

# **STATE OF NEW HAMPSHIRE**

DEPARTMENT OF RESOURCES  
& ECONOMIC DEVELOPMENT

DEPARTMENT OF AGRICULTURE, MARKETS & FOOD

## **FIREWOOD EXTERIOR QUARANTINE**

### **JOINT QUARANTINE NO. 2**

**Amendment No. 2**  
**December, 2013**

- Section I. Definitions
- Section II. Statement of Concerns
- Section III. Statutory Authority
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**Section I: Definitions**

1. “Firewood” means any kindling, logs, timber, or other portions of a tree of any species or length, cut or split, or not cut or split but intended to be cut or split, into a form and size appropriate for use as fuel for fires in open pit, grill, fireplace, stove, or other wood burning furnaces or devices.
2. “Control area” means the area delineated for treatment in order