

# Pest Rule Will Have a Few Bugs, Critics Say

A U.S. plan to keep a forest-eating beetle out of wood packaging in imports boosts use of an ozone-depleting, highly toxic chemical.

By Steven Bodzin, Times Staff Writer

WASHINGTON — Tosha Cooper had never seen anything like the beetle creeping past her office at the Rox Pro warehouse in the Sacramento suburbs. It was black with white spots and inch-long antennae, she said, and was "as long as my index finger."

Worried that it might have come from crates just arrived from China, she searched the Internet for "black spotted beetle china."

"As soon as I got it, a pest alert popped up that said to contact authorities immediately," she said.

If the bugs — forest-devouring Asian longhorned beetles — had gotten loose, the U.S. Forest Service says, they could have destroyed Sacramento's urban forest and potentially moved on to oak woodlands throughout the state.

The bugs should never have made it out of China. Like all wood packaging from China, the crates were certified pest-free.

On Sept. 16, the U.S. Department of Agriculture will impose a new rule meant to prevent such invasions. But critics say it will do nothing to prevent situations like the one in Sacramento.

And, they add, it will increase use of a highly toxic, ozone-destroying chemical that other industries and countries are struggling to eliminate.

Under the new rule, anyone sending wood pallets or crates to the United States must either heat them to a temperature that kills any bugs or fumigate them with the pesticide methyl bromide and then certify that the treatment has taken place.

Environmentalists and worker-safety advocates have fought the use of methyl bromide in agriculture since the 1980s. Now they have been joined by defenders of native forests, who say pests will slip through the new controls.

Instead of using wood pallets treated with chemicals or heat, these critics want shippers to use plywood, plastic or metal containers.

An international treaty, the Montreal Protocol, requires American farmers to stop using methyl bromide because it destroys the ozone layer. The chemical was banned in January

2004 except in limited "critical use" cases. As a result, farmers have cut their use of the chemical by two-thirds since the early 1990s.

But worldwide use of the chemical for fumigating pallets increased from 12,000 tons to 20,000 tons between 2002 and 2004, according to the U.N. Environment Program. The National Oceanic and Atmospheric Administration estimates that fumigation contributes 40% to 45% of the methyl bromide in the atmosphere.

Critics and advocates of the new policy agree that the rule will increase the chemical's use.

The ozone treaty allows countries to use the chemical to kill invasive pests. But at least one foreign government is concerned that the new rule will lead to backsliding on the ozone agreement. Martijn Hildebrand, of the Directorate for Climate Change and Industry in the Netherlands, said that pest control was harming the ozone layer. He said in an e-mail that he wanted the chemical's use on wood products to be limited and for shippers to move to other types of pallets.

Although excessive methyl bromide use harms the ozone layer, even many critics say that it kills bugs when applied correctly. But foresters worry it won't be. Under the rule, pallets and crates will be stamped with a trademarked logo certifying that they have been treated.

"There's a problem of counterfeiting," said David Doniger, policy director at the Natural Resources Defense Council's Climate Center. "Untreated wood can be marked as if treated."

Melissa O'Dell, a spokeswoman for the Agriculture Department's Animal and Plant Health Inspection Service, agreed.

"Customs and Border Protection officers will look to validate that the wood packaging material has a mark, not that the mark is valid," she said.

Customs and Border Protection spokeswoman Erlinda Byrd said her agency had a protocol for dealing with counterfeit marks but did not elaborate, citing law-enforcement concerns.

Edgar Deomano, technical director of the National Wood Pallet and Container Assn., said he supported the new rules and opposed a mandatory shift from raw wood. Still, he noted, shippers in "most small developing countries" are likely to have trouble with the new rule.

At international negotiations, he said, they complained "that they'd have a hard time complying. They don't have facilities for fumigation or for heat treatment."

William Aley, the USDA official who is overseeing implementation of the new rule, said

the United States was encouraging those countries to use heat treatment. Solar heating is an option for nations in the tropics, he added.

That's not enough for Frank Carl, agriculture commissioner of Sacramento County. Though inspectors found only three Asian longhorned beetles, all at the Rox Pro warehouse, Carl is now part of a \$752,000 effort to ensure that the infestation is contained.

In urban areas of New York, New Jersey and Illinois, where the beetle has previously gotten loose, almost 10,000 trees have been cut down. The Forest Service predicts eradication will eventually cost \$300 million.

The Forest Service has speculated that the beetle, also known as a borer, could devastate North American hardwood forests if it gets out of the cities. The worst impact would likely be in the eastern United States. Potential economic losses are estimated at more than \$600 billion.

"In my view," Carl said, "the 100% effective method for keeping out Asian longhorned borer is to use manufactured wood only for packaging."

Doniger, an expert on ozone issues who worked in the Environmental Protection Agency during the Clinton administration, said the Agriculture Department had once agreed to look into banning wood pallets. But the Bush administration, he said, "blew off" the agreement.

Aley, a senior import specialist at the USDA, said the new rule strongly suggested that shippers use alternatives to wood packaging. But, he noted, "the government doesn't have much legal authority over conveyances of cargo. The secretary of Agriculture has specific laws to protect American agriculture based on the commodity, not the conveyance."

He also said a ban could lead to problems with the World Trade Organization, which oversees global trade issues, including invasive pests.

"We export wood pallets just like we have them coming in," he said. "If we forbid them from certain countries, there's an unfair trade balance going on."

Most important, he said, was the issue of cost: In China, a wood pallet is \$2, plywood \$8 and plastic \$15. That cost difference, multiplied by millions of pallets, would end up affecting consumers.

"I don't know the cost," Carl said. "But what's the cost of losing our urban forest to the longhorned beetle?"

Aley acknowledged that some pests would get through the new system. Shippers sometimes shore up a load with an extra piece of lumber or even a fresh tree branch, he

said, adding, "You'd be amazed at what you find in there."

Inspectors will still examine some shipments, searching for signs of infestation. And Aley said he hoped that there would be more people like Cooper, the manager in Sacramento, who would report pest invasions before they got out of control.

But it won't be Cooper herself. After reporting the pests, she said, she was disciplined — and has left Rox Pro.