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Sent: Friday, March 09, 2007 8:38 AM
Cc: DAY, ROBYN; SCHREFFLER, MICHAEL K; ORME, RENEE G
Subject: CBP to assess fines for violation of the wood packaging import regulations Wood Packing Material

Dear Trade Association Member:

U.S. Customs and Border Protection (CBP) has issued the following information regarding CBP to assess fines for violation of the wood packaging import regulations Wood Packing Material.

WASHINGTON, D.C.— Effective Friday March 9, U.S. Customs and Border Protection may issue claims for liquidated damages and/or penalties against importers, carriers or bonded custodians for importing wood packaging material (WPM) in violation of the regulations.

Liquidated damages result from a breach of obligation under bond. 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.

The WPM regulations have been in full enforcement since July 5, 2006 and was implemented in a three-phase approach to ensure that the trade is fully informed. The regulations require all WPM entering or transiting through the United States to be properly marked to indicate that it has been either heat treated or treated with methyl bromide in accordance with the International Standards for Phytosanitary Measures: Guidelines for Regulating Wood Packaging Material in International Trade (ISPM 15), and be free of timber pests.

Immediate exportation is required of any noncompliant WPM. This includes WPM that is unmarked, inappropriately marked, or marked but found infested with a live wood-boring pest of the families Cerambycidae, Buprestidae, Siricidae, Cossidae, Curculionidae, Platypodidae, Sesiidae and Scolytidae. All costs associated with the handling of violative WPM, including the cost of exportation, are the responsibility of the violator.

For more information on the implementation and enforcement of the WPM regulations and related guidelines on liquidated damages and penalties, please visit the CBP website at http://www.cbp.gov/xp/cgov/import/commercial_enforcement/wpm/ <http://www.cbp.gov/xp/cgov/import/commercial_enforcement/wpm/> .

Enforcement of the WPM regulations is essential to protect the U.S. agricultural resources. Untreated wood poses a significant risk of introducing plant pests that can be detrimental to agriculture and to natural, cultivated, and urban forest resources.

-CBP-

U.S. Customs and Border Protection is the unified border agency within the Department of Homeland Security charged with the management, control and protection of our nation's borders at and between official ports of entry. CBP is charged with keeping terrorists and terrorist weapons out of the country while enforcing hundreds of U.S. laws.

Information Provided by

Erlinda Byrd
Office of Public Affairs

Please share this information with any of your members that may be affected.

Sincerely,

Robyn Day
Deputy Director
Trade Relations
Office of International Affairs and Trade Relations