STATE OF NEW HAMPSHIRE

DEPARTMENT OF NATURAL & CULTURAL RESOURCES

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

FIREWOOD EXTERIOR QUARANTINE

JOINT QUARANTINE NO. 2

Amendment No. 3

August 2018

Section I. Definitions

Section II. Statement of Concerns

Section III. Statutory Authority

Section IV. Specific Purpose and Factual Basis

Section V. Firewood Quarantine

Section VI. NHDNCR and NHDAMF Firewood Compliance Agreement Regulations

Section VII. Violations

Section I: Definitions

1. "Compliance Agreement" means an agreement between the state of New Hampshire Department of Natural & Cultural Resources (hereto referred to as NHDNCR), the New Hampshire Department of Agriculture, Markets & Food (hereto referred to as NHDAMF), and complying parties for movement of raw, unprocessed firewood to certified facilities in the State of New Hampshire (see Section VI).

2. "Control" means eradicating, suppressing, reducing, or managing target insect or plant pathogen populations, their host and habitat, and preventing the spread of these insects and plant pathogens.

3. "Destructive insect or plant pathogen" means an insect or plant pathogen whose introduction and establishment causes or is likely to cause economic or environmental harm, or poses human health risks.

4. "Exotic pest" means an insect or plant pathogen of foreign origin that has been introduced into a novel location where it is not native.

5. "Firewood" means all wood of any species, cut or not cut, split or not split, regardless of length which is destined for use as a fuel. Firewood shall not include kiln-dried dimensional lumber, nor wood that has been chipped. In addition, firewood shall not include logs or wood being transported to, or possessed by, the following operations and facilities for use in their primary manufacturing process:

    i. sawmill for dimensional lumber;

    ii. pulp and/or paper mills;

    iii. wood pellet manufacturing facilities;

    iv. plywood manufacturing facilities;

    v. wood biomass-using refineries or power plants;

    vi. re-constituted wood or wood composite product manufacturing plants;

    vii. facilities treating firewood in accordance with heat-treatment standards (see Section VI).

6. "Person" means any individual, governmental entity, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not, and every officer, agent, or employee thereof."

7. "Processor" means an entity engaged in performing a series of mechanical or chemical operations on firewood in order to reduce its risk of transporting destructive forest pests.

8. "Quarantine" means a legal instrument duly imposed or enacted by a government agency as a means for mitigating pest risk.

9. "Treated firewood" means any firewood having been heated to 140 °F (60 °C) for 60 minutes.

10. "Uncertified firewood" means any firewood not meeting the definition of "treated firewood" or that is not certified through a Compliance Agreement.

Section II: Statement of Concern

WHEREAS, RSA 227-K empowers NHDNCR, Division of Forests and Lands, to take measures to monitor the status of changes in the health of New Hampshire's forest, and reduce the incidence and severity of forest insect infestations and plant pathogen infections; and

WHEREAS, many exotic invasive forest pests and pathogens have gained entry into North American forests through the human-induced movement of goods and other plant material such as recreational firewood for camping, landscape trees, and solid wood packing material; and

WHEREAS, the contribution of forest-based manufacturing and forest-related tourism and recreation to the New Hampshire economy is more than $2 billion annually and provides more than 13,000 jobs; and

WHEREAS, New Hampshire forests are at risk from pests moved in firewood; and

WHEREAS, eradication and tree removal costs to the local, state, and federal governments are extremely high.

THEREFORE, the State of New Hampshire is hereby establishing this exterior firewood quarantine against uncertified firewood from out-of-state for the protection of natural and landscape forest populations.

Section III: Statutory Authority

The Statutory Authority for this quarantine is RSA 433:34, RSA 227-K:2 III, RSA 227-K:14; K:15; K:17, and RSA 227-G:3.

Section IV: Specific Purpose and Factual Basis

The specific purpose of these regulations is to protect New Hampshire's forest resources by preventing the introduction of a destructive insect or plant pathogen into New Hampshire and spread thereof within the state.

NHDAMF and NHDNCR have determined that this exterior quarantine is necessary based on the following:

1. Many destructive exotic forest pests including, but not limited to, Asian longhorned beetle, emerald ash borer, oak wilt, and spotted lanternfly are readily moved long distances through human transportation of host material.

2. Exotic forest pests have the potential to cause irreparable harm to North American forests and the conservation of healthy, diverse native ecosystems.

3. Human-assisted spread of exotic forest pests is attributed, in part, to the movement of firewood, landscape material and other raw, untreated wood products.

