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發文日期：中華民國105年03月31日

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速別：普通件

密等及解密條件或保密期限：

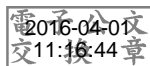
附件：1051438756-a1

主旨：有關我國輸美螺絲產品承載之貨櫃及木質包裝材，屢遭美國海關檢出雜草或其他有害生物而致退運或裁罰案，請惠依美方提供之相關法令依據及建議，向所轄輸出業者及認可之木質包裝材檢疫處理業者宣導，避免因木質包裝材不符規定遭受行政處分，並影響貨物之通關，請查照。

說明：依據經濟部國際貿易局105年3月30日貿雙二字第1057008131號函(影本如附)辦理。

正本：本局基隆分局、本局新竹分局、本局臺中分局、本局高雄分局

副本：本局植物檢疫組



經濟部國際貿易局 函

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受文者：行政院農業委員會動植物防疫檢疫局

發文日期：中華民國105年3月30日
發文字號：貿雙二字第1057008131號
速別：最速件
密等及解密條件或保密期限：
附件：如文(共8頁)(請至本局附件下載區下載<https://att.trade.gov.tw/>，識別碼：
yWzMe)

主旨：有關我輸美螺絲產品貨櫃屢遭美國海關查察發現種子或蟲卵而遭致退運或罰則事，詳如說明，請查照。

說明：

一、依據駐芝加哥辦事處經濟組本(105)年3月21日芝經發字第10500000860號函、駐洛杉磯辦事處經濟組本年3月23日洛經字第10500000610號函及駐美國代表處經濟組本年3月23日經美字第10500002770號函副本辦理。

二、我駐美國代表處經濟組、駐芝加哥辦事處經濟組及駐洛杉磯辦事處經濟組就本案與美方接洽所獲資訊摘要如下：

(一)相關法令規定：

1、美國於2005年9月16日實施7 C.F.R. §319.40-3規定，要求木質包裝材料需經熱處理或煙燻消毒處理並做上標誌，依照國際植物防疫檢疫措施第15號標準(ISPM NO.15)，若無遵守木質包裝材料檢疫規定，貨物將被退回原裝貨地。另美國農業部動植物防疫檢疫局(USDA/APHIS)於2012年12月20日公告，自2013年1月1日起，未標記ISPM NO.15之木質棧板(Wooden dunnage)，將禁止進入美國港口必需退運回原出口國(公告詳附件1)。

2、倘木質包裝材(WPM)或替代產品遭檢查出須處分之害蟲(actionable pest)，業者可選擇進行檢疫處理或銷毀；如害蟲鑑定結果為non-actionable，貨品可以放行。如係WPM不合格(例如ISPM 15之章戳無效)，貨品應退運，此時進口商可要求將商品與WPM分開處理，惟前提是該

行政院農業委員會動植物防疫檢疫局總收文



輸入之港站設有相關設備能控管疫病蟲害風險，這時才可將WPM移除單獨退運、產品放行，否則整批貨品將被退運（美國海關WPM檢查程序詳附件2）。

- 3、至於罰鍰之法令規定，依據美國國土安全部海關暨邊境保護署(CBP)之「Guidelines for liquidated damages and penalties on wood packing material」，業者如未退運或未依緊急處分通知(EAN)之裁決辦理，將導致損害罰鍰(liquidated damages)；除此之外，如試圖隱瞞不合格之WPM，或是一年內累計五次以上違規，將導致罰則罰鍰(penalties)（詳附件3）。

(二)美方建議：鑒於美國海關對進口貨物夾帶或沾黏不明植物之檢查作業頗為嚴格，除貨物本身外，對貨櫃內部及貨物棧板亦進行仔細檢查，若發現夾帶異物皆依規定予以查扣，美方建議我出口業者應加強採行下列預防措施：

