

**AMERICAN LUMBER STANDARD COMMITTEE, INCORPORATED®**

**FUMIGATED WOOD/ FUMIGATED WOOD PACKAGING MATERIAL  
ENFORCEMENT REGULATIONS**

**November 3, 2017**

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## 1. INTRODUCTION

### 1.1 General

**1.1.1** Pursuant to the Memorandum of Understanding with the United States Department of Agriculture's Animal and Plant Health Inspection Service, this program shall establish a common basis for uniform, industry-wide inspection and quality marking procedures for the production of fumigated wood to be used as wood packaging material; and for the production of fumigated wood packaging material, fumigation of new, used, previously assembled, repaired wood packaging material, wood to repair such, or remanufactured wood packaging material by fumigation producing facilities in compliance with the requirements of the International Plant Protection Convention (IPPC) *Regulation of Wood Packaging Material in International Trade*<sup>1</sup> (standard).

**1.2 Fumigation** – Treatment with a chemical agent that reaches the commodity wholly or primarily in a gaseous state.

**1.3 Wood** – A commodity class for round wood, sawn wood, or dunnage, with or without bark.

**1.4 Wood Packaging Material** – Wood or wood products used in supporting, protecting or carrying a commodity (includes dunnage).

### 1.5 Fumigated Wood

#### 1.5.1 Products covered

- Fumigated Wood

### 1.6 Fumigated Wood Packaging Material

#### 1.6.1 Products Covered

- Fumigated wood packaging

**1.7** Examples of products produced from fumigated wood and fumigated wood packaging may include, but not limited to:

- Pallets
- Boxes
- Crates
- Dunnage
- Wood

**1.7.1** Dunnage, as defined in the IPPC standard is wood packaging material used to secure or support a commodity but which does not remain associated with the commodity. As dunnage is a wood packaging product available as an individual piece of wood it is a product with special considerations. Those considerations are:

1. Dunnage is not intended for use in the construction of wood packaging material pallets, crates, boxes, etc.
2. The seller shall know how the customer plans to use the dunnage and customers shall be informed of the requirements of its use.
3. When improper use of dunnage is encountered, the agency shall take corrective action with the producer and, if necessary, the customer or owner. If for any reason the improper use is not corrected, the agency under whose supervision the dunnage was produced shall, at a minimum, notify the producer and the customer or owner of their responsibilities should any damages and liability arise from

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<sup>1</sup>Wood packaging material is defined as wood packing other than that comprised wholly of wood-based products such as plywood, particle board, oriented strand board, veneer, wood wool, etc., which have been created using glue, heat and pressure or a combination thereof.

the improper use of dunnage, and, in the case of the producer, that marking privileges may be suspended if the improper use is not corrected.

## **2. STANDARDS**

**2.1** The allowable processes shall be based on those referenced in the International Plant Protection Convention Guidelines for wood packaging or standards developed by other entities, if included under this program.

**2.2** Periodic auditing of the wood and wood packaging material at fumigation producing facilities shall be carried out by an inspection agency accredited by the Board of Review of the American Lumber Standard Committee (ALSC).

**2.3** The detailed procedures by which the agency shall monitor adherence to the above standards shall be those approved by the Board of Review.

**2.4** Board of Review activities involve verification of the inspection agencies' abilities and monitoring of performance.

## **3. FUMIGATED WOOD/ FUMIGATED WOOD PACKAGING MATERIAL PRODUCING FACILITIES**

### **3.1 Facility Records**

**3.1.1** Each facility shall maintain a systematic method of keeping records and in-facility quality control procedures approved by its agency which shall include internal quality control procedures sufficient to demonstrate:

**3.1.1.1** With the exception of new, repaired or remanufactured wood packaging material fumigated on-site, the wood being used or to be used in the manufacture of fumigated wood or in the manufacture or repair of fumi-

gated wood packaging material (pallets, crating, boxes, dunnage, etc.) under this program is labeled with the designated abbreviation for the fumigant as specified in the standard under the supervision of an agency accredited by the Board of Review.

**3.1.1.2** For facilities that purchase fumigated wood from agency certified fumigation producing facilities, re-work this material and subsequently mark this material; each facility shall maintain an agency approved systematic method of keeping records that identifies if the volumes of fumigated wood purchased from agency certified fumigation producing facilities are adequate to produce the quantities of quality marked fumigated wood being labeled.

**3.1.1.3** The fumigated wood produced bear label(s) containing the following information:

- a) The designated abbreviation for the fumigant as specified in the IPPC standard.
- b) The identifying symbol, logo or name of the accredited agency.
- c) The identification number or name of the facility or of the agency inspector

**3.1.1.4** The volumes of fumigated wood being purchased from agency accredited fumigation producing facilities are adequate based upon documentation to produce the quantities of fumigated wood packaging material pallets, crating, boxes, etc. that are being labeled.

