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# A BILL FOR AN ACT

RELATING TO INVASIVE SPECIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that invasive pests such  
2 as insects and pathogens found on firewood imported into the  
3 State can pose a significant risk to native forests and plants.  
4 Firewood harvested from low-quality living trees or dead trees  
5 can continue to harbor certain pests or diseases that led to the  
6 trees' poor condition or death.

7           A number of pests established in the continental United  
8 States, such as the emerald ash borer and Asian longhorned  
9 beetle, and diseases such as the laurel wilt pathogen, which  
10 kills laurel and avocado, and oak wilt, which kills oak trees,  
11 including many other pests and diseases, can travel in or on  
12 domestic firewood. These pests and diseases pose a danger to  
13 the State's forests, environment, natural resources,  
14 horticultural and agricultural industries, and residents.

15           The legislature also finds that the United States  
16 Department of Agriculture adopted domestic quarantine  
17 regulations for the wood-boring emerald ash borer, which



1 requires much of the firewood harvested in the United States to  
2 be heat-treated before interstate movement or sale. However,  
3 these domestic quarantine regulations were repealed in January  
4 2021.

5 To fill the gap, many states, including Florida, New York,  
6 Tennessee, and Utah, have adopted requirements mandating that  
7 firewood imported into their respective states be heat-treated  
8 to disinfect the firewood. Additionally, the United States  
9 Department of Agriculture requires that all firewood imported  
10 into Hawaii from a foreign country be treated before  
11 importation, and all importers are required to possess a timber  
12 and timber products import permit.

13 The legislature further finds that the Hawaii department of  
14 agriculture does not have any treatment requirements for  
15 firewood. This lack of regulation is a significant biosecurity  
16 gap in Hawaii. Although the Hawaii department of agriculture  
17 held public informational meetings for stakeholders on a  
18 proposed rule that would require treatment of domestically  
19 imported firewood in May and June 2022, the department has not  
20 made progress in adopting administrative rules regarding  
21 firewood treatment standards. The legislature recognizes that



1 the National Plant Board, a network of state and territorial  
2 plant pest regulatory agencies, has created model language to  
3 assist states in the adoption of firewood treatment standards to  
4 prevent the spread of pests through firewood. Adopting these  
5 standards will close the existing biosecurity gap in Hawaii.

6 Accordingly, the purpose of this Act is to prohibit the  
7 importation of firewood into the State from another state and  
8 the intrastate transportation or sale of firewood not harvested  
9 within the State unless the firewood is heat-treated or the  
10 importation, transportation, or sale is authorized by the  
11 department of agriculture.

12 SECTION 2. Chapter 150A, Hawaii Revised Statutes, is  
13 amended by adding a new section to part II to be appropriately  
14 designated and to read as follows:

15 "§150A- Firewood; heat-treatment; requirements;  
16 exemptions. (a) No firewood shall be imported into the State  
17 from another state or transported or sold within the State  
18 unless:

19 (1) The firewood has been certified by an appropriate  
20 federal or state agency as heat-treated and labeled in  
21 accordance with subsection (b); or



1       (2) The importation, transportation, or sale is authorized  
2               pursuant to subsection (c) and the department has  
3               issued the permit.

4       (b) Firewood imported into the State from another state  
5       shall bear a clear and conspicuous label on each package of  
6       firewood intended to be offered, exposed, or held for sale that  
7       contains the following information:

8       (1) State of origin of the firewood;

9       (2) If the firewood is imported pursuant to subsection

10           (a) (1):

11           (A) A statement that the firewood has been certified  
12           as heat-treated; and

13           (B) The name of the federal or state certifying  
14           agency and the certificate number;

15       (3) Identification of the commodity as firewood, unless  
16       the contents can be easily identified through the  
17       wrapper or container; and

18       (4) Name and address of the manufacturer, packer, or  
19       distributor of the firewood.

20       (c) If the department determines, on a case-by-case basis,  
21       that firewood proposed to be imported into the State from



1 another state or transported or sold within the State will not  
2 pose an unacceptable risk of introducing or spreading an insect,  
3 disease, or other pest, the department may issue a permit to  
4 authorize the importation, transportation, or sale. No firewood  
5 shall be imported into the State or transported or sold within  
6 the State before the department issues a permit.

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

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

12 (f) As used in this section:

13 "Firewood" means any kindling, logs, timber, or other  
14 portions of a tree of any species four feet or less in length;  
15 cut or split, or intended to be cut or split, into a form and  
16 size appropriate for use as fuel for fires in an open or closed  
17 pit, grill, fireplace, stove, or wood burning furnace; or in any  
18 other form commonly used for burning in campfires, stoves, or  
19 fireplaces.



1        "Heat-treated" means firewood that has been heated to at  
2 least one hundred sixty degrees Fahrenheit for seventy-five  
3 minutes at wood core."

4        SECTION 3. New statutory material is underscored.

5        SECTION 4. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Agriculture; Firewood; Import; Restrictions;  
Exemptions

**Description:**

Prohibits the importation of firewood into the State from another state and the intrastate transportation or sale of firewood not harvested within the State unless the firewood is heat-treated or the importation, transportation, or sale is authorized by the Department of Agriculture. Effective 7/1/3000. (HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