- 1、空貨櫃於裝櫃作業前應加強清理，確保無沾附植物及蟲卵等異物。依美國海關檢查人員經驗，*Imperata cylindrica*的種子最容易隨風飄散沾黏到貨物、棧板底盤或飄入貨櫃內，建議我出口商確保在裝櫃地點附近不要有該類植物。
- 2、裝櫃作業切勿在室外進行，應儘量在無塵的室內空間裝櫃，且貨櫃開口處應避免有與室外相通之細縫，以免植物種子及雜草等異物不慎飛入。另應避免在晚上裝櫃，因裝櫃時所開啟的燈光會吸引蚊蟲飛入。
- 3、慎選貨物包裝之材料，貨物棧板亦必須印有合格標章，證明其已經過燻蒸或熱處理等合格程序；貨物棧板在經過燻蒸等防蟲處理程序後，避免放置於戶外。
- 4、採用美方推薦之木質包裝材替代產品（詳附件4），該等替代產品毋須經過檢疫處理及加蓋ISPM 15章戳，惟進入美國仍有可能被檢查，如發現有害雜草種子仍須進行後續檢疫步驟。

(三)倘我業者遇類似案件，經檢視WPM規定認為已符合達到標準且係該關口處理有欠妥當，建議業者立刻提出相關證據（公證行報告或檢驗證明）以個案方式逕向發出EAN之關口申訴，或就近通知我相關駐外單位協助處理。

三、另我駐芝加哥辦事處經濟組洽底特律關口農業專家有關我方

- 可採取之預防措施及改善方式，建議我方參考以下資訊辦理：
- (一)美國海關於2013年2月宣導WPM規定簡報(Wood Packaging Material - Trade Outreach)，請參閱http://www.cbp.gov/sites/default/files/documents/wood_packaging_pp_3.pdf
 - (二)WPM規定問答集(Frequently Asked Questions on Wood Packaging Materials)，請參閱https://www.cbp.gov/sites/default/files/documents/wpm_faq_3.pdf
 - (三)WPM損害及罰則手冊(Guidelines for Liquidated Damages and Penalties on Wood Packing Material)，請參閱<http://www.cbp.gov/document/forms/guidelines-liquidated-damages-and-penalties-wood-packing-material-wpm>

正本：台灣螺絲工業同業公會（電傳後寄）

副本：行政院農業委員會、行政院農業委員會動植物防疫檢疫局、經濟部經貿談判代表辦公室、本局貿易服務組、中華民國物流協會、中華民國報關商業同業公會全國聯合會、基隆市報關商業同業公會、台北市報關商業同業公會、高雄市報關商業同業公會、台中市報關商業同業公會、台北市航空貨運承攬商業同業公會、駐芝加哥辦事處經濟組、駐美國代表處經濟組、駐洛杉磯辦事處經濟組、駐美投資貿易服務處、駐亞特蘭大辦事處經濟組、駐休士頓辦事處經濟組、駐波士頓辦事處經濟組、駐加拿大代表處經濟組（以上均含附件）

2016-03-30
交16:40章

局長 楊珍妮

APHIS Adopts International Standards On Wood Packaging Materials

Wood Packing Materials

Effective September 16, 2005, wooden packaging materials (e.g., pallets, crates, boxes, and dunnage) imported into the United States must be heat treated or fumigated with methyl bromide and marked with the International Plant Protection Convention (IPPC) logo and appropriate country code designating the location of treatment. Additional paper certifications will not be required. Implementation of the new requirements has been delayed one year from their date of publication to give affected parties time to comply with the new requirements.

