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H.799

Representatives Martin of Springfield, Bartholomew of Hartland, Connor of
Fairfield, Lawrence of Lyndon, Michelsen of Hardwick, Partridge of
Windham, Smith of New Haven, Stevens of Shoreham, Taylor of Barre City,
Toleno of Brattleboro, and Zagar of Barnard move that the bill be amended by
striking out all after the enacting clause and inserting in lieu thereof the
following:

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,

1 pulpwood, logs 48 inches or more in length, or other wood sold or transported
2 for manufacturing purposes.

3 (4) “Invasive species” means:

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

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

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

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

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

13 (b) Rulemaking. On or before July 1, 2015, the Commissioner, after
14 consultation with the Secretary of Agriculture, Food and Markets, shall adopt
15 rules regulating the importation of untreated firewood into the State. The rules
16 shall:

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

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

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

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

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

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

13 Sec. 2. EFFECTIVE DATE

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

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