims.
- 4.4.4 Records pertaining to enforcement, including records of facility qualification, of warnings issued, suspensions, and revocations.

4.5 Records

The results of the Enforcement Committee representative review of an inspection agency's records shall be reported to the Enforcement Committee. The Enforcement Committee shall use this information and all other information available to the Enforcement Committee in its evaluation of an inspection agency's performance, efficiency, reliability, and integrity.

- 4.6 The Enforcement Committee shall judge the performance, efficiency, reliability, and integrity of agencies based on reports of the Program Manager using the procedures in Section 4 and all other information available to it.

5 INTERPRETATIONS

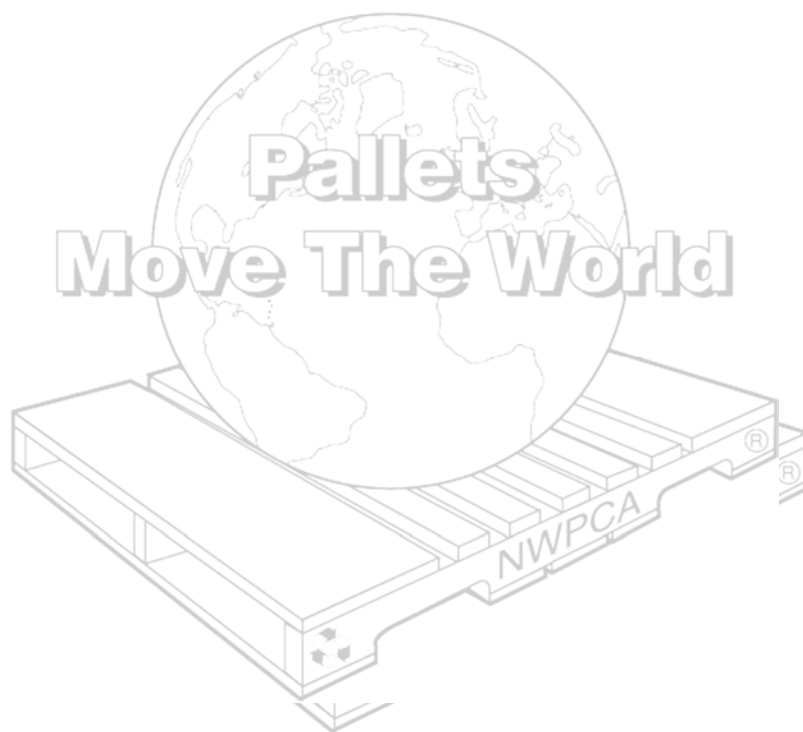
- 5.1 The purpose of interpretations is to promote consistency in the application and understanding of the provisions of this document. Interpretations are occasionally needed to add further clarification to the requirements of these regulations. An interpretation of Export Wood Packaging Material Fumigation Enforcement Regulations may be obtained through the submission of a written request to the Program Manager.
- 5.1.1 The written request shall identify the specific section of the Export Wood Packaging Material Fumigation Enforcement Regulations involved.
- 5.1.2 The Program Manager in writing shall make the interpretation.
- 5.1.3 The interpretation of the Program Manager shall be distributed to all participants in the Fumigation Program.
- 5.1.4 If the interpretation is acceptable to the requestor and all participants, the interpretation shall be endorsed by the Enforcement Committee at its next scheduled meeting and made part of the Export Wood Packaging Material Fumigation Enforcement Regulations.
- 5.1.5 If the requestor or any participant in the program finds the interpretation of the Program Manager unacceptable, the requestor or any participant may submit a written request for an interpretation to be provided by the Enforcement Committee. The interpretation approved by the Enforcement Committee is to be considered final and shall be distributed to all participants.
- 5.1.5.1 Any Enforcement Committee member voting negative on the proposed interpretation must provide written justification for their negative vote, together with a recommended revision if possible. The Enforcement Committee shall consider all negative votes and shall attempt to resolve all negative votes deemed persuasive.
- 5.1.5.2 The vote shall provide three response options:
1. Approve the Enforcement Committee recommendations
 2. Disapprove the Enforcement Committee recommendations
 3. Abstain
- 5.1.6 A complete record of all interpretations and committee actions on interpretations shall be maintained at the NWPCA office and shall be fully available upon written request to the NWPCA President.

6 AMMENDMENTS AND ADDITONAL PROCEDURES

The Enforcement Committee can introduce amendments to this Enforcement Regulations as deemed necessary. Additional procedures for this Fumigation Program shall be adopted as needed by NWPCA and APHIS.

7 CONSTRUCTION

These regulations shall be construed and to conform to the Export Wood Packaging Material Fumigation Policy (Policy) dated June 2009.



8 DEFINITION AND ABBREVIATIONS

Agency – see *inspection agency*.

Animal and Plant Health Inspection Service (APHIS) – an agency of the United States Department of Agriculture (USDA) authorized by the Plant Protection Act of Section 431 (a) Public Law 106-224 to cooperate with the States or political subdivision thereof, farmers' associations, and similar organizations, and individuals to detect, eradicate, suppress, control, or to prevent or retard the spread of plant pests and plant diseases, including the export certification of domestic plants and plant products.