Effective July 5, 2006, APHIS and the Department of Homeland Security's Customs and Border Protection will require the immediate reexportation of any unmarked wood packaging material (WPM) that is not in compliance with the ISPM 15 treatment and marking standard. APHIS and CBP will also require the immediate reexportation of any marked WPM that is found to be infested with a live wood boring pest of the families *Cerambycidae* (longhorned beetle), *Buprestidae* (woodboring beetles), *Siricidae* (woodwasps), *Cossidae* (carpenter moth), *Curculionidae* (weevils), *Platypodidae* (ambrosia beetles), *Sesiidae* (clearwing moths) and *Scolytidae* (bark beetles). Plant pests that attack live trees prior to being manufactured into WPM will not survive the treatments prescribed in the regulation. If a wood boring pest is found in marked WPM, it confirms that the WPM has not been treated and marked in accordance with the regulation and will be reexported. The importer will be responsible for any costs or charges associated with the reexportation. This policy is an explanation of the existing regulations and is consistent with the intent of the rule and the Plant Protection Act.

In the News

Sep 12, 2005 [USDA Enforces New Wood Packaging Import Requirements](#)

Sep 17, 2004 [USDA Amends Wood Packaging Material Importation Regulations](#)

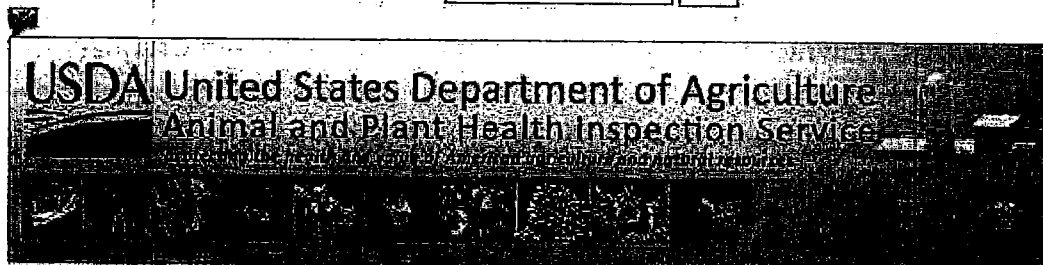
International Standards

- [Importation of Wood Packaging Material—Final Rule](#)
- [Implementation of Wood Packaging Material Regulation](#)
- [Implementation of International Plant Protection Convention Standard for Wood Packaging Material Industry Alert](#)
- [Revised International Convention for the Prevention of Pollution from Ships \(MARPOL\) Annex V \[Effective January 1, 2013\]](#)
 - [Simplified Overview of the Discharge Provisions of the Revised MARPOL Annex V](#)

International Trade

- [Imports](#)
- [Exports](#)

Receive Updates



Prohibition on Disposal of Waste at Sea - MARPOL Update

USDA Animal and Plant Health Inspection Service sent this bulletin at 12/20/2012 09:46 AM EST

Having trouble viewing this email? [View it as a Web page.](#)

SHARE

Prohibition on Disposal of Waste at Sea - MARPOL Update

Beginning January 1, 2013, the discharge of garbage from ships into the sea is prohibited by MARPOL* (with certain exceptions). Only biodegradable food wastes are permitted to be discharged from ships into the sea. Products which were formerly allowed discharge, once the vessel was 25 miles out to sea, are no longer permitted to be discharged. Among the agricultural products of concern are APHIS regulated garbage (Food Waste) and wooden dunnage. Starting January 1, 2013, wooden dunnage that is not marked with the International Standard for Phytosanitary Measures No. 15 (ISPM 15) mark will be refused entry at U.S. ports and will no longer be allowed to discharge at sea. All wooden dunnage will need to be ISPM 15 compliant or will be returned to the country of origin.

APHIS is aware that such a change affects several of our stakeholders. We are forwarding this notification in an effort to reach out to our and bring awareness of the coming change.

