
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 the 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3 these domestic quarantine regulations were repealed in January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:

7 (1) Prohibit the importation of firewood into the State
8 unless the firewood is certified as heat-treated and
9 labeled accordingly or the importation is authorized
10 and permitted by the department of agriculture before
11 importation; and

12 (2) Require persons who import firewood into the State to
13 maintain, and make available on request, records of
14 imports for at least two years.

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

18 "§150A- Firewood; heat-treatment; requirements;
19 exemptions. (a) No firewood shall be imported into the State
20 unless:



- 1 (1) The firewood has been certified by an appropriate
2 federal or state agency as heat-treated and labeled in
3 accordance with subsection (b); or
- 4 (2) The importation is authorized pursuant to subsection
5 (c) and the department has issued a permit before
6 importation.
- 7 (b) Each package of firewood imported into the State
8 pursuant to subsection (a) (1) shall bear a clear and conspicuous
9 label that contains the following information:
- 10 (1) State of origin of the firewood;
11 (2) A statement that the firewood has been certified as
12 heat-treated;
- 13 (3) The name of the federal or state certifying agency and
14 the certificate number;
- 15 (4) Identification of the commodity as firewood, unless
16 the contents can be easily identified through the
17 packaging, wrapper, or container; and
- 18 (5) Name and address of the manufacturer, packer, or
19 distributor of the firewood.
- 20 (c) If firewood imported into the State is not eligible
21 for importation under subsections (a) (1) and (b) and the



1 department determines that the firewood will not pose an
2 unacceptable risk of introducing or spreading an insect,
3 disease, or other pest into the State, the department may issue
4 a permit authorizing the importation. No firewood shall be
5 imported into the State pursuant to this subsection before the
6 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 upon its approval.



Report Title:

DOA; Firewood; Import; Restrictions; Exemptions

Description:

Prohibits 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. Requires persons who import firewood into the State to maintain, and make available on request, records of imports for at least two years. (CD1)

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