

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

TUESDAY, MARCH 25, 2025
2:00 PM
CONFERENCE ROOM 329 & VIDEOCONFERENCE

SENATE BILL NO. 140, SD2, HD1
RELATING TO INVASIVE SPECIES

Chair Matayoshi, Vice Chair Chun, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 140 SD2, HD1, relating to invasive species. The bill prohibits the importation of firewood into the State, except for firewood that meets certain standards; requires firewood that is imported into the State from another state to be certified and labeled as heat-treated; and establishes certain exemptions.

The Department agrees with the intent of this measure and offers comments. While this measure does restrict the importation of firewood into the State, the Department believes that the language contained in this bill should be effectuated via the Hawaii Administrative Rules (HAR), rather than through Statute. HAR 4-70 already lists the requirements for importation of other plants, including non-propagative plant parts, and believes that this is the appropriate place for firewood-related provisions. This is particularly important as it would enable the Department to charge fees for the issuance of a permit, which this section does not allow.

Should this measure move forward, the Department believes that the following changes should be made for clarification:



§150A- Firewood; heat-treatment; requirements;

exemptions. (a) No firewood shall be imported into the State [~~from another state or transported or sold within the State~~] unless:

- (1) The firewood has been certified by an appropriate federal or state agency as heat-treated and labeled in accordance with subsection (b); or
- (2) The importation [~~, transportation, or sale~~] is authorized pursuant to subsection (c) and the department has issued [~~the~~] a permit prior to importation.

(b) Each package of [~~F~~] firewood imported into the State pursuant to subsection (a) (1) [~~from another state~~] shall bear a clear and conspicuous label [~~on each package of firewood intended to be offered, exposed, or held for sale~~] that contains the following information:

- (1) State of origin of the firewood;
- (2) [~~If the firewood is imported pursuant to subsection (a) (1):~~]
~~(A)~~] A statement that the firewood has been certified as heat-treated; [~~and~~]
~~(B)~~3] The name of the federal or state certifying agency and the certificate number;
- ~~(3)~~4] Identification of the commodity as firewood, unless the contents can be easily identified through the packaging, wrapper or container; and
- ~~(4)~~5] Name and address of the manufacturer, packer, or distributor of the firewood.

(c) If the department determines [~~, on a case-by-case basis,~~] that firewood [~~proposed to be~~] imported into the State

that is not eligible for importation under subsection (b) and
~~[from another state or transported or sold within the State]~~
will not pose an unacceptable risk of introducing or spreading
an insect, disease, or other pest, the department may issue a
permit ~~[to]~~authorizing~~[e the]~~ importation~~[, transportation, or~~
~~sale]~~. No firewood shall be imported into the State ~~[or~~
~~transported or sold within the State]~~ before the department
issues a permit.

(d) Any person who imports firewood into the State shall
maintain, and make available to the department upon request,
records of imports for at least two years.

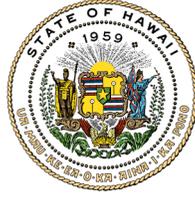
(e) Firewood harvested within the State shall not be
subject to the requirements of this section.

The Department believes that regulating transportation and sale is unnecessary
as imported firewood would either need to be imported with appropriate labeling or
under permit issued by the Department. As currently drafted, the Department would
need to inspect at the time of importation and also verify compliance after importation
should the firewood move interisland and also at point of sale. Additionally, because
firewood that is harvested within the State is not subject to the provisions of this section
and there is no practicable way to determine if firewood was harvested in the State or
not, the Department would have no way of determining if imported firewood was
imported properly or not, particularly if it is not labeled. This would be especially
problematic for the interisland movement of non-commercial shipments of firewood that
were harvested in the State, which presumably would not have a label indicating origin,
or an imported shipment that was entered the State appropriately, but the packaging
was subsequently removed. In these instances, as this measure is currently drafted,
there is the possibility that these shipments would require permits for interisland
movement.

Thank you for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKI'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

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DAWN N.S. CHANG
CHAIRPERSON
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AQUATIC RESOURCES
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COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
CONSUMER PROTECTION & COMMERCE

Tuesday, March 25, 2025
2:00 PM

State Capitol, Conference Room 329 and Via Videoconference

In consideration of
SENATE BILL 140, SENATE DRAFT 2, HOUSE DRAFT 1
RELATING TO INVASIVE SPECIES

Senate Bill 140, Senate Draft 2, House Draft 1 prohibits the importation, transportation, or sale of firewood within the State, except for firewood that is certified and labeled as heat-treated. **The Department of Land and Natural Resources (Department) strongly supports this measure and offers the following comments.**

The Department works to protect Hawai'i's forest resources, native biodiversity, and cultural heritage from invasive pests that enter the state through imported goods. Preventing the introduction of forest pests such as the Erythrina gall wasp and fungal diseases like Rapid 'Ōhi'a Death and myrtle rust is much more cost-effective than managing them once they have become established.

