

THE PLANTS (QUARANTINE) ACT

The Plants (Quarantine) (Wood Packaging in International Trade) Regulations, 2012

In exercise of the power conferred upon the Minister by section 38 (1) (a) of the *Plants (Quarantine) Act*, and of every other power hereunto enabling, the following Regulations are hereby made:-

PART I. Preliminary

Citation. 1. These Regulations may be cited as the Plants (Quarantine) (Wood Packaging in International Trade) Regulations, 2012.

Interpretation. 2. In these Regulations –

“composite unit” means a unit of wood packaging material made of both treated wood and processed wood material that does not require treatment;

“CPM” means the Commission on Phytosanitary Measures;

“debarking” means the removing of bark from round wood, but does not necessarily make the wood bark free;

“dunnage” means wood packaging material used to secure or support a commodity but which does not remain associated with the commodity;

“fumigant” means any chemical that reaches the commodity being treated wholly or primarily in a gaseous state;

“fumigation enclosure” means building or tarpaulin on a framed structure where or under which the fumigation takes place;

“heat treatment” means the process in which a commodity is heated until it reaches a minimum temperature for a minimum period;

“hot gassing” means the application of methyl bromide through a vapourizer for killing, inactivation or removal of pests;

“ISPM” means International Standards for Phytosanitary Measures;

“Jamaican waters” means the Jamaican coastline outwards to 200 nautical miles;

“methyl bromide treatment” means the application of methyl bromide through a vapourizer for killing, inactivation or removal of pests;

“processing wood” means wood that is undergoing methyl bromide fumigation;

“producer” means any company or entity that –

- (a) assembles wood; or
- (b) manufactures wood products,

to be used as packing material;

“treatment code” means the IPPC abbreviation (that is to say, HT for heat treatment or MB for methyl bromide) indicating the kind of treatment that wood packing material has undergone;

“wood” means any wood that is intended for use as packaging material, regardless of whether it has yet undergone the required treatment or debarking required by these Regulations;

“wood packages” means packages made of wood, whether or not the wood used to make the packages has undergone the treatment and debarking required by these Regulations;

“°C” means degrees measured in celsius.

**PART II. *Approved Treatments Associated with
Wood Packaging Material***

Debarking. 3. – (1) Wood shall not be used as packaging material by any person, company or other entity unless it has first been debarked.

(2) Debarking shall be undertaken –

- (a) before treatment, where methyl bromide treatment is being used; or

(b) either before or after treatment, where heat treatment is being used.

(3) After the debarking process has been completed, the wood shall be considered debarked notwithstanding that pieces of bark remain in the wood, provided the remaining pieces of bark are –

- (a) visually separate;
- (b) clearly distinct; and
- (c) either –
 - (i) less than three centimetres wide, regardless of their length; or
 - (ii) greater than three centimetres wide, with the total surface area of an individual piece of bark being less than fifty centimetres squared.

Treatment of wood.

4. Before being used for packaging, all wood shall be treated using either of the following methods of treatment –

- (a) heat treatment; or
- (b) methyl bromide treatment.

Heat treatment.

5. – (1) Where any person applies heat treatment to processing wood, he shall do so in a manner that ensures that the entire profile of the wood, including its core, achieves and maintains a temperature of not less than 56°C, for a duration of not less than thirty continuous minutes.

(2) Any process or energy source that is suitable for ensuring compliance with paragraph (1) may be utilized in the application of heat treatment, and such process or energy source may be selected from a range of options, including but not limited to the following –

- (a) kiln-drying;
- (b) heat-enabled chemical pressure impregnation; or

(c) microwave treatment.

**Methyl
bromide
treatment.**

6. – (1) Where any person applies the methyl bromide treatment, he shall process the wood in a manner that ensures that the entire profile of the wood, including its core, achieves a minimum concentration-time product over a period of twenty-four continuous hours at the temperature and final residual concentration specified in Table 1 of the Schedule.

**Table 1.
Schedule.**

(2) The concentration-time product shall be measured in its ambient atmosphere.