Please see the following links for more information on these changes:

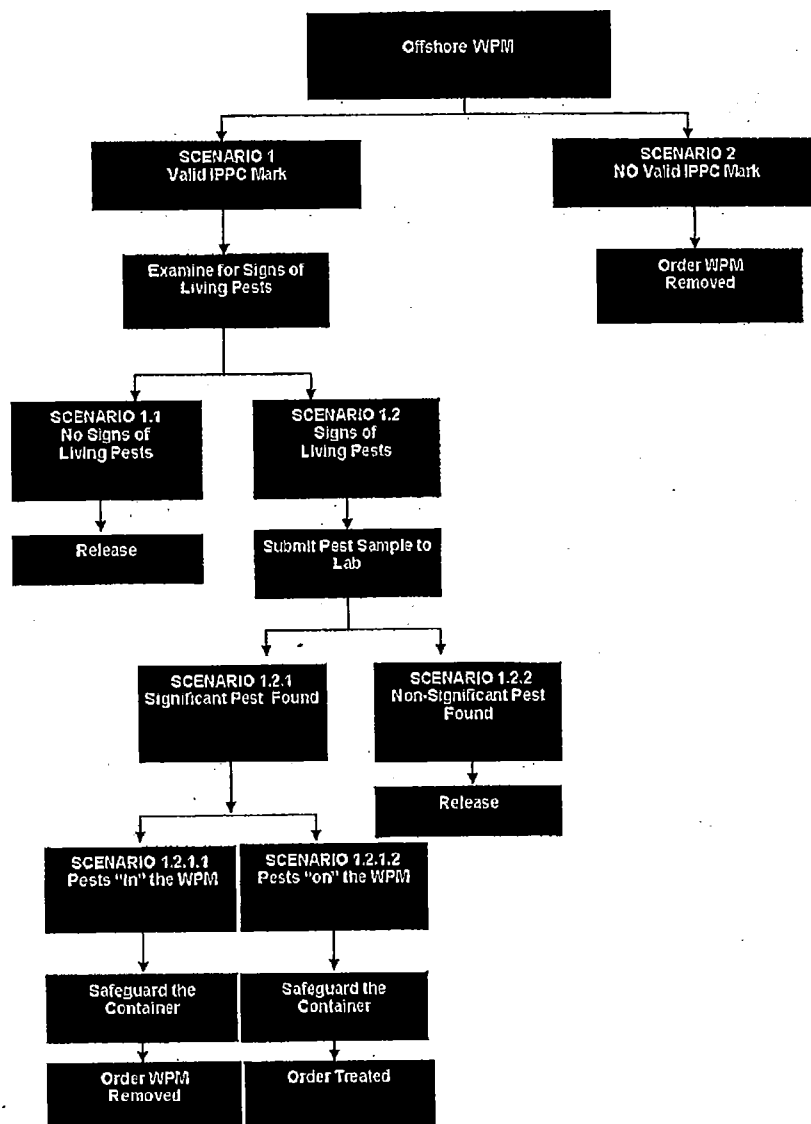
http://www.aphis.usda.gov/newsroom/hot_issues/wpm/downloads/MARPOL_text.pdf

http://www.aphis.usda.gov/newsroom/hot_issues/wpm/downloads/MARPOL_graph.pdf

*The United States, as a member of the International Maritime Organization, is a signatory to the International Convention for the Prevention of Pollution by Ships (MARPOL), which is a standard for discharge of ship generated operational

3/14/2

Appendix C – CBP WPM Inspection Process Map



附件 3

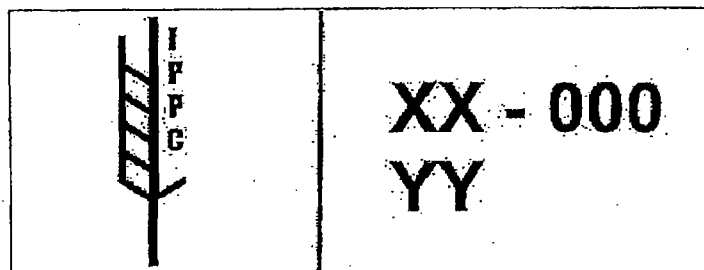
GUIDELINES FOR LIQUIDATED DAMAGES AND PENALTIES ON WOOD PACKING MATERIAL (WPM)

These "Guidelines for Liquidated Damages and Penalties on WPM" shall go into effect on March 9, 2007. The statutory requirements of 7 C.F.R. §319.40-3 mandate that regulated WPM – such as, crates, boxes, and pieces of wood used to support or brace cargo – being imported into the United States shall be heat treated or fumigated with methyl bromide in accordance with EPA label instructions and include a mark that certifies the wood completed the required treatment under the "Guidelines for Regulating Wood Packing Material in International Trade," ISPM 15 of the International Standards of Phytosanitary Measures (ISPM) and any associated amendments, revisions or exemptions identified by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS).

