



Position statement FEFPEB USA lawsuit ISPM 15

FEFPEB has been informed of the complaint by the states of New York, California, Connecticut and Illinois versus the United States Department of Agriculture (USDA), issued on 15 September 2005.

The complaint is referring to the fact that in recent years, the use of cheap, low-quality, un-manufactured raw wood for pallet and packaging materials highly increased in connection to the expanding volume of trade in manufactured goods.

The use of raw solid wood in packaging material has emerged as a pathway for highly destructive invasive insects.

USDA following the requirements of ISPM 15, (the international phytosanitary measure introduced by IPPC) promulgated an import regulation, which has become effective from 16 September 2005.

To minimise the risk of import of harmful insects in wooden pallets and packaging, heat treatment and methyl bromide for QPS are measures to be applied when it comes to import of goods on solid wood packaging material to the USA.

Plaintiff States allege that:

- **Methyl bromide is a substance that depletes the ozone layer and consequently is to be phased out under the Montreal protocol.**
- **Both heat treatment and methyl bromide are not completely guaranteed measures to kill all pests and they claim there is a serious underestimation of the world-wide increase in methyl bromide use.**
- **The effectiveness of the ISPM 15 system is doubtful, as there is the risk of fraudulent certification.**

USDA admitted in the past that the most effective method of preventing the importation of insect pests is to phase out the use of raw wood packaging materials in favour of substitute materials, such as plywood and plastics.

To summarise, Plaintiff States are aiming the elimination of wood packaging!

FEFPEB regards this complaint as a very serious threat to the future use of wood packaging. It intends to support NWPCA, wherever possible when it comes to defence in this case.

FEFPEB believes that the global pallet and packaging industry should co-operate on this issue and related items.

Referring to former statements (e.g. the speech that Fons Ceelaert, the Secretary General of FEFPEB, made on behalf of FEFPEB during Interpal VI) we would like to address the following elements:

FEFPEB is recognised as the European Federation of representative national associations in the field of wooden pallets, light-weight packaging and industrial packaging. FEFPEB has 12 European full members: Italy, Germany, UK, Switzerland, Spain, Portugal, Austria, Sweden, France, The Netherlands, Latvia and Belgium.

1. IPPC was extremely thorough in accepting approved measures under ISMP 15 based on proper scientific evidence. Both heat treatment and methyl bromide fumigation are regarded as highly acceptable methods.
2. Methyl bromide is only used when heat treatment cannot be applied. To our knowledge the use of methyl bromide did not increase significantly as a consequence of the implementation of ISMP15. It should be noted that methyl bromide's main use is in agriculture (for example in connection with fruit growing in Florida).
3. Nevertheless, we are in favour of a complete ban on the use of methyl bromide for QPS as soon as an acceptable alternative can be proven.
4. There is an urgent need for alternative measures. The International Forestry Quarantine Research Group is currently investigating the possibilities of new measures.

Realistic options appear to be:

- alternative fumigants - we are informed that three fumigants are being investigated at this very moment by IPPC plant health experts.
 - microwave technique - already practically applied in industrial environments, a very promising technique, also suitable for developing countries
- and
- chemical pressure impregnation.

The world-wide pallet and packaging industry urges IPPC to work with all speed in order to apply new measures in the revised ISPM 15 standard by spring 2007.

5. The industry and customers have to be committed to the correct functioning of marking systems, which have to be effectively policed. Fraudulent certification should be minimised and violations should be severely punished in each country. In this respect techniques for proving heat treatment or methyl bromide fumigation are developed. The technology is available, but at the moment not commercially exploited and funding for this development is urgently required.
6. Debarked: the plaintiff is clear - the use of cheap, low-quality un-manufactured raw wood for pallet and packaging is the main reason for importation of harmful insects. We are aware that IFQRG is discussing the scientific basis for the debarked requirement. We only can repeat our vision: in order to compete with other materials our industry needs to improve the quality standard of its products, in terms of appearance and safety. The presence of bark on wooden packaging is no longer a common nor acceptable product feature. This is again an appeal to end the discussion and accept that every pallet destined for export should be debarked as a minimum requirement.
7. The scale of the wooden pallet and packaging market is vast and is absolutely fundamental to world trade. Each year 1.5 billion pallets are produced worldwide! Wood has important environmental advantages in terms of significant savings of carbon dioxide that would otherwise be released into the atmosphere and timber pallets and packaging is re-usable, repairable and bio degradable. Wood packaging has very significant economic, hygienic and safety advantages and the pallet and packaging market is absolutely critical to the structure of the forest based industries as it provides an outlet for small log and falling board production. The implications of threats to the wood pallet and packaging industry to employment and social structures are very significant.

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FEFPEB continues to fully support the introduction and development of ISPM 15 so as to make wooden pallets and packaging safe to use and to protect the world's forests. FEFPEB strongly disagrees with the legal action taken by the States which will, in FEFPEB's opinion, be detrimental to the continued development of ISPM 15 which is in the interests of all interested parties.

FEFPEB recommends that all countries continue to co-operate with the development of the international standard ISPM 15 and that the wooden pallet and packaging industry continues to liaise with the Plant Health experts so as to safeguard the industry and facilitate world trade by continuing to use the most economic and environmentally friendly packaging material.

This position statement was decided upon by the FEFPEB Technical & Policy Committee in their meeting on 20 October 2005 in Cologne, Germany.