Box – WPM with structural framework and panel members fastened together to form a rigid enclosure and can have any section removable for filing.

Combo WPM- WPM newly reassembled from new and recycled components.

Container – term used to include all configurations of wood boxes, bins, cases and cratings/crates, in this context, the term does not include shipping containers.

Crate – WPM with structural framework fastened together to form a rigid structure enclosure typically having an open construction concept with little or no panel support.

Dunnage – WPM used to secure or support a commodity but which does not remain associated with the commodity.

Enforcement Committee – see *Export Wood Packaging Material Fumigation Enforcement Committee*.

Export Wood Packaging Material Fumigation Enforcement Committee – a committee formed to oversee the fumigation program and composed of a NWPCA Staff /Program Manager, four industry representatives, two USDA APHIS PPQ Staff, an entomologist from a research or academic institution, fumigant manufacturer representative, and a representative from the inspection agencies.

Export Wood Packaging Material Fumigation Enforcement Policy – plan or course of action designed to determine the action of inspection agency participating in the fumigation program.

Export Wood Packaging Material Fumigation Enforcement Regulations – rule designed to control or govern conduct of the inspection agency participating in the fumigation program as well as the Enforcement Committee.

Facility – a place or space that provides a particular service or purpose

Fumigant – chemical agent that reaches a commodity wholly or primarily in a gaseous state.

Fumigation – treatment with chemical agent that reaches a commodity wholly or primarily in a gaseous state.

Fumigation facility – a facility that treats with chemical agents.

Inspection agency – an entity or organization accredited by the Enforcement Committee to render quality control, inspection, certification and audit services to fumigation and WPM facilities that treat and mark methyl bromide fumigated WPM.

Inspection staff/inspectors – employees of an inspection agency who conduct inspection and audit procedures in fumigation and WPM facilities.

International Plant Protection Convention (IPPC) – a multinational treaty dealing with preventing the spread and introduction of plant pests.

Load boards – refers to finished board shipping devices.

Lumber – timber sawed into boards or planks.

Lumber facility – a facility that manufactures, remanufactures or recycles lumber.

Methyl bromide (MB) – a colorless, odorless, nonflammable fumigant that boils at 38.5°F and has a very low solubility in water.

National Wooden Pallet and Container Association (NWPCA) - an international trade association representing manufacturers, recyclers and distributors of pallets, containers and reels.

New WPM – WPM newly assembled from new components.

Pallet – portable, horizontal, rigid, composite platform used as a base for assembling, storing, stacking, handling and transporting goods as a unit load.

Pallet collars – fixed, hinged, removable, or collapsible horizontal solid, slatted, or mesh, framing members to tie together vertical elements of pallet superstructure; also, element on top of pallet deck to contain unit load placed on pallet.

Plant Protection and Quarantine (PPQ) – agency under APHIS that safeguards agriculture and natural resources from the risks associated with the entry, establishment, or spread of animal and plant pests and noxious weeds.

Program Manager – NWPCA staff responsible for managing the fumigation program and a member of the Enforcement Committee.

Recycled WPM - WPM made reusable by repairing, sorting, or rebuilding, using new or reclaimed components or parts from damaged WPM.

Remanufactured WPM - WPM newly reassembled from recycled components.

Repaired WPM – disassembled WPM with damaged components replaced with new or used components.

Representative – a person who conducts inspection and audit services to inspection agencies on behalf of the Enforcement Committee.

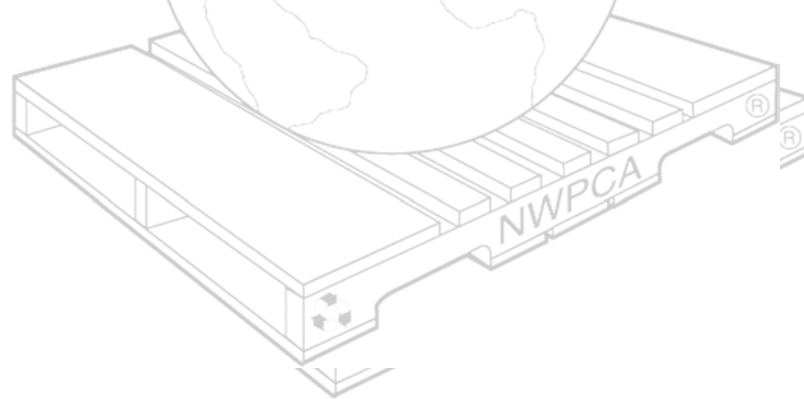
Skid – a pallet without bottom deckboards or deck.

United States Department of Agriculture (USDA) – a federal agency responsible for the safety of agricultural products among other tasks.

Used WPM – WPM that has seen service then reused but have not been remanufactured or repaired.

Wood packaging material (WPM) - coniferous and non-coniferous raw wood packaging material other than that comprised wholly of wood-based products such as plywood, particle board, oriented strand board, veneer, wood wool, etc., that have been created using glue, heat, and pressure or a combination thereof. Examples of products produced from WPM may include, but not limited to pallets, pallet collars, skids, crating, packing blocks, drums, cases, load boards, and boxes.

WPM facility - a facility that manufactures, remanufactures, repairs, and/or recycles WPM.



9 REFERENCES

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