

ACT 240

S.B. NO. 140

A Bill for an Act Relating to Invasive Species.

Be It Enacted by the Legislature of the State of Hawaii:

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

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

The legislature also finds that the United States Department of Agriculture adopted domestic quarantine regulations for the wood-boring emerald ash borer, which requires much of the firewood harvested in the United States to be heat-treated before interstate movement or sale. However, these domestic quarantine regulations were repealed in January 2021.

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

The legislature further finds that the Hawaii department of agriculture does not have any treatment requirements for firewood. This lack of regulation is a significant biosecurity gap in Hawaii. Although the Hawaii department of agriculture held public informational meetings for stakeholders on a proposed rule that would require treatment of domestically imported firewood in May and June 2022, the department has not made progress in adopting administrative rules regarding firewood treatment standards. The legislature recognizes that the National Plant Board, a network of state and territorial plant pest regulatory agencies, has created model language to assist states in the adoption of firewood treatment standards to prevent the spread of pests through firewood. Adopting these standards will close the existing biosecurity gap in Hawaii.

Accordingly, the purpose of this Act is to:

- (1) Prohibit the importation of firewood into the State unless the firewood is certified as heat-treated and labeled accordingly or the importation is authorized and permitted by the department of agriculture before importation; and
- (2) Require persons who import firewood into the State to maintain, and make available on request, records of imports for at least two years.

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

“§150A- Firewood; heat-treatment; requirements; exemptions. (a) No firewood shall be imported into 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 is authorized pursuant to subsection (c) and the department has issued a permit before importation.
- (b) Each package of firewood imported into the State pursuant to subsection (a)(1) shall bear a clear and conspicuous label that contains the following information:
- (1) State of origin of the firewood;
 - (2) A statement that the firewood has been certified as heat-treated;
 - (3) The name of the federal or state certifying agency and the certificate number;

- (4) Identification of the commodity as firewood, unless the contents can be easily identified through the packaging, wrapper, or container; and
- (5) Name and address of the manufacturer, packer, or distributor of the firewood.

(c) If firewood imported into the State is not eligible for importation under subsections (a)(1) and (b) and the department determines that the firewood will not pose an unacceptable risk of introducing or spreading an insect, disease, or other pest into the State, the department may issue a permit authorizing the importation. No firewood shall be imported into the State pursuant to this subsection 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.

(f) As used in this section:

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

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

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved June 27, 2025.)

Note

1. Edited pursuant to HRS §23G-16.5.