**3.1.1.5** The fumigated wood packaging material pallets, crating, boxes, dunnage, etc. produced bear label(s) containing the following information:

- a) The approved international symbol for compliant wood packaging.
- b) The two letter ISO country abbreviation followed by a unique number assigned by the National Plant Protect

Organization (NPPO) to the fumigated wood packaging material producing facility.

- c) The designated abbreviation for the fumigant as specified in the IPPC standard.
- d) The identifying symbol, logo or name of the accredited agency with placement conforming to the IPPC standard.

**3.1.2** Maintaining quality conforming to the standard is the responsibility of facility management. Internal quality control procedures shall be performed to a level that assures compliance of the product to the IPPC standard, the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy and these regulations. Fumigated wood and fumigated wood packaging material found to be in non-conformance shall either be remanufactured and conformance verified, or the quality marks shall be removed from the product.

**3.1.3** Management shall appoint an adequately trained employee to supervise facility quality control who shall be vested with the authority to correct any condition causing non-conformance, to remove the quality marks from any product that does not conform to the IPPC standard, the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy and these regulations, to stop shipments of quality marked non-conforming product and to hold shipments of product until conformance is regained.

## **4. INSPECTION AGENCY ACCREDITATION**

### **4.1 Approval**

**4.1.1** Service by an accredited agency shall only be extended to fumigated wood and/or fumigated wood packaging material producing facilities that use fumigated wood properly

labeled under an accredited agency for remanufacture of fumigated wood and/or manufacture of fumigated wood packaging material products (pallets, crating, boxes, dunnage, etc.); or facilities with on-site capability to fumigate wood and wood packaging material products or components. Such facilities shall meet all of the requirements of the IPPC standard, the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy and these regulations.

**4.1.2** The initial and continuing accreditation of an agency to provide inspection services under these regulations is contingent upon providing reliable and adequate inspection services in accordance with the current and applicable IPPC standard, the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy and these regulations. The Board of Review will among other things use these regulations to judge the competency, reliability and adequacy of an agency to supervise fumigated wood and fumigated wood packaging material producing facilities in accordance with the IPPC standard and the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy.

### **4.2 Participation in this program**

**4.2.1** Any agency is eligible to participate in this program as established herein provided the agency:

- (a) Formulates, maintains and makes available its quality control and inspection procedures for the specific fumigated wood and fumigated wood packaging material which it inspects and which are covered by the IPPC standard.
- (b) Demonstrates initial and continuing competency and reliability in the field of fumigated wood and fumigated wood packaging material inspection.

- (c) Agrees to pay charges and fees assessed by the ALSC.

**4.2.2** Any agency desiring to participate in this program shall apply in writing to the Manager of the Board of Review in such form as may be prescribed by the Manager. If the application is in proper order, the Manager shall promptly forward the application to the Board of Review for its consideration and the Manager shall undertake any further investigations of the applicant as may be requested by the Board of Review. The applying agency shall be responsible for the fees established to cover expenses incurred in conducting the qualification analysis. Such fees are to be paid in advance.

### **4.3 Accreditation Requirements**

Prior to accrediting any agency to provide inspection services for fumigated wood and/or fumigated wood packaging material the Board of Review shall require evidence that the agency conforms to the following requirements:

**4.3.1** The agency shall not be controlled by any person or firm whose own products are subject to its inspection and certification nor shall its inspectors be employed by any wood producer, fumigator, repairer, remanufacturer or manufacturer of fumigated wood and fumigated wood packaging material or by any buyer of wood, or engaged in any other undertaking which might conflict with their independent position as inspectors.

**4.3.2** The agency shall maintain the practice of having all inspections performed by properly supervised and qualified inspectors all of whom shall be under the direct control of the agency. Each inspector shall be thoroughly competent in the inspection of fumigated wood and fumigated wood packaging material products of the species being inspected. Inspectors

shall be directed by a chief inspector, supervisor or manager who is thoroughly experienced in the inspection of fumigated wood and fumigated wood packaging material products and who shall be held responsible for the proper functioning of the members of the inspection staff.

**4.3.3** The agency shall maintain a bona fide fumigated wood and fumigated wood packaging material producing facility audit service for the purpose of monitoring the uniform application by the agency of the IPPC standard and agency quality control and inspection procedures. The agency's samples shall be representative of a facility's production in inventory at the time of inspection. Written reports of each inspection shall be made to the fumigated wood and/or fumigated wood packaging material producing facility and copies shall be kept available by the agency for examination by the Board of Review or its representative upon request. These records shall be kept for a minimum of two years.

