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H.799

Introduced by Representatives Stevens of Shoreham, Browning of Arlington,
Buxton of Tunbridge, Conquest of Newbury, Higley of Lowell,
Malcolm of Pawlet, Marcotte of Coventry, Moran of
Wardsboro, Potter of Clarendon, Ralston of Middlebury, Webb
of Shelburne, and Weed of Enosburgh

Referred to Committee on

Date:

Subject: Conservation and development; forest resources; forest products

Statement of purpose of bill as introduced: This bill proposes to require the
Commissioner of Forests, Parks and Recreation to adopt rules regulating the
importation of untreated firewood into Vermont.

An act relating to the importation of ~~untreated~~ firewood

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 10 V.S.A. chapter 83, subchapter 8 is added to read:~~

~~Subchapter 8. Importation of Firewood~~

~~§ 2681. IMPORTATION OF FIREWOOD; PROTECTION FROM~~

~~INVASIVE PESTS~~

~~(a) Definitions. As used in this section:~~

1 ~~(1) "Commissioner" means the Commissioner of Forests, Parks and~~
2 ~~Recreation.~~

3 ~~(2) "Department" means the Department of Forests, Parks and~~
4 ~~Recreation.~~

5 ~~(3) "Firewood" means wood that is sold or transported for residential~~
6 ~~consumption in fireplaces, woodstoves, outdoor fireplaces, or campfire.~~
7 ~~"Firewood" shall not mean wood chips, wood pellets, fuel for biomass boilers,~~
8 ~~pulpwood, or other wood sold or transported for manufacturing purposes.~~

9 ~~(b) Rulemaking. On or before July 1, 2015, the Commissioner, after~~
10 ~~consultation with the Secretary of Agriculture, Food and Markets, shall adopt~~
11 ~~rules regulating the importation of firewood into the State. The rules shall~~
12 ~~address:~~

13 ~~(1) whether certain types of firewood should be prohibited from~~
14 ~~importation due to the potential to spread invasive species;~~

15 ~~(2) whether a health certificate or some other approval shall be required~~
16 ~~to import firewood;~~

17 ~~(3) whether persons who produce or sell firewood in the State shall be~~
18 ~~required to track purchases of firewood from out of State in order to allow for~~
19 ~~identification of sources of invasive species; and~~

1 ~~(4) any other issue the Commissioner identifies as necessary for~~
2 ~~preventing the importation of invasive species into the State when importing~~
3 ~~firewood.~~

4 Sec. 2. EFFECTIVE DATE

5 ~~This act shall take effect on July 1, 2014.~~

Sec. 1. 10 V.S.A. chapter 83, subchapter 8 is added to read:

Subchapter 8. Importation of Firewood

§ 2681. IMPORTATION OF FIREWOOD; PROTECTION FROM

INVASIVE PESTS

(a) Definitions. As used in this section:

(1) "Commissioner" means the Commissioner of Forests, Parks and Recreation.

(2) "Department" means the Department of Forests, Parks and Recreation.

(3) "Firewood" means wood that is sold or transported for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces, or campfires. "Firewood" shall not mean wood chips, wood pellets, fuel for biomass boilers, pulpwood, or other wood sold or transported for manufacturing purposes.

(b) Rulemaking. On or before July 1, 2015, the Commissioner, after consultation with the Secretary of Agriculture, Food and Markets, shall adopt

~~rules regulating the importation of firewood into the State. The rules shall address:~~

~~(1) whether certain types of firewood should be prohibited from importation due to the potential to spread invasive species;~~

~~(2) whether a health certificate or some other approval shall be required to import firewood;~~

~~(3) whether persons who produce or sell firewood in the State shall be required to track purchases of firewood from out of State in order to allow for identification of sources of invasive species; and~~

~~(4) any other issue the Commissioner identifies as necessary for preventing the importation of invasive species into the State when importing firewood.~~

~~Sec. 2. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2014.~~

~~Sec. 1. 10 V.S.A. chapter 83, subchapter 8 is added to read:~~

~~Subchapter 8. Importation of Firewood~~

~~§ 2681. IMPORTATION OF FIREWOOD; PROTECTION FROM
INVASIVE PESTS~~

~~(a) Definitions. As used in this section:~~

~~(1) “Commissioner” means the Commissioner of Forests, Parks and Recreation.~~

(2) “Department” means the Department of Forests, Parks and Recreation.

(3) “Firewood” means untreated or treated wood processed for residential, recreational, or commercial use in any wood-burning appliance or fireplace, either indoor or outdoor, that is cut to a length less than 48 inches, either split or unsplit. “Firewood” shall not mean wood chips, wood pellets, pulpwood, logs 48 inches or more in length, or other wood sold or transported for manufacturing purposes.

(4) “Invasive species” means:

(A) nonnative plant pests that are capable of spreading into the State and that threaten forest health; and

(B) native plant pests, designated by the Commissioner, that are present in the State, that are capable of spreading to new areas of the State, and that threaten forest health.

(5) “Plant pests” shall be defined as in 6 V.S.A. § 1030(12).

(6) “Treated firewood” means firewood that has been processed and treated in a manner sufficient to prevent invasive species from surviving.

(7) “Untreated firewood” means firewood that is not treated firewood.

(b) Rulemaking. On or before July 1, 2015, the Commissioner, after consultation with the Secretary of Agriculture, Food and Markets, shall adopt

rules regulating the importation of untreated firewood into the State. The rules shall:

(1) address whether certain types of untreated firewood should be prohibited from importation due to the potential to spread invasive species;

(2) address whether a treatment certificate or some other form of approval shall be required to import firewood from one or more states;

(3) address whether persons who produce or sell firewood in the State shall be required to track purchases of untreated firewood from out of State in order to allow for identification of sources of invasive species;

(4) address whether the State should design and implement a voluntary certification for treated firewood;

(5) include a process under which the Commissioner may waive requirements or prohibitions under the rule related to the importation of firewood when the Commissioner determines that waiver is in the public interest and poses minimal threat to forest health; and

(6) address any other issue the Commissioner identifies as necessary for preventing the importation of invasive species into the State when importing firewood.

(c) Penalties. Any person who violates a provision of this subchapter or the rules adopted under this subchapter shall be subject to a civil citation under section 8019 of this title.

~~Sec. 2. EFFECTIVE DATE~~

~~This act shall take effect on July 1, 2014.~~

Sec. 2. 10 V.S.A. § 8003 is amended to read:

§ 8003. APPLICABILITY

(a) The Secretary may take action under this chapter to enforce the following statutes and rules, permits, assurances, or orders implementing the following statutes:

* * *

(17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

* * *

(22) 10 V.S.A. chapter 164A, collection and disposal of mercury-containing lamps; ~~and~~

(23) 24 V.S.A. § 2202a, relating to a municipality's adoption and implementation of a solid waste implementation plan that is consistent with the State Solid Waste Plan; and

(24) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of firewood.

* * *

Sec. 3. 10 V.S.A. § 8503 is amended to read:

§ 8503. APPLICABILITY

(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:

(1) The following provisions of this title:

** * **

(L) section 2625 (regulation of heavy cutting).

** * **

(R) chapter 32 (flood hazard areas).

(S) chapter 83, subchapter 8 (importation of firewood).

(2) 29 V.S.A. chapter 11 (management of lakes and ponds).

(3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

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Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2014.