The regulation (7 C.F.R. §319.40-3) requires that WPM display a visible, legible, and permanent mark certifying treatment. The mark must be a legible and permanent mark that indicates that the article has been subjected to the approved measure and include the following elements:

1. The International Plant Protection Convention (IPPC) logo;
2. The ISO two-letter country code for the country that produced the wood packing material followed by a unique number code;
3. The unique number code is assigned by the country's National Plant Protection Organization (NPPO) to the producer of the wood packaging material, who is responsible for ensuring appropriate wood is used and properly marked. Therefore, this code allows a trace back to the facility that treated and stamped the WPM; and
4. An abbreviation that discloses the type of treatment (HT for heat treatment or MB for methyl bromide fumigation; Guatemala is approved to use TT in place of HT or BM in place of MB).

Here is an example of an acceptable WPM mark:



The IPPC logo is on the left; on the right, XX represents the ISO country code and 000 represents the unique number assigned to the producer of the wood packaging material in order to be able to trace back to the treatment facility used; YY represents the method of treatment. Other letters and symbols may be present on the mark as long as the above items are included and clearly legible, permanent, and placed in a visible location, preferably on at least two sides of the article being certified.

EXCEPTIONS AND EXEMPTIONS

The regulation applies to WPM made from softwood or hardwood. Certain articles, though, are exempt or excepted from the treatment and marking requirements. The exceptions are outlined in 7 C.F.R. §319.40-3. The exceptions and exemptions (further added by Agriculture) are delineated in Appendix B of the CBP document entitled “Operating Procedures for Implementation of the Wood Packaging Materials (WPM) Regulation,” as amended. This may be viewed on the import section of cbp.gov under Commercial Enforcement.

FAILURE TO COMPLY WITH 7 C.F.R. §319.40-3

Regulated WPM must be properly marked to indicate that it has been either heat treated or treated with methyl bromide. There are three categories under WPM for this enforcement:

1) UNMARKED: WPM that is encountered by CBP during the course of inspection and found not bearing the required treatment and markings required under 7 C.F.R. §319.40-3(b)(1) and C.F.R. §319.40-3(b)(2)

2) INAPPROPRIATELY MARKED: WPM that is encountered by CBP during the course of inspection and found to be inappropriately marked or illegibly marked is assumed to be untreated by either of the approved methods identified under 7 C.F.R §319.40-3(b)(1); and

3) INFESTED: WPM that is infested with a named pest confirms that the WPM has not been treated in accordance with 7 C.F.R §319.40-3(b)(1). Named pests are live wood boring pests of the families *Cerambycidae*, *Buprestidae*, *Siricidae*, *Cossidae*, *Curculionidae*, *Platypodidae*, *Sesiidae*, or *Scolytidae*.

Section 319.40-3(b)(3) provides for immediate export of WPM that does not contain the required mark. Marked WPM containing pests in the above mentioned families is considered WPM that has not been treated and marked in accordance with §319.40-3, and shall be immediately exported pursuant to §319.40-3(b)(3). The importer of record, carrier, or bonded custodian is responsible for any costs or charges associated with export.

When assessing liquidated damages and/or penalties, the value of the merchandise is the value of the WPM plus the value of the commodity or commodities identified for importation on the entry documentation.

ASSESSING LIQUIDATED DAMAGES

If the party whose bond is obligated at the time of the discovery of the violation has received an Emergency Action Notification (EAN) requiring export of the violative WPM but fails to do so, CBP may issue a **liquidated damages claim** against that party.