(3) The temperature of the wood and of its ambient atmosphere shall be at least 10°C throughout a period of not less than twenty-four continuous hours.

(4) The concentration-time product shall be checked, and the relevant measures recorded, at each of the following intervals during the period in which the wood is continuously being exposed –

- (a) two hours;
- (b) four hours; and
- (c) twenty-four hours.

(5) Where the wood is exposed continuously for longer than twenty-four hours and at the corresponding temperature as stipulated in Table 1 of the Schedule, additional measurements shall be recorded at the end of the period of exposure.

(6) The term “concentration-time product”, in relation to methyl bromide treatment, means the sum of the product of the concentration (g/m^3) and time (h) over the duration of the treatment.

**Duties of
quarantine
officers.**

7. – (1) A person who carries out methyl bromide treatment of wood shall ensure that –

- (a) fans are used appropriately during the gas distribution phase of the

fumigation to ensure that equilibrium is reached;

- (b) fans are positioned to ensure that the fumigant is rapidly and effectively distributed throughout the fumigation enclosure, within one hour of its application;
- (c) fumigation enclosures are not loaded beyond eighty *per cent* of their volume;
- (d) fumigation enclosures are well sealed and as gas tight as possible;
- (e) where fumigation is to be carried out under sheets, such sheets are made of gas proof material and sealed appropriately at all seams and at floor level;
- (f) the fumigation site floor is –
 - (i) impermeable to the fumigant; or
 - (ii) covered with gas-proof sheets;
- (g) where practicable, hot gassing is performed;
- (h) methyl bromide treatment is not applied to wood exceeding twenty centimetres in cross section;
- (i) when calculating methyl bromide dosage, compensation is made for gas mixtures (such as two *per cent* chloropicrin) so as to ensure that the total amount of MB applied meets the dosage required by ISPM15;
- (j) initial dosage and post-treatment product handling procedures take account of likely methyl bromide sorption by treated wood or associated products such as polystyrene boxes;
- (k) the measured temperature of the wood, including its core, or the ambient air, whichever is lower, is used to calculate the MB dose, and shall be at least 10°C throughout the duration of the treatment;
- (l) any wood that is to be fumigated is not wrapped or coated in

materials impervious to the fumigant; and

- (m) treatment providers retain, for auditing purposes, records of MB treatments for such time as may be stipulated by the Chief Plant Quarantine Officer.

(2) The Chief Plant Quarantine Officer may recommend that, where technically and economically feasible, the measures described in the 2008 CPM Recommendation on Replacement or Reduction of the Use of MB as a Phytosanitary Measure be taken to reduce or eliminate emissions of MB to the atmosphere.

PART III. *The Mark and its Application*

Wood to be marked.

8. – (1) All wood used for packaging shall bear a mark indicating that it has been subjected to approved phytosanitary treatment in accordance with these Regulations.

(2) The mark referred to in paragraph (1) shall comprise the following components –

- (a) the symbol, depicted in accordance with regulation 9;
- (b) the country code of the country in which it was subjected to the required treatment, in accordance with regulation 10;
- (c) the code assigned to the person that administered the treatment, in accordance with regulation 11;
- (d) a treatment code, in accordance with regulation 12, using the appropriate abbreviation selected from Table 2 of the Schedule,

**Table 2.
Schedule.**

and shall meet the specifications set out in paragraph (3).

(3) The specifications referred to in paragraph (2) are that the mark shall be –

- (a) presented in a size, a font type and a position that ensure that the mark may be viewed without the use of a visual aid;

- (b) rectangular or square in shape and contained within a border line with a vertical line separating the symbol from the code components;
- (c) durable; and
- (d) non-transferable,

and shall not be hand drawn and shall not bear either of the colours red or orange.

(4) For the purposes of this regulation, a mark may contain small gaps in –

- (a) the border;
- (b) the vertical line; and
- (c) elsewhere among the components of the line,

in order to facilitate the use of stenciling.