**4.3.3.1** It is the obligation of the agency to audit the fumigated wood and/or fumigated wood packaging material producing facility on a periodic basis, and the obligation of the fumigation producing facility to produce a properly labeled fumigated wood and/or fumigated wood packaging material product. Samples of previously manufactured fumigated wood and/or fumigated wood packaging material products shall be inspected in accordance with the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Policy as part of the agency supervision. The agency shall sample a sufficient amount of products produced by the fumigated wood and/or fumigated wood packaging material facility to adequately evaluate the proficiency of the facility. When a sample of fumigated wood or fumigated wood packaging material indicates the product is not properly labeled the product shall be corrected. The agency shall verify

that the product has been corrected by either removal of the quality mark or by remanufacture of the fumigated wood and/or fumigated wood packaging material product. The agency shall take whatever steps necessary to prevent recurrence. Each month the agency headquarters personnel shall review the performance of each fumigated wood and/or fumigated wood packaging material producing facility and take whatever action warranted. In addition, the review shall include the assessment of the agency sample results for each inspection. If the inspection results fail to meet the specified criteria, the agency shall increase inspections until such time as the results are within the specified criteria at which time the frequency of inspections may return to normal.

**4.3.4** The agency shall conduct all audit and inspection activities in a manner which complies with all requirements its quality control and inspection procedures as approved by the Board of Review and these Enforcement Regulations.

**4.3.5** The agency shall adhere to the policy of uniformly requiring its inspectors or its agents to determine conformance to all applicable specifications before issuing a certificate thereon or marking the fumigated wood or fumigated wood packaging material product with the agency symbol.

**4.3.6** The agency shall uphold the standards of the industry through proper inspection procedures and shall maintain sufficient checks of its inspection staff to assure not only the continuing honesty, integrity and competency of its members, but consistency on their part in the proper application of fumigated wood and fumigated wood packaging material specifications.

**4.3.7** Irrespective of production levels each fumigation producing facility shall be inspected a minimum of twelve times per year at

approximately monthly intervals, except in those cases where a facility is inactive in excess of 2 months in any 12 month period in which case an inspection is required for each month the facility actually produces fumigated wood or fumigated wood packaging material.

**4.3.8** All accredited agencies shall provide at all times an adequate, competent and reliable inspection service according to the requirements of these Enforcement Regulations

**4.3.9** All quality control and inspection procedures submitted for approval shall conform to the minimum requirements of the applicable IPPC standard, the Fumigated Wood/ Fumigated Wood Packaging Material Policy, and to these Enforcement Regulations. If deficiencies are found in the review of an agency's quality control and inspection procedures, the deficiencies shall be brought to the attention of the agency. The agency shall have the option of amending its procedures to conform or requesting a hearing before the Board of Review.

**4.3.10** An agency shall agree to have its quality control and inspection procedures carry a specific reference to the approval by the Board of Review and that these procedures conform to the applicable IPPC standard.

**4.3.11** When quality control and inspection procedures have been approved by the Board of Review, subsequent revisions shall be submitted by the promulgating agency to the Board of Review for approval.

**4.3.12** Security and Contracts. The Board of Review shall require as a condition to its accreditation of any agency the payment when due of all charges and fees assessed by the ALSC to cover the cost of carrying out the ALSC and Board of Review functions and the reimbursement to the ALSC for all costs and expenses incurred by the ALSC or its Board of

Review in any investigation of the activities or practices of the agency, whether or not the investigation is initiated by the ALSC or its Board of Review or upon complaint. The Board of Review shall require that each accredited agency execute a contract with the ALSC in such form and containing such provisions as the ALSC may from time to time decide, and that each such agency observe and act in a manner consistent with the provisions of the contract.

**4.3.13** The Board of Review shall require each accredited agency to prepare and submit to it for approval, a form of contract which each agency shall require the subscribing fumigated wood and/or fumigated wood packaging material producing facility to execute. Accredited agencies shall maintain copies of contracts executed with each fumigated wood and/or fumigated wood packaging material producing facility receiving their services. Copies of contracts shall be retained for a period of not less than three years after termination of such contracts.

**4.3.14** Agency Policy Changes. If at any time there should be any change in any policies of an agency relative to matters that are required under the Enforcement Regulations, the agency shall immediately notify the Board of Review in writing.

#### **4.4 Agency Accreditation for Facility Supervisory Service and/or Lot Inspection Service**

**4.4.1** The Board of Review shall require an applicant to submit complete information as to its form or organization, the length of time it has functioned, the experience of its management as well as the individual inspection personnel and the supervision of its inspection staff. The applicant shall also submit, as applicable to the service(s) offered: complete information about the facilities under its supervision, the production volume of the

facilities, programs for which supervision will be offered, programs for which lot inspection services will be offered, procedures for handling requests for lot inspection, the species involved, adequate provisions for supervision of in-facility quality control, supervision of fumigation producing facility performance, authority to apply the agency's quality mark and evidence that all applicable requirements of the IPPC standard are being met by the agency and its member facility.

**4.4.2** Before accrediting the inspection service(s) of any agency, the Board of Review shall require evidence that the agency conforms to all the requirements of Section 4.2 and Section 4.3 of these Enforcement Regulations in the conduct of its facility supervision and/or lot inspection services and that the agency conforms to its own approved quality control and inspection procedures, these Enforcement Regulations and all applicable IPPC standards.

