



United States
Department of
Agriculture

Animal and Plant
Health Inspection
Service

Washington, DC
20250

Mr. Paul De Morgan
Senior Mediator
Resolve
1255 23rd Street, NW, Suite 275
Washington, DC 20037

OCT 14 2010

Dear Mr. De Morgan:

Subject: Advanced Notice of Proposed Rulemaking (Docket No. APHIS-2009-0016)

Thank you for expressing your interest in and support of APHIS' efforts to prevent the inadvertent spread of damaging invasive forest pests through the movement of wood packaging material (WPM). We are committed to developing innovative approaches and partnerships that effectively mitigate the effects of these pests on our nation's forest resources.

APHIS was pleased to receive such thoughtful comments in response to Docket No. APHIS-2009-0016. These comments provided insightful perspectives on a wide variety of topics such as industry practices, economic impacts, environmental considerations, potential treatments and mitigations, regional differences in materials and methods used to construct WPM, and possible strategies for enforcement of potential regulations.

While we have completed the review of comments, a number of significant questions arose or remain unanswered. For example, do noted differences in pest interception rates for different types of WPM (pallets, crating, dunnage, etc.) justify varying levels of regulation? Should the scarcity of documented data on pest risks associated with the interstate movement of WPM be addressed before developing regulatory and other strategies designed to mitigate those risks? Other remaining questions relate to costs and other burdens that would be associated with any potential regulation.

As our next step, APHIS plans to implement a two-part regulatory strategy. First, we are preparing several documents to further inform decision-making on the complex issues associated with regulating the interstate movement of WPM. The documents include a Pest Risk Assessment (PRA), an Economic Analysis (EA), and an Environmental Impact Statement (EIS). The PRA will examine the patterns and volumes of the production and movement of different types of WPM and possible associated pests. The EA will examine the costs and other economic effects of potential regulations, especially on small businesses. The EIS will thoroughly analyze the effects of potential regulations related to the interstate movement of WPM.

For the second part of our regulatory strategy, we will consult further with stakeholders on unresolved questions and issues. To that end, we look forward to working with you on this important initiative.



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Because of the complexities involved, we cannot provide a time frame to complete the documents described above. Nonetheless, as we consider the viability of regulations that govern WPM within the United States, we will remain committed to developing strategies that mitigate any risks identified through the PRA, EA, and EIS.

Sincerely,

A handwritten signature in black ink, appearing to read "Rebecca Bech". The signature is fluid and cursive, with the first letter of each word being capitalized and prominent.

Rebecca Bech
Deputy Administrator
Plant Protection and Quarantine

edp/mlo