Section V: Firewood Quarantine

1. This quarantine is hereby established against uncertified firewood movement into New Hampshire.

2. Quarantined Areas: All lands outside the jurisdictional boundaries of New Hampshire.

3. Articles and Commodities Covered: All wood products meeting the definition of "firewood."

4. Articles and Commodities Not Covered:

    A. Firewood that is labeled as kiln dried or heat treated to standards of 140 °F (60 °C) for 60 minutes. Labels shall state:

        1. Firewood certified heat treated to the standards of 140 °F (60 °C) for 60 minutes; and

            a. Display the USDA-APHIS seal and compliance agreement number for the heat treatment facility; or

            b. Display the State Department of Agriculture compliance agreement number and certifying authority for the heat

treatment facility; and

2. Company name; and

3. Bulk shipments of kiln-dried or heat-treated firewood must have the above labeling information clearly attached to the receiver's receipt of delivery and all subsequent smaller bundles of the bulk shipment shall be labeled according to the above requirements.

B. Raw, untreated firewood moving under the jurisdiction of a New Hampshire compliance agreement (see Section VI).

Section VI: NHDNCR and NHDAMF Firewood Compliance Agreement Regulations

1. Firewood dealers who harvest firewood in New Hampshire and take it out of state to cut, split, season, or package shall obtain a compliance agreement before moving firewood of New Hampshire origin back into the State of New Hampshire. A firewood dealer shall be eligible for a compliance agreement if they meet the following conditions:

    a. Firewood origin is documented through trip tickets, sales slips, load slips, or any other verifiable documentation showing chain of custody from the property where the wood was harvested, that can be used to attest to the origin of the firewood.

    b. Firewood of New Hampshire origin is maintained separately and is identifiable at the processor's yard so that firewood of New Hampshire origin is not comingled with firewood of out-of-state origin.

    c. The compliance agreement may require additional pest-risk based measures to protect the firewood from infestation on the premises, such as separation distance, tarping of firewood, or not storing firewood at specific times of year.

    d. Recipients of the compliance agreement shall maintain records for two years to assist in audit activities, including:

        i. Training records of staff on the requirements of the compliance agreement; and

        ii. Locations and dates of harvest of wood harvested in New Hampshire; and

        iii. Species of wood from which firewood was produced; and

        iv. Vendors, contractors, brokers, or landowners from which raw inventory stocks are purchased (if applicable), including names, addresses and contact information; and

v. Firewood sales including quantity sold and date of sale; and

vi. Records shall be audited by state inspectors at least once a year.

2. Firewood kilns applying to receive raw, untreated wood from out-of-state shall obtain a compliance agreement to process firewood in order to mitigate the risk from potential pests. A firewood kiln shall be eligible for a compliance agreement if they meet the following conditions:

   a. The kiln shall only accept out-of-state firewood from transporters with a compliance agreement to import out-of-state firewood into New Hampshire; and

   b. The kiln shall meet the federal treatment standards of T314-a heat treatment:

      i. Heat treatment procedures may employ steam, hot water, kilns, or any other method that raises the temperatures of the center of the wood to at least 140˚F (60˚C) and maintains the center temperature for at least 60 minutes.

      ii. Facilities, temperature monitors and temperature sensors shall be approved by NHDAMF prior to a compliance agreement being initiated. The producer shall provide a diagram of the treatment facility to include at a minimum: dimensions, capacity, circulation fans including numbers of fans and locations, heat input location, and door locations.

      iii. The temperature monitoring equipment (thermocouples, temperature data loggers etc.) must be accurate to within ± 0.5˚C (0.9˚F) at the treatment temperature, capable of collecting temperature data at least once every five (5) minutes and recording or storing data for 30 days. The temperature monitoring equipment shall be calibrated a minimum of annually, when any part or portion of the system is repaired or replaced, or if required based on compliance results.

      iv. Temperature monitoring equipment must be able to provide a record of the treatment that identifies each sensor and indicates time and temperature for the full run time.

      v. Internal wood temperatures shall be obtained and verified by sensors located in the larger pieces of wood at representative locations within the stack(s). The minimum requirement for measuring temperature is four (4) sensors – one (1) for measuring ambient temperature and three (3) for measuring internal wood temperature per kiln. At least one sensor shall be placed in a large firewood piece in a portion of the load furthest away from internal heat circulation. Sensors will be placed in the wood in

pre-drilled holes to measure core wood temperature. Probes are to be sealed into each hole with putty (electricians putty is recommended) to prevent reading ambient air temperature. Other temperature recording arrangements may be considered if approved by the State of New Hampshire.

vi. Begin treatment when all the temperature sensors reach the threshold temperature of 140˚F (60˚C). Treatment will be complete when all temperature probe readings are at or above the threshold temperature for the entire 60 minutes; and

c. The kiln's temperature, calibration, and customer records shall be audited by a NHDAMF or NHDNCR state inspector at least once a year.