#### **4.5 Application of the Quality Mark and Certificates of Inspection**

**4.5.1** The application of the quality mark shall be accomplished by one of two methods: by facility employees under the supervision of an accredited agency or by employees or qualified agents of the accredited agency, as specified herein. Application of the quality mark of agencies approved to conduct fumigation supervisory services under the wood packaging material program shall be conducted under the requirements of the applicable IPPC standard(s), these Enforcement Regulations, the agency's quality control and inspection procedures and approved procedures for the withdrawal of services for unsatisfactory performance. When an employee or qualified agent of any agency is regularly stationed at a point of production, they shall be checked at the same intervals in the same manner as a facility employee would be checked by a supervisory agency.



**4.5.2** Lot inspections and certificate of inspection shall be permitted at any point where there is good and sufficient reason for them and shall be performed only by qualified agency personnel or qualified agents of an accredited agency.

**4.5.3** Fumigated wood or fumigated wood packaging material accepted by the Inspector on a certificate inspection shall be identified by the Inspector's hammerbrand or other identifying mark and the identifying mark shall be shown on the certificate.

## **4.6 Marking**

**4.6.1** An accredited agency is permitted to license the use and application of its quality mark to complying fumigated wood and fumigated wood packaging material products by any fumigation producing facility which subscribes through the agency to this program.

**4.6.2** Continued use of the quality mark is subject to continued conformance to the IPPC standard as determined by sampling in accordance with these Enforcement Regulations.

**4.6.3** Application of the quality mark to fumigated wood and fumigated wood packaging material products covered by the IPPC standard by a fumigation producing facility licensed by an accredited ALSC agency constitutes declaration that the product has been produced under the agency's quality control program.

**4.6.4** A quality mark shall not be applied to any product where the material is misrepresented by a confusing or deceptive grade mark, label, brand or certificate.

**4.6.5** When the quality mark of an accredited agency is applied, each fumigated wood or wood packaging material product shall

be marked and wood products bearing a quality mark shall not be mixed with non-marked products. With the exception of fumigated wood and dunnage, quality marks should be placed in a visible location on at least two opposite sides of fumigated wood packaging material product but are not required on each individual component piece of a fumigated wood packaging material product.

**4.6.5.1** When the quality mark of an accredited agency is applied to fumigated wood, quality marks should be applied in a visible location at least once per piece.

**4.6.5.2** When the quality mark of an accredited agency is applied to fumigated dunnage, quality marks should be applied in a visible location at least once per piece. When the dunnage is to be cut to other sizes by the customer multiple marks may be applied.

**4.6.6** Quality marks of accredited agencies shall be uniform in providing the required information, shall be legible when placed on fumigated wood packaging material products and shall be in the format shown below. The following minimum information is required to be contained on the quality mark whether stamped, labeled or branded (tags are not permitted) and also with a certificate:

**4.6.6.1** The approved international symbol for compliant fumigated wood packaging material.

**4.6.6.2** The two letter ISO country abbreviation followed by a unique number assigned by the NPPO to the producer of the fumigated wood packaging material.

**4.6.6.3** The designated abbreviation for the fumigant as specified in the IPPC standard.

**4.6.6.4** The identifying symbol, logo or name of the accredited agency with placement con-

forming to the IPPC standard.



**4.6.6.5** In the case of fumigated dunnage, all elements of Section 4.6.6 and the term “Dunnage” or the abbreviation “Dun” with placement conforming to the IPPC standard.



**4.6.7** Quality marks of accredited agencies shall be uniform in providing the required information, shall be legible when placed on fumigated wood. The following minimum information is required to be contained on the quality mark whether stamped, labeled or branded (tags are not permitted) and also with a certificate:

**4.6.7.1** The designated abbreviation for the fumigant as specified in the IPPC standard.

**4.6.7.2** The identifying symbol, logo or name of the accredited agency.

**4.6.7.3** The identification number or name of the facility or of the agency inspector.

**4.6.8** A representative facsimile of an agen-

cy's quality marks shall be on file with the Board of Review.

**4.6.9** It is the policy of the ALSC that fumigated wood and fumigated wood packaging material facility quality marks, grade marks, grade stamps, labels, brands, certificates or other product description shall not be confusingly or deceptively similar to the quality marks of any Board of Review accredited agency, including, but not limited to, reference to the IPPC standard directly or indirectly.

**4.6.10** The existing quality mark shall be obliterated when quality marked fumigated wood packaging material is:

- **Repaired:** The existing quality marks on the fumigated wood packaging material shall be obliterated unless the facility has an agency approved process in place to assure compliance to Section 4.3.2 of the IPPC standard in all respects, including assurance that all components of the repaired fumigated wood packaging material have been fumigated in accordance with the standard. When the existing quality marks on repaired fumigated wood packaging are obliterated, such wood packaging shall be remarked as IPPC standard compliant only after the wood packaging material has been subjected to the fumigation process.
- **Remanufactured:** The existing quality marks shall be obliterated. Such wood packaging material shall be remarked as IPPC standard compliant only after the fumigated wood packaging material has been subjected to the fumigation process.

