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 lead to

6 the 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3 these domestic quarantine regulations were repealed in January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. Presently, the Hawaii department of

9 agriculture does not have any treatment requirements for

10 firewood. This lack of regulation remains a significant

11 biosecurity gap in Hawaii. Additionally, the United States

12 Department of Agriculture requires that all firewood imported

13 into Hawaii from a foreign country be treated before importation

14 and all importers are required to possess a timber and timber

15 products import permit.

16   The legislature further finds that the Hawaii department of

17 agriculture held public informational meetings for stakeholders

18 on a proposed rule that would require treatment of domestically

19 imported firewood in May and June 2022. However, the department

20 of agriculture has not made progress in adopting administrative

21 rules regarding firewood treatment standards. The legislature

1 recognizes that the National Plant Board, a network of state and

2 territorial plant pest regulatory agencies, has created model

3 language to assist states in the adoption of firewood treatment

4 standards to prevent the spread of pests through firewood.

5 Adopting these standards will close an existing biosecurity gap

6 in Hawaii.

7   Accordingly, the purpose of this Act is to require firewood

8 imported into the State from another state, or firewood

9 transported or sold in the State, to be heat-treated, with

10 certain exemptions, to prevent the spread of invasive pests.

11   SECTION 2. Chapter 150A, Hawaii Revised Statutes, is

12 amended by adding a new section to part II to be appropriately

13 designated and to read as follows:

14   "**§150A-   Firewood; heat-treatment; requirements;**

15 **exemptions.** (a) The introduction of firewood into the State

16 from another state and the transportation or sale of firewood

17 within the State shall be prohibited except for:

18   (1) Firewood that is certified by an appropriate federal

19   or state agency as heat-treated and labeled in

20   accordance with subsection (b); or

1   (2) Firewood that is authorized pursuant to subsection

2   (c).

3   (b) Firewood imported into the State shall bear a clear

4 and conspicuous label on each package of firewood intended to be

5 offered, exposed, or held for sale that contains the following

6 information:

7   (1) State of origin of the firewood;

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

9   (a)(1):

10   (A) A statement that the firewood has been certified

11   as heat-treated; and

12   (B) The name of the federal or state certifying

13   agency and the certificate number;

14   (3) Identification of the commodity as firewood, unless

15   the contents can be easily identified through the

16   wrapper or container; and

17   (4) Name and address of the manufacturer, packer, or

18   distributor of the firewood.

19   (c) The department may authorize the importation,

20 transportation, or sale of firewood by a permit issued by the

21 department on a case-by-case basis; provided that the department

1 determines that the firewood will not pose an unacceptable risk

2 of introducing or spreading an insect, disease, or other pest

3 and the permit is issued before importation, transportation, or

4 sale.

5   (d) Any person who imports firewood into the State shall

6 maintain, and make available to the department upon request,

7 records of imports for at least two years.

8   (e) Firewood harvested within the State shall not be

9 subject to the requirements of this section.

10   (f) As used in this section:

11   "Firewood" means any kindling, logs, timber, or other

12 portions of a tree of any species four feet or less in length;

13 cut or split, or intended to be cut or split, into a form and

14 size appropriate for use as fuel for fires in an open or closed

15 pit, grill, fireplace, stove, wood burning furnace; or in any

16 other form commonly used for burning in campfires, stoves, or

17 fireplaces.

18   "Heat-treated" means firewood that has been heated to at

19 least one hundred sixty degrees Fahrenheit for seventy-five

20 minutes at wood core."

21   SECTION 3. New statutory material is underscored.

1   SECTION 4. This Act shall take effect on July 1, 2050.

Report Title:
Department of Agriculture; Firewood; Import; Restrictions; Exemptions

Description:
Prohibits the importation, transportation, or sale of firewood within the State, except for firewood that is certified and labeled as heat-treated. Establishes certain exemptions. Effective 7/1/2050. (SD2)

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