

2017 -- S 0307

LC001064

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES

Introduced By: Senators Morgan, Lombardi, Paolino, Gee, and Kettle

Date Introduced: February 16, 2017

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 2-17 of the General Laws entitled "Diseases and Parasites" is
2 hereby amended by adding thereto the following section:

3 **2-17-23.1. Regulation of firewood transported into and within Rhode Island.**

4 (a) Notwithstanding the provisions contained in §§2-17-22 and 2-17-23, no person shall
5 transport firewood, by any means, originating from quarantined areas into Rhode Island without:

6 (1) A certificate or limited permit issued under a compliance agreement with the Animal
7 and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture
8 (USDA) confirming that the subject firewood may be transported interstate from an area currently
9 under federal quarantine and that it has been handled or treated in accordance with the conditions
10 of an applicable compliance agreement or treated in accordance with the following applicable
11 federal standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and
12 addenda as may be revised from time to time:

13 (i) Removal of the bark and additional one-half inch of wood;

14 (ii) Kiln sterilization treatment;

15 (iii) Fumigation according to a treatment schedule; or

16 (iv) Heat treatment;

17 (2) A certificate issued by an APHIS inspector pursuant to 7 CFR 301.53-5(a) or 7 CFR
18 301.51-5(a); or

19 (3) A limited permit issued by an APHIS inspector pursuant to 7 CFR 301.53-5(b) or 7

1 CFR 301.51-5(b).

2 (b) Notwithstanding the provisions contained in §§2-17-22 and 2-17-23, no person may
3 transport firewood, by any means, originating from a nonquarantined area and not passing
4 through a quarantined area into the state of Rhode Island without:

5 (1) A permit or specialized permit from the director of the department of environmental
6 management;

7 (2) A treatment certificate or label from a United States Department of Agriculture
8 qualified treatment facility indicating that the firewood has been treated to protect against the
9 Emerald ash borer and Asian longhorned beetle in accordance with applicable federal standards
10 articulated in the USDA Plant Protection and Quarantine Treatment Manual and addenda as may
11 be revised from time to time;

12 (3) Documentation from the USDA or a state agency with authority to control, suppress,
13 or exterminate plant pests and diseases indicating that the firewood has been treated to protect
14 against the Emerald ash borer and Asian longhorned beetle in accordance with applicable federal
15 standards articulated in the USDA Plant Protection and Quarantine Treatment Manual and
16 addenda as may be revised from time to time; or

17 (4) A treatment certificate or label from the Canadian Food Inspection Agency or a
18 facility authorized by the Canadian Food Inspection Agency to issue such documentation.

19 (c) Notwithstanding the provisions contained in §§2-17-22 and 2-17-23, no person may
20 transport firewood, by any means, originating from a nonquarantined area and passing through an
21 area quarantined for Emerald ash borer into the state of Rhode Island unless the firewood is
22 handled and transported in compliance with the applicable requirements of 7 CFR 301.53-4(b)(2).

23 (d) Notwithstanding the provisions contained in §§2-17-22 and 2-17-23, no person may
24 transport firewood, by any means, originating from a nonquarantined area and passing through an
25 area quarantined for Asian longhorned beetle into the state of Rhode Island unless the firewood is
26 handled and transported in compliance with the applicable requirements of 7 CFR 301.51-
27 4(a)(2)(ii).

28 (e) Notwithstanding subsections (a) through (d) of this section, the United States
29 Department of Agriculture may move firewood into the state of Rhode Island for scientific and
30 experimental purposes in accordance with 7 CFR 301.53-4(b)(1) or 7 CFR 301.51-4(a)(1).

31 (f) The director or an authorized person may issue written permission to transport
32 firewood into Rhode Island from a nonquarantined area without a treatment certificate or label, or
33 other documentation referenced in subsection (b) of this section on a case-by-case basis if, after
34 review, and in consultation with the commissioner of energy and environmental protection or the

1 commissioner's designee, it is determined that:

2 (1) The firewood does not present a threat of Emerald ash borer or Asian longhorned
3 beetle infestation because of verifiable origin from a nonquarantined area; and

4 (2) The firewood has been examined by an authorized inspector or authorized certified
5 forester, its handling was conducted in accordance with 7 CFR 301.53-4 (b)(2) or 7 CFR 301.51-
6 4(a)(2)(ii), or it was otherwise treated to eliminate any threat.

7 (g) The director or authorized persons may inspect any firewood being transported into or
8 through Rhode Island, being sold, or intended for sale, and may obtain information concerning
9 the verifiable origin of that firewood and, if necessary upon inspection, request production of
10 necessary certificates, waybill, labels, or limited permits regarding its origin or treatment.

11 (h) All transporters and retail sellers of firewood in Rhode Island shall be able to
12 demonstrate that any firewood in their possession or offered for sale is:

13 (1) Of a verifiable in-state origin and complies with any applicable requirements of a
14 state or federal quarantine imposed in the state of Rhode Island; or

15 (2) Accompanied by a certificate, a limited permit, treatment certificate or label, or
16 waybill verifying its origin and handling in accordance with subsection (a) of this section, if the
17 firewood originated from out-of-state. If the transporter or retail seller is not able to produce
18 evidence of conformity with subsection (h)(1) or (h)(2) of this section, the firewood shall be
19 subject to confiscation by the director or authorized persons in accordance Rhode Island general
20 laws.

21 (i) Any firewood, transported into or possessed within Rhode Island, that is of
22 undisclosed or unverifiable origin or that lacks treatment certificates, appropriate labels, permits,
23 or certificates required by this section or that of a federal or state quarantine shall be returned to
24 its point of origin, disposed of at the site of detection if feasible, or transported via a tarped or
25 otherwise enclosed vehicle to the nearest facility designated by the Rhode Island department of
26 environmental management for responsible disposal, including a DEM permitted resource
27 recovery facility or solid waste facility, unless otherwise directed by the director or authorized
28 person.

29 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO AGRICULTURE AND FORESTRY -- DISEASES AND PARASITES

- 1 This act would regulate the transport and sale of firewood into and within Rhode Island.
- 2 This act would take effect upon passage.

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