3. A transporter shall obtain a compliance agreement to deliver raw, untreated out-of-state firewood to a state or federally-certified New Hampshire firewood kiln for processing into heat-treated or kiln-dried firewood. Conditions of receipt of a compliance agreement include:

a. The compliance agreement for the transporter of raw, untreated firewood may include pest-risk based specific requirements for species of wood allowed, restrictions on the timing of transportation of wood, size, volume, and origin as dependent on identified dangerous forest pests; and

b. Firewood transported into the state under a compliance agreement shall be transported in vehicles bearing a certification label with the compliance agreement number posted in a visible location on the vehicle; and

c. Recipients of the compliance agreement shall maintain records for two years to assist in audit activities, including:

i. Training records of staff on the requirements of the compliance agreement; and

ii. Locations and dates of harvest of wood transported to New Hampshire; and

iii. Species of wood from which firewood was produced; and

iv. Vendors, contractors, brokers, or landowners from which raw inventory stocks are purchased (if applicable), including names, addresses and contact information; and

v. Firewood sales including quantity sold and date of sale; and

vi. Records shall be audited by state inspectors at least once a year.

4. A processor shall obtain a compliance agreement to transport firewood of out-of-state origin into New Hampshire if the firewood has undergone a certified process deemed by both NHDAMF and NHDNCR to substantially reduce the risk of introducing forest pests. In order to obtain a compliance agreement, the firewood processor shall demonstrate:

    a. The process the firewood has undergone to reduce the risk of transporting insects and pathogens, including verifiable evidence of the treatment's efficacy; and

    b. That the reduced risk from the firewood is a function of the type of processing rather than origin of firewood; and

    c. That the process can be measured or documented for the purpose of audit activities; and

    d. Recipients of the compliance agreement shall maintain records for two years to assist in audit activities, including:

        i. Processing of firewood; and

        ii. Training records of staff on the requirements of the compliance agreement; and

        iii. Locations and dates of harvest of wood transported to New Hampshire; and

        iv. Species of wood from which firewood was produced; and

        v. Vendors, contractors, brokers, or landowners from which raw inventory stocks are purchased (if applicable), including names, addresses and contact information; and

        vi. Firewood sales including quantity sold and date of sale; and

        vii. Records shall be audited by state inspectors at least once a year.

5. Compliance agreements can be obtained by contacting NHDAMF at 603-271-2561 or NHDNCR at 603-464-3016.

6. Any firewood shipped to New Hampshire shall be accompanied by a copy of the compliance agreement which said load is transported under.

7. Compliance agreements may or may not be issued at the discretion of NHDNCR and NHDAMF depending on size, volume, species, location, pest-risk, and other factors.

8. Compliance agreements are non-transferrable.

9. A compliance agreement allows the recipient to legally transport untreated firewood into the State of New Hampshire in accordance with state laws. A State of New Hampshire compliance agreement does not supersede federal firewood transportation rules, or the firewood transportation rules of other states. It is the responsibility of the firewood dealer, kiln, or processor to be familiar with the state and federal rules which may be enacted in their harvest and delivery areas.

Section VII: Violations

1. Any written compliance agreement to import raw, untreated out-of-state firewood into New Hampshire may be canceled by the NHDNCR or NHDAMF if the person(s) who entered into the agreement fail(s) to comply with the provisions of this rule. If the person(s) has (have) been given notice of cancellation orally, written confirmation of the decision and reasons for it will be provided within 10 working days. The NHDAMF or NHDNCR may reinstate the written agreement if it finds that the problem(s) leading to the cancellation has (have) been rectified.

2. Any person, or employee or agent of that person, who violates any provision of this quarantine, shall be guilty of a violation. For any subsequent offense, a person shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person. (RSA 433:32) (RSA 227-K:17)

3. Any regulated articles not in compliance with the quarantine are subject to confiscation and destruction at the owner's expense.

This quarantine against out-of-state firewood will become effective upon its adoption.

Shaun Jasper 8/23/18

Commissioner Date

Department of Agriculture, Markets & Food

Sarah Stewart 8/21/18

Commissioner Date

Department of Natural & Cultural Resources

8/20/18

State Forester and Director Date

Division of Forests and Lands

Piera M. Siegert 8/22/18

State Entomologist and Director Date

Division of Plant Industry