(5) Subject to paragraph (6), no information other than the matters specified in paragraph (2) shall be contained within the border of the mark.

(6) If additional marks such as the trademark of the producer or the logo of the authorizing body are considered useful to protect the use of the mark on a national level, such information may be provided adjacent to, but outside of, the border of the mark.

(7) Every person who is assigned a mark under these Regulations shall ensure that –

- (a) only treated material is stamped with the mark;
- (b) the mark is kept in a secure place;
- (c) the Chief Plant Quarantine Officer is informed as soon as the mark needs to be replaced;
- (d) he makes all necessary arrangements, in collaboration with the Chief Plant Quarantine Officer, to have a replacement mark made

at the expense of the person to whom the mark is assigned;

(e) upon cessation of the operation, the mark is returned to the Chief Plant Quarantine Officer.

(8) Every assigned person who breaches –

(a) sub-paragraph (a) of paragraph (7), commits an offence and is liable upon conviction in a Resident Magistrate's Court to a fine not exceeding two hundred thousand dollars or to imprisonment for a period not exceeding twelve months or to both such fine and imprisonment; or

(b) sub-paragraph (b), (c) or (d) of paragraph (7), shall have his mark withdrawn by the Chief Plant Quarantine Officer.

Symbol.

9.– (1) The design of the symbol shall closely resemble that set out in Table 3 of the Schedule and shall be presented to the left of the other components of the mark.

**Table 3.
Schedule.**

(2) Nothing in these Regulations shall be construed as invalidating any symbol solely on account of it not having been registered under national, regional or international procedures as any of the following –

- (a) a trademark;
- (b) a certification;
- (c) a collective mark; or
- (d) a guarantee mark.

Country code.

10. The country code shall be the International Organization for Standards two-letter country code, which shall be separated by a hyphen from the code of the treatment provider.

**Treatment
provider code.**

11. The treatment provider code shall be a unique combination of letters and numerals assigned under regulation 13 to the –

- (a) producer or treatment provider who applies the mark; or

(b) entity otherwise responsible to the Chief Plant Quarantine Officer for ensuring that appropriately treated wood is used and properly marked.

Treatment code.

12. – (1) The treatment code shall be the International Plant Protection Convention abbreviation for the approved measure used, as illustrated in Table 4 of the Schedule; and shall appear after the country code and the code from either the producer or the treatment provider.

Table 4. Schedule.

(2) The treatment code shall appear on a separate line from the country code and the code from either the producer or the treatment provider or, shall be separated by a hyphen, if presented on the same line as the other codes.

Issue of marks.

13. – (1) The Chief Plant Quarantine Officer shall be responsible for the issue of marks under this regulation.

(2) A mark may be issued to persons in the business of –

- (a) manufacturing and treating wood packaging material; and
- (b) treating wood packaging material not manufactured by them.

(3) The Chief Plant Quarantine Officer shall keep a record of the name and particulars of every person to whom a mark is issued under this regulation, logged in relation to the relevant treatment provider code and treatment code.

(4) A person who uses a mark issued under this regulation shall ensure that mark is placed in a location that is visible when the wood packaging is in use, such as on at least two opposite sides of the wood packaging unit.

Single units.

14. – (1) Where various components are integrated into a unit of wood, the resultant composite unit shall be considered a single unit for marking purposes.

(2) Where the processed component of a composite unit does not require treatment, the mark shall appear on the processed wood material components of the composite unit.

(3) This regulation does not apply to temporary assemblies of wood.

Dunnage.

15. – (1) Wood treated for use as dunnage may not be cut to final length by any person, until loading of a conveyance takes place.

(2) Shippers shall ensure that all dunnage used to secure or support commodities –

(a) is treated; and

(b) has displayed on it, in a clear and legible manner, the mark described in these Regulations.

(3) Small pieces of wood that do not include all the required elements of the mark shall not be used by any shipper for dunnage.