The following procedures shall be utilized in **liquidated damage cases where there is a failure to comply with the EAN**:

- **If a consumption entry is made and the goods were conditionally released**, issue the claim against the importer under 19 C.F.R. §113.62(e). The liquidated damages claim shall be issued at three times (3x) the entered value of the merchandise but not greater than the bond amount.
- **If a consumption entry is made, but the goods were not conditionally released, and the importer failed to comply with the EAN**, issue the claim against the importer under 19 C.F.R. §113.62(g). The amount of the liquidated damages claim shall be the cost of export or remediation but no greater than the bond amount. In an effort to ensure compliance with the EAN, the goods shall not be released and the port should follow procedures outlined in 19 C.F.R. §151.16, *Detention of Merchandise*, until the WPM violation is addressed. Once it is determined that the requirements of the EAN will not be met and CBP has to take remedial measures, the claim for liquidated damages shall be issued against the importer.
- **If an entry is not made and the carrier failed to comply with the EAN**, issue the claim against the carrier under 19 C.F.R. §113.64(b). The liquidated damages claim shall be issued at the entered value of the merchandise, but no greater than the bond amount.
- **If a party other than the carrier or importer failed to comply with the EAN, and that party is responsible for the merchandise under its custodial bond**, issue the claim against that party under 19 C.F.R. §113.63(a)(1). The liquidated damages claim shall be issued at three times (3x) the entered value of the merchandise, but no greater than the bond amount.

ASSESSING PENALTIES

Penalties may be assessed in addition to claims for liquidated damages, and may be assessed even though there is compliance with all EANs in cases wherein:

- The importer, carrier, or bonded custodian **attempts to conceal** a violation of WPM, CBP personnel shall issue a penalty either under Title 19 United States Code 1592, or 1595a(b).
- The importer, carrier, or bonded custodian has continuous documented violations (more than 5) over one fiscal year period nationally, CBP personnel may issue a penalty under Title 19 United States Code 1592, or 1595a(b) may also be assessed.

WPM violations (all categories) shall be documented in the EAN database, and WPM violations under categories 1 and 2 shall be documented in CBP databases with the WPM violation code **wp:nc**.

ISPM 15 REQUIREMENTS APPLY TO ALL SPECIES OF CONIFEROUS (SOFTWARE) AND NON-CONIFEROUS (HARDWOOD) PACKAGING MATERIALS.



Violative Packaging



Illegible WPM Mark

附件 4

Wood Packaging Material

All wood packaging material entering or transiting the United States must be heat-treated or fumigated and be marked with an approved logo certifying that it has been appropriately treated. Shipments containing noncompliant wood packaging material will not be allowed to enter the United States.

How to Source ISPM 15-Compliant Wood Packaging Material

This page provides sources for compliant wood packaging material and information on how to become an ISPM 15 compliant wood packaging material manufacturer.

Approved WPM Alternatives

Importers may consider using alternatives to wood packaging material. The following products are not subject to USDA regulation:

- Plywood or press board
- Plastic pallets
- Oriented strand board
- Hardboard
- Parallel strand lumber
- Synthetic foam
- Metal frames
- Inflated dunnage
- Masonite veneer

木質包裝材料替代產品

WPM Regulations

- Final Rule: Importation of Wood Packaging Material
- U.S. Code of Federal Regulations (7 CFR 319.40)
- International Standard for Phytosanitary Measures 15: Wood Packaging Material

Questions about Port of Entry Enforcement:

- Contact U.S. Customs and Border Protection (CBP) at (202) 354-1000 or 1-877-CBP-5511 Monday-Friday, between 8:30 and 5:00 Eastern Time.
- Visit the U.S. CBP Wood Packaging Materials Website

Questions about WPM Regulation:

- Contact APHIS at (844) 820-2234 Monday-Friday, 8:30 and 5:00 Eastern Time.