

The APHIS proposed rule requiring that no solid wood packing material

The APHIS proposed rule requiring that no solid wood packing material (SWPM) can be imported into the United States unless it has been either heat treated or fumigated with methyl bromide has been postponed from January 1, 2004, to April or May 2004.

However, the Canadian Food Inspection Agency has published a rule, which in pertinent part prescribes that "[t]he importation or movement in-transit through Canada of untreated non-manufactured wood packing materials from any area of the world excluding the United States is prohibited" (emphasis added). In other words - SWPM cargoes destined for the United States that are transshipped via Canada would need to be either heat treated or fumigated before unloading in Canada.

The Canadian SWPM rule, which is similar to the APHIS proposed rule, can be accessed using the following link :

<http://www.inspection.gc.ca/english/plaveg/for/cwpc/wdpkge.shtml>

The Canadian rule will take effect on January 2, 2004. However, because of the delay in the implementation of the American rule, the Canadian authorities have decided to phase-in the implementation of their rule. The Canadian Food Inspection Agency's website includes the following description of the phased-in implementation of the Canadian rule:

"During part 1 of the phasing-in, we will be issuing notices for wood packaging materials that are not in compliance with ISPMNo. 15 starting on this date. Canada may release the non-compliant wood packaging materials accompanying shipment to destination on detention, pending inspection and subsequent release or detention. As per normal, Canada will maintain our container inspection program targeting wood packaging. If material is found to contain regulated pests during this phase-in period, the appropriate phytosanitary procedures will still be implemented.

A date for the commencement of strict enforcement of ISPMNo. 15 has not been decided by Canada at this time. A new target date for strict enforcement will be set after the legislation for all three NAPPO countries is

in place. When Canada decides to pursue strict enforcement of the International Standard, wood packaging materials found to be non-compliant will be ordered returned to origin. Costs incurred in returning the wood packaging materials to origin are the responsibility of the person or the person or entity in care and control of the non-compliant wood packaging materials at the time of entry to Canada (including port or berthing facilities receiving untreated dunnage)."