(4) Appropriate marking of dunnage may be done by shippers in any of several ways, including –

(a) application of the mark to pieces of wood intended for use as dunnage along their entire length at very short intervals, so, however, that where very small pieces are subsequently cut for use as dunnage, the cuts shall be made so that an entire mark is present on the dunnage used;

(b) additional application of the mark to treated dunnage in a visible location after cutting, provided that the shipper is authorized so to do.

PART IV. Conditions of Entry into Jamaica

Non-compliant wood packaging material.

16. – (1) A Quarantine Officer or any other person authorized by the Chief Plant Quarantine Officer may refuse to grant an unloading permit, required by section 21 of the Act, in relation to any shipment containing wood or

wood packages that violates the provisions of these Regulations.

(2) An unloading permit may be granted in relation to a shipment under paragraph (1) only if a Quarantine Officer determines that it is feasible to separate the remaining cargo from the non-compliant wood or wood packages.

(3) In the circumstances described in paragraph (1) or (2) –

- (a) an arrangement to have the non-compliant wood or wood packages treated shall be proposed by the importer to the satisfaction of a Quarantine Officer before the remaining cargo may be released to the consignee and the non-compliant wood or wood packages shall be permitted entry subject to the aforementioned arrangement;
- (b) all costs associated with the treatment of any non-compliant wood or wood packages pursuant to an arrangement under paragraph (a) shall be paid by the importer or other interested party;
- (c) where a Quarantine Officer determines that treatment of non-compliant wood or wood packages would present an undue risk to the plant health of Jamaica, the non-compliant wood or wood packages shall be destroyed by incineration at the expense of the importer or other interested party; and
- (d) a Quarantine Officer shall require immediate removal from Jamaica of any shipment consisting wholly of unmarked wood or wood packages which are not in compliance with the requirements of these Regulations.

Re-export or destruction.

17. A Quarantine Officer shall, where he determines that movement within Jamaica while arranging for treatment or destruction would present an undue risk to the plant health of Jamaica, order the re-export from Jamaica, or destruction by incineration of any marked wood or wood

packages found to be infested with a live wood-boring pest of any of the following families, namely –

- (a) *cerambycidae* (longhorned beetles);
- (b) *buprestidae* (wood-boring beetles);
- (c) *siricidae* (woodwasps);
- (d) *coscidae* (carpenter moths);
- (e) *curculionidae* (weevils);
- (f) *platypodidae* (ambrosia beetles);
- (g) *sesiidae* (clearwing moths); and
- (h) *scolytidae* (bark beetles).

Securing of dunnage.

18. – (1) Dunnage which is not in compliance with these Regulations and which is located on a ship, shall be secured under tarp, cover or within closed holds or containers, or in a container secured against the escape of pests on the marine vessel, so as to prevent pests from escaping while in Jamaican waters.

(2) Failure to appropriately hold dunnage in accordance with paragraph (1) may result in additional enforcement measures being applied to the person or organization having custody of the dunnage.

(3) A Plant Quarantine Officer may permit dunnage referred to in paragraph (1) to enter Jamaica and be treated in accordance with the treatment protocol for non-compliant wood or wood packages outlined in regulations 5 and 6.

SCHEDULE (Paragraphs 6, 8, 9 and 12)

Table 1

Minimum CT over 24 hours for wood packaging material fumigated with methyl bromide

| Temperature | CT (g h/m ³) over 24h | Minimum final concentration (g/m ³) after 24h |
|---------------|-----------------------------------|-----------------------------------------------------------|
| 21°C or above | 650 | 24 |
| 16°C or above | 800 | 28 |
| 10°C or above | 900 | 32 |

Table 2

Treatment Code

| Treatment Code | Treatment Type |
|----------------|----------------|
| HT | Heat treatment |
| MB | Methyl bromide |

Table 3

Symbol

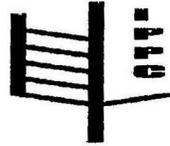


Table 4

Illustrations of code abbreviations

Code

| | |
|--|-------|
| | JM 01 |
| | HT |

Dated this 31st day of July, 2012.

Minister of Agriculture and Fisheries