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H.177

Introduced by Representative McCullough of Williston

Referred to Committee on

Date:

Subject: Conservation and development; forest products; firewood; moisture
content

Statement of purpose of bill as introduced: This bill proposes to require the
Commissioner of Forests, Parks and Recreation to adopt rules regarding the
moisture content of firewood sold in the State.

An act relating to the moisture content of firewood sold in Vermont

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

Sec. 1. 10 V.S.A. § 2681 is amended to read:

§ 2681. ~~IMPORTATION OF~~ REGULATION OF FIREWOOD;

IMPORTATION; PROTECTION FROM INVASIVE PESTS;

MOISTURE CONTENT

(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.

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

7 (4) “Invasive species” means:

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

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

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

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

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

17 (b) Rulemaking; importation. ~~On or before July 1, 2015, the~~ The
18 Commissioner, after consultation with the Secretary of Agriculture, Food and
19 Markets, shall adopt rules regulating the importation of untreated firewood into
20 the State. The rules shall:

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

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

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

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

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

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

17 (c) Rulemaking; moisture content. The Commissioner, after consultation
18 with the Secretary of Agriculture, Food and Markets, shall adopt rules
19 regulating the moisture content of firewood sold in the State, including:

1 (1) A maximum moisture content for treated firewood sold in the State.
2 The moisture content may vary depending on the type or species of timber
3 from which the firewood was processed.

4 (2) A maximum moisture content for untreated wood marketed for sale
5 in the State as seasoned or air-dried. The moisture content may vary
6 depending on the type or species of timber from which the firewood was
7 processed.

8 (3) Methods of satisfying the maximum moisture content in firewood,
9 including approved kiln drying methods or required drying time.

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

13 Sec. 2. RULEMAKING DATE

14 On or before July 1, 2018, the Commissioner of Forests, Parks and
15 Recreation shall adopt rules under 10 V.S.A. § 2681(c) regarding the moisture
16 content of firewood sold in the State.

17 Sec. 3. EFFECTIVE DATE

18 This act shall take effect on July 1, 2017.