Untreated firewood remains an unregulated, high-risk pathway for invasive forest pests, including boring beetles and the diseases they can vector. Most states have adopted legal requirements for standardized heat treatments to prevent the movement of forest pests spread by infested firewood, but Hawai'i remains unprotected. Most imported wood is not inspected by the Hawai'i Department of Agriculture's (HDOA) Plant Quarantine Branch despite incidences of infested firewood being detected and confiscated. Requiring heat treatment of all firewood entering the state from other states will help prevent pests from going undetected and becoming established in Hawai'i.

The Department has been working with HDOA to establish administrative rules to implement a requirement that imported firewood be heat treated. However, the HDOA has been unable to initiate the rulemaking process, and the draft firewood rule has been stalled for years. The proposal to require heat treatment of all firewood entering the state has included outreach to vendors and local firewood producers and found no opposition. Establishing these regulations by statute would eliminate this invasive pathway immediately and help protect Hawai'i's forest resources.

Mahalo for the opportunity to provide testimony in support of this measure.



House of Representatives
Committee on Consumer Protection & Commerce
Tuesday, March 25, 2025
2:00 PM Conference Room 329 & Videoconference
State Capitol

Testimony in Support of SB 140 SD2 HD1

Aloha Chair Matayoshi, Vice Chair Chun, and Members of the Committee,

The Coordinating Group on Alien Pest Species (CGAPS) is **in support of SB 140 SD2 HD1** *Relating to Invasive Species*. This bill protects Hawaii’s forests by requiring firewood to be heat-treated or otherwise approved by the Hawaii Department of Agriculture (HDOA) prior to importation from other states.

The movement of firewood is a “high-risk pathway for spreading non-native and native forest pests in the United States.”¹ Firewood can be low-quality wood that includes bark, making it easy for forest pests and diseases to remain alive in the harvested wood. The Nature Conservancy’s Don’t Move Firewood Program has identified dozens of harmful pests that can move on or in firewood, such as the Asian Longhorned Beetle, various types of Ambrosia beetles, and serious diseases of trees.²

The importation of firewood from the continental U.S. into Hawaii is currently under-regulated as a pathway. As noted in SB 140 SD2 HD1, prior to 2021, the United States Department of Agriculture (USDA) required much of the firewood moving between states to be heat treated to slow the spread of the Emerald Ash Borer. However, that requirement was removed in 2021 as the pest became widespread in the continental United States.³ Many states have already enacted heat treatment requirements similar to those proposed in SB 140 SD2 HD1. Not requiring these same treatments leaves Hawaii in the vulnerable position as one of the remaining states that will take untreated firewood. Unsuspecting consumers can purchase pest-infested firewood, inadvertently bringing pests to their homes and communities. Requiring heat treatment prior to importation into Hawaii is a sensible, low-cost, and high-

¹ https://www.aphis.usda.gov/sites/default/files/firewood_pathway_assessment.pdf, p.1

² <https://www.dontmovefirewood.org/invasive-species/>

³ 85 FedReg 81085 (2020); <https://www.federalregister.gov/documents/2020/12/15/2020-26734/removal-of-emerald-ash-borer-domestic-quarantine-regulations>

reward solution. The proposed requirements in this bill do not apply to firewood harvested in Hawaii.

HDOA has submitted testimony that firewood should be regulated under administrative rules rather than in statute. HDOA has been working on adopting a firewood administrative rule for years. In 2021, an interagency working group was formed to identify stakeholders and solutions. In 2022, HDOA held scoping meetings with stakeholders and prepared a draft firewood rule that appears to be virtually identical to the requirements in SB140 SD2 HD1. Unfortunately, since that time, HDOA has not been able to make progress. A firewood rule would be placed in chapter 4-70 of the Hawaii Administrative Rules (HAR), which regulates plant importation. That chapter has 15 subchapters, the vast majority of which were adopted prior to 1981; some sections do not comport with current Federal law or address crops no longer grown in Hawaii. It will be an enormous task for HDOA to update that chapter, likely taking many more years. Adopting the firewood treatment requirements in statute will provide HDOA the ability to implement the requirements in a timely fashion and within its current capacity.

SB 140 SD2 HD1 contains language prohibiting the sale or transportation of untreated imported firewood. Much of the firewood imported into Hawaii from other states is not presented to the Hawaii Department of Agriculture (HDOA) for inspection, as required under current law. Instead, the firewood is imported in containers with various items headed for hardware or big box stores. Once this firewood is on store shelves, HDOA can no longer enforce an importation requirement, leaving them without enforcement options. Prohibiting the sale or transportation of untreated imported firewood allows HDOA to remove untreated firewood from store shelves after importation - the last regulatory opportunity that HDOA would have to protect consumers and prevent potential infestations.

Thank you for the opportunity to support SB 140 SD2 HD1.