**4.6.10.1** Any item subject to obliteration found to contain more than 5% quality marks

not obliterated shall be corrected.

**4.6.11** To obliterate means to render the approved mark or stamp unreadable or clearly inapplicable. Examples of obliteration of the approved mark or stamp include, but are not limited to removal by sanding or abrasion, over-stamping with opaque indelible ink or paint applied in a solid block, multiple 'x' stamp or other means of over-marking with opaque indelible ink or paint. Marking through the approved mark or stamp with a semi-transparent ink, paint, or crayon which allows full, though possible reduced visibility of the approved mark or stamp does not constitute obliteration.

**4.6.12** Each accredited agency shall be responsible for the control of its quality marks. Quality marks shall only be used at facilities or by personnel authorized by accredited agencies. Accredited agencies shall require a participating facility to provide care and security of the agency quality marks. An accredited agency shall retain on file a facsimile of each quality mark issued, require worn out or discarded quality marks to be destroyed, and require missing or stolen quality marks be reported to the agency. An accredited agency shall have on ongoing practice of reporting and reviewing stamp inventories, generally monthly to ensure reconciliation in agency records regarding the types and amounts of stamps issued to each fumigation wood and/or wood packaging material producing facility. The agency shall report missing, stolen, or misuse of its quality marks to the Board as soon as the agency is aware of such.

**4.6.12.1** While some necessary fumigation activities occur at locations other than contracted locations, prior written arrangement with the agency and notification to the agency is required for fumigation wood and/or fumigation wood packaging material producing facilities to move quality marks from the

contracted location to a secondary job site for these activities. Further, advanced notice shall be made at least 48 hours in advance to allow any possible audits to occur by either the agency or ALSC. In cases where 48 hour notice is not possible (for example, due to contractual or regulatory obligations), advance notice shall be made at the earliest possible juncture and the facility responsible for the fumigation shall maintain all pertinent records including time and date-stamped photographs or video showing all stages of the initial fumigation set up, evidence of the material fumigated, and the 0.5, 2, 4, and 24 - hour mark fumiscope readings. These required records should be kept by the facility per the agency record retention requirements.

**4.6.13** Any item containing 10% or more quality marks deemed to be illegible or incomplete shall be corrected.

#### **4.7 Warnings, Suspensions and Withdrawals**

**4.7.1** Accredited agencies shall issue warning or suspension to, or withdraw quality marks from any fumigated wood and/or fumigated wood packaging material producing facility utilizing their services when an inspection or a series of inspections reveals serious non-conformances. An agency will immediately notify the Manager of the Board of Review by letter when it warns, suspends or withdraws the quality marking services at any facility for cause, supplying all pertinent details. Upon receipt of such notice, the Manager of the Board of Review shall immediately notify by letter all other accredited agencies extending services in the area. No other agency shall extend supervisory service or any other quality marking services to the facility for a period of 180 days in the case of a suspension or withdrawal notice, or 60 days in the case of a warning notice, after the date of the letter of the agency's notification, unless the facility has been reinstated by the agency

which warned, suspended or withdrew its service, when the services of the other agency result in evading the warning, suspension or withdrawal. The agency may reinstate quality marking supervisory services only after the facility involved demonstrates the ability and willingness to maintain the applicable requirements of the agency's quality control and inspection procedures, these Enforcement Regulations, the Fumigated Wood/ Fumigated Wood Packaging Material Policy and the IPPC standard. The agency shall file a complete report with the Manager of the Board of Review outlining all corrective steps taken.

#### **4.8 Reinspection**

**4.8.1** Reinspection by agencies accredited by the Board of Review shall be available to both buyer and seller upon request for the purpose of determining compliance with specifications of this program and effecting settlement of complaints.

**4.8.2** Complaint regarding product compliance with the requirements of the IPPC standard may be made to the fumigated wood and fumigated wood packaging material facility for 90 days after shipment. Partial use of a shipment shall not prejudice the right to reinspection as long as the unused portion is in the form in which it was shipped.

**4.8.3** Where the fumigated wood and fumigated wood packaging material product is represented as in compliance to the IPPC standard by a quality mark, certificate or invoice, the designated abbreviation for the fumigant as specified in the IPPC standard is defined as wood; or wood packaging material, new, used, previously assembled, repaired or remanufactured which has been fumigated and met all requirements set forth in the IPPC standard.

**4.8.4** The expense of reinspection shall be borne in accordance with the provisions of the

quality control and inspection procedures of the applicable agency, however, the person calling for the reinspection shall be responsible to the agency for the costs thereof.

#### **4.9 Agency Reports**

The Board of Review shall require reports to be rendered at such times it determines necessary. The reports shall include, among other things, information as follows:

**4.9.1** The number of inspections performed during a particular period and the volume of fumigated wood and/or fumigated wood packaging material involved.

**4.9.2** Reinspection of fumigated wood or fumigated wood packaging material originally certified by the agency or marked with an agency's quality mark during a particular period with details on each, including the name of the original inspector and the date of the original inspection if certification is involved, the point of origin, name and location of the consignee, date of reinspection, item(s) and quantities involved and results of the reinspection.

**4.9.3** A summary report on the agency's own facility inspections for a given time which generally shall coincide with the random sample survey conducted by the Board of Review.

#### **4.10 Record Retention**

**4.10.1** As a condition of accreditation, an agency shall maintain for a period of at least three years records of all inspections made. These records shall be available for examination by a representative of the Board of Review at any time during normal working hours. Employees of an agency whose principal job is inspecting a facility's performance shall be supervised by the agency and reports of the supervision kept in the

agency's files for a period of two years.

#### **4.11 Field Examination**

**4.11.1** Each agency shall agree to permit staff representatives of the Board of Review to examine any fumigated wood and/or fumigated wood packaging material certified and/or quality marked by the agency or under the agency's supervisory service at facilities or destination points, for the purpose of checking the performance of the agency, its inspectors and the general reliability of its service.

**4.11.2** Board of Review staff personnel shall have the right to examine unmarked material at facilities and at destination points.

**4.11.3** The agency shall agree that if any fumigated wood and/or fumigated wood packaging material which it has certified or quality marked or is produced under its supervisory service whether quality marked or not, is found to be deficient, the agency shall cooperate fully in taking such steps as shall be necessary to eliminate the risk of recurrence of such deficiencies by the same inspector or facility. Each agency shall also agree that serious deficiencies, when found, shall require complete reinspection of the shipment or lot.

#### **4.12 Random Sample Survey**

**4.12.1** The Board of Review shall conduct on a random sampling basis, inspections on fumigated wood and fumigated wood packaging material produced by each accredited agency's facilities. The facilities included in each survey shall be selected at random and shall be of sufficient number to be deemed representative of the total volume of fumigated wood and fumigated wood packaging material produced under an accredited agency's authority. The results of the random sample survey shall be used by the Board of Review as one measure of determining the continuing competency and

reliability of an accredited agency.

#### **4.13 Agency Follow-up**

##### **4.13.1 Unsatisfactory Reports**

When a field report by a Board of Review inspector reveals a serious infraction, the Board of Review or its staff shall promptly notify the agency of the infraction, send the agency a copy of the inspector's report, and request that the agency take corrective action with the facility or agency employee involved to prevent a recurrence of the infraction. The agency shall reply stating in detail the corrective actions taken, and shall continue to make such reports until such time as it is satisfied that a recurrence of the infraction is unlikely and it notifies the Board of Review that it is satisfied. Appropriate documentation shall accompany all reports.

The Board of Review shall periodically evaluate the effectiveness of an agency's follow-up. The Board of Review shall to the extent possible confirm that the agency did in fact take all action as reported to the Board of Review.

The Board of Review shall maintain records of the agency's follow-up performance. These records shall be used by the Board of Review as one measure of the continuing competence and reliability of an agency.

##### **4.13.2 Board of Review Requested Reinspection.**

(a) Destination: Upon finding that a given shipment of fumigated wood and/or fumigated wood packaging material that is quality marked and/or certified appears to contain serious infractions, the Board of Review inspector without divulging detailed information to the customer shall request the fumigated product be held for re-inspection. The inspector shall immediately notify his office with full details of the infraction. The office of

the Board of Review shall immediately notify the agency whose quality mark appears on the fumigated product and the agency in turn shall immediately advise the customer holding the fumigated product that a prompt re-inspection is to be made by the agency at no cost to the customer provided the customer agrees to hold the fumigated wood and/or fumigated wood packaging material and furnish labor if necessary (for which the customer shall be reimbursed by the agency) and further agrees to assess no holding charges for the fumigated wood and/or fumigated wood packaging material held for re-inspection.

The agency shall furnish results of the re-inspection to all parties of the transaction. Costs of such re-inspection shall be funded by the ALSC except when the fumigated wood and/or fumigated wood packaging material is found to be non-conforming according to the re-inspection provisions shown in Section 4.8 of these Enforcement Regulations. In which case the shipping facility shall be responsible to the agency for the cost of the re-inspection.

(b) Origin: Upon finding quality marked and/or certified fumigated wood and/or fumigated wood packaging material at the point of origin which contains serious infractions, the Board of Review inspector shall request the facility to hold the fumigated product for review by the agency and notify the Board of Review office immediately of the infraction giving full details. The office of the Board of Review shall immediately notify the agency whose quality mark appears on the fumigated product. The agency shall immediately notify the facility management and confirm that the fumigated product is to be held for review by the agency. The agency shall review the fumigated product being held and determine the appropriate action and shall promptly report the actions taken to the Board of Review. Any facility failing to hold such fumigated product shall be subject to having the use of its quality marking devices suspended immediately.

**4.13.3** If the agency disagrees with the ALS field representative's finding as to the labeling of the fumigated wood and/or fumigated wood packaging material, the agency shall notify the ALS office and give the ALS an opportunity to review the fumigated wood and/or fumigated wood packaging material with an agency representative if necessary. If this procedure is not followed, the ALS report stands.

#### **4.14 Board of Review Origin and Destination Inspections**

**4.14.1** The results of origin and destination inspections may be used by the Board of Review as one means of determining an agency's performance.

#### **4.15 Board of Review Enforcement Actions**

**4.15.1** Probation, Suspension or Revocation of Agency Accreditation: The Board of Review shall judge the continued competency, reliability, adequacy and integrity of accredited agencies under these Enforcement Regulations. The Board of Review, after reviewing the competency, adequacy, integrity and performance of an agency, shall take any of the following actions as in the judgment of the Board of Review is necessary to maintain the integrity of this program.

- (a) Place an agency on probation.
- (b) Suspend the accreditation of an agency.
- (c) Revoke the accreditation of an agency.

In arriving at its decision to take any of the above actions, the Board of Review shall consider any information at its disposal, including, but not necessarily limited to, the information contained in agency reports to the Board, results of the random sample survey inspection, destination inspections and follow-up performance of an agency in specific

instances. Actions of probation, suspension or revocation by the Board of Review shall be made public.

**4.15.2 Board of Review Procedures:** Before any agency is placed on probation or its accreditation is suspended or revoked by the Board of Review, the Board shall notify the agency that enforcement actions against the agency may be taken by the Board and the agency shall be afforded opportunity to appear before the Board in person and by counsel in connection with such pending action by the Board. A Board of Review action placing an agency on probation, suspending or revoking the accreditation of an agency shall be taken on the basis of evidence introduced on the record in a hearing held by the Board with opportunity on the part of the agency concerned to examine the evidence of record and to cross examine witnesses testifying before the Board and the opportunity on the part of the agency concerned to submit its own evidence in the hearing.

#### **4.16 Lapse of Accreditation**

**4.16.1** If an accredited agency shall not have inspected any fumigated wood and/or fumigated wood packaging material for a period of two years, the accreditation of that agency shall thereupon lapse and terminate, unless the agency shall establish grounds for continuance of its accreditation. Lapse and termination of accreditation shall not prejudice later reapplication for accreditation.

### **5. FUNCTIONS OF THE BOARD OF REVIEW**

#### **5.1 Inspection Visits**

Inspections conforming with the Policy shall be performed by the field staff of the Board of Review for the purpose of monitoring agency performance. Four types of inspections shall be made. They are as follows:

- (a) Random Sample Survey Inspections
- (b) General Inspections
- (c) Destination Inspections
- (d) Recall Inspections

The purpose for each type of inspection is:

**5.1.1 Random Sample Survey:** Inspections shall be made at a specific number of an agency's facilities chosen at random. The number of facilities chosen for inspection from each agency shall be determined by the number of facilities an agency supervises. Samples from randomly selected fumigated wood and/or fumigated wood packaging material product shall be obtained at each facility and the number of samples taken at any facility included in a survey shall be dependent on the facility's annual production.

**5.1.2 General Inspections:** Inspections shall be made at facilities on a general basis. Samples taken at these inspections shall be from any fumigated wood and/or fumigated wood packaging material present at the facility at the time of inspection.

**5.1.3 Destination Inspections:** Destination inspections shall be made in chosen market areas.

**5.1.4 Recall Inspections:** Where serious deficiencies are found at a facility during a random sample survey inspection, at a destination inspection, or a general inspection, recall inspections shall be made to determine that the deficiencies have been corrected.

#### **5.2 Inspection**

**5.2.1** Items that shall be checked for each inspection include:

**5.2.1.1** The use of fumigated wood and/or fumigated wood packaging material components labeled with Board of Review accredited

agency marks indicating the designated abbreviation for the fumigant as specified in the IPPC standard.

**5.2.1.2** Traceability of the fumigated wood and/or fumigated wood packaging material component pieces.

**5.2.1.3** Correct use of quality mark.

**5.2.1.4** Correctness and legibility of quality marks.

**5.2.1.5** Agency and facility adherence to requirements of Section 3.

**5.2.1.6** For fumigated wood or fumigated wood packaging material produced on-site by facilities all minimum requirements specified in the IPPC standard are met, fumigation records, and/or other information or data pertinent to the fumigation process are present; that all products adhere to any size limitations and treatment schedules defined in the IPPC standard; that all fumigated wood or fumigated wood packaging material must be made from debarked wood, that removal of bark in excess of the limitations for debarked wood shall occur prior to fumigation and any bark remaining adheres to the IPPC standard requirements.

**5.2.2** When fumigated wood and/or fumigated wood packaging material bearing an agency's quality mark is found to be non-conforming during any Board of Review inspection, the agency shall be notified immediately. It shall be the obligation of the agency to take immediate corrective actions and report such actions to the Board of Review.

### **5.3 Record Review**

The records of each accredited agency shall be checked at least annually by staff personnel of the Board of Review.

The following groups of records shall be among those checked:

**5.3.1** Records pertaining to agency supervision of its own inspection staff, including records of initial inspector training and continuing inspector training, records of the correction of deficiencies in individual inspectors, records showing specific qualifications of individual inspectors and records showing assignments of individual inspectors.

**5.3.2** Records pertaining to facility inspections including results of samples taken during facility inspections. Records of procedures for application of the quality mark. Records of frequency of facility inspections.

**5.3.3** Records pertaining to the correction of deficiencies, found by agency inspection at facilities and destination sites and their satisfactory correction and records of re-inspection generated by customer complaint and the settlement of claims.

**5.3.4** Records pertaining to enforcement, including records of facility qualification, of warnings issued, suspensions, and revocations.

### **5.4 Findings**

#### **5.4.1** Records

The result of the Board of Review's staff review of an agency's records shall be reported to the Board of Review. The Board of Review shall use this information and all other information available to the Board in its evaluation of an agency's adequacy, competency and reliability.

### **5.5 Board of Review**

**5.5.1** The Board of Review shall judge the performance, efficiency, reliability, and integrity of agencies based on reports of the



Board of Review's staff using the procedures in Section 4 and all other information available to it.

## **6. INTERPRETATIONS**

### **6.1 Staff Interpretations.**

The purpose of interpretations is to promote consistency in the application and understanding of the provisions of this document. Interpretations are occasionally needed to add further clarification to the requirements of these regulations. An interpretation of the American Lumber Standard Committee, Incorporated<sup>®</sup> (ALSC) Board of Review Enforcement Regulations may be obtained through the submission of a written request to the President.

(a) The written request shall identify the specific section of the Enforcement Regulations involved and shall set forth the facts and arguments supporting the request.

(b) The interpretation shall be made by the President or his designated staff person in writing.

(c) The interpretation of the President shall be distributed to all participants in the ALSC Program.

(d) In the absence of any request pursuant to Subsection 6.2, below, the interpretation shall be made part of the background documentation to the Enforcement Regulations upon endorsement by the Enforcement Subcommittee and ratification by the ALSC.

### **6.2 Enforcement Subcommittee Review.**

Within 30 days of the distribution of the interpretation, the requestor or any participant may submit a written request for review by the Enforcement Subcommittee, including the grounds of disagreement with the interpretation. At the discretion of the chair, the Subcommittee will consider the request at a meeting or telephone conference at which

the requestor may make additional presentations. The Subcommittee may accept, reject, or make changes in the interpretation.

### **6.3 Appeals to the ALSC.**

(a) The requestor or any participant in the program who has filed a request pursuant to Subsection 6.2, and who finds the ruling of the Enforcement Subcommittee unacceptable, may appeal the ruling to the ALSC. Such request for appeal must be submitted in writing no later than 30 days after the date of the Enforcement Subcommittee's minutes being published and must specify the grounds for the appeal. The appeal shall be considered at the next meeting of the ALSC or, in the discretion of the Chairman, in a special telephone conference. All interested parties will be allowed the opportunity to make further presentations at the meeting or call.

(b) If a majority of the ALSC does not approve the recommendation of the Enforcement Subcommittee, the matter shall be either (i) referred back to the Enforcement Subcommittee for further consideration, or (ii) revised by the ALSC.

### **6.4 Interpretation Records**

A complete record of all interpretations and committee actions on interpretations shall be maintained at the offices of the ALSC and shall be fully available upon written request to the ALSC President.

## **7. Fumigation**

This section establishes minimum criteria to be used by agencies to verify that products fumigated and the facility's equipment and fumigation schedules meet the minimum time and fumigation concentration requirements of the IPPC standard.

A fumigation producing facility is defined as a fumigation company operating from either a

permanent site or from a permanent office with mobile fumigation capabilities.

**a) Initial qualification of a fumigation producing facility**

Agencies shall verify the facility has all registrations and equipment required of a fumigator, that all required registrations are current, and that the facility has the ability to demonstrate use of the fumigating equipment and the fumigant in accordance with all registrations, the IPPC standard requirements and a schedule that achieves requirements also specified in the IPPC standard.

**b) Monitoring**

The agency shall audit on a periodic basis the minimum requirements reviewing the facility site, facility fumigation records, and/or other information or data pertinent to the fumigation process as defined in the IPPC standard

**8. ADDITIONAL PROCEDURES**

**8.1** Additional procedures for this fumigation program shall be adopted as needed by the American Lumber Standard Committee.

**9. CONSTRUCTION**

**9.1** These regulations shall be construed and interpreted so as to conform with the ALSC Fumigated Wood/ Fumigated Wood Packaging Material Fumigation Policy (Policy) dated November 7, 2014.