Aloha,



Christy Martin
CGAPS Program Manager



Stephanie Easley
CGAPS Legal Fellow

SB-140-HD-1

Submitted on: 3/23/2025 10:04:30 AM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Master Shelby Pikachu Billionaire	Ohana Unity Party & Kingdom of The Hawaiian Islands	Support	Remotely Via Zoom

Comments:

Subject: Support for S.B. 140 – Safeguarding Hawaii’s Ecosystems from Invasive Firewood Pests

To the Honorable Legislators of the State of Hawaii,

I’m writing to throw my unwavering support behind Senate Bill 140 (S.B. No. 140)—a critical strike against invasive pests hitching a ride on untreated firewood. This bill isn’t just about logs; it’s about protecting Hawaii’s native forests, agriculture, and way of life from biosecurity threats tied to everything from emerald ash borers to organized smuggling networks. Here’s why S.B. 140 is a must-pass, backed by local stakes, national trends, and a sprinkle of urgency.

- **What S.B. 140 Brings to the Fight:**
 - **Bans Untreated Imports:** No firewood from another state gets in—or moves intrastate—unless it’s heat-treated (160°F for 75 minutes) or green-lit by the Dept. of Agriculture.
 - **Label It or Lose It:** Imported firewood needs clear tags—origin, heat-treatment proof, and who’s behind it. No guesswork.
 - **Local Exemption:** Firewood harvested in Hawaii stays free of these rules, keeping it practical for residents.
- **Hawaii’s High Stakes:**
 - **Native Forests at Risk:** Pests like the emerald ash borer (killed millions of trees across 35+ states) or laurel wilt (wiping out avocados in Florida) could devastate our ‘ōhi‘a, koa, and ag industries if they sneak in on firewood.
 - **Biosecurity Gap:** The Dept. of Agriculture’s lack of firewood rules—despite 2022 talks—is a gaping hole. S.B. 140 plugs it, aligning with National Plant Board standards.
 - **Economic Hit:** Hawaii’s horticulture and agriculture pull in \$2.9 billion annually (Hawaii Dept. of Agriculture, 2023). One pest outbreak could tank that.
- **National Warning Signs:**
 - **Pest Invasion Stats:** The emerald ash borer’s spread cost the U.S. \$1-2 billion yearly in damages (USDA, 2021). Asian longhorned beetles have triggered \$373 million in losses since 1996 (APHIS). Firewood’s their Trojan horse.

- Regulatory Rollback: The USDA ditched its emerald ash borer quarantine in 2021, leaving states like Florida and New York to step up with heat-treatment laws. Hawaii’s lagging—S.B. 140 fixes that.
- Global Context: Invasive species cost the world \$423 billion annually (UN, 2023). Hawaii, an island hotspot, can’t afford to be the next victim.
- Trafficking and Crime Ties:
 - Smuggling Vectors: Organized crime doesn’t just move drugs—untreated firewood’s a low-key way to smuggle pests or pathogens, intentional or not. The USDA’s foreign firewood rules catch this; domestic gaps don’t.
 - Drug Parallels: Like narcotics, pest-laden wood thrives on lax borders. In 2022, U.S. Customs intercepted 1,200+ pest species in shipments (CBP)—firewood’s a sleeper threat.
 - Local Vulnerability: With 2,780 kids at trafficking risk yearly (Hawaii DHS), ecological chaos from pests could stretch resources thin, indirectly fueling crime.
- Why S.B. 140 is a Slam Dunk:
 - Proactive, Not Reactive: States like Tennessee and Utah already mandate heat-treatment—Hawaii can’t wait for a crisis.
 - Protects What’s Ours: From avocado farms to sacred forests, this bill shields our natural and economic treasures.
 - Crime-Fighting Bonus: Tightening firewood rules cuts a sneaky pipeline for invasive threats, easing pressure on an overstretched system.
- The Call to Action:
 - Hawaii’s Unique: Our isolation’s our strength—S.B. 140 keeps it that way. One infested log could spark a \$100 million cleanup (USDA estimate for pest outbreaks).
 - National Lessons: Over 150 million trees lost to firewood-borne pests in the U.S. (APHIS, 2023). We don’t need that headline.
 - Future-Proofing: With climate change boosting pest ranges, this bill’s a shield for generations.

Legislators, S.B. 140 is Hawaii’s line in the sand against invasive pests and the chaos they bring. Vote YES to protect our forests, farms, and fight the unseen threats tied to lax rules. Mahalo for standing up for our ‘āina.

Sincerely,

Master Shelby "Pikachu" Billionaire, HRM

Ohana Unity Party, Chairman

www.Ohanaunityparty.com

Kingdom of The Hawaiian Islands, H.I.

SB-140-HD-1

Submitted on: 3/23/2025 2:18:23 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dylan P. Armstrong	Individual	Support	Written Testimony Only

Comments:

Mahalo for your consideration of this timely and thoughtful measure. We can save the rainforest if we stop aggravating invasive species and start curbing them.

SB-140-HD-1

Submitted on: 3/23/2025 2:48:46 PM

Testimony for CPC on 3/25/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I support this measure - SB140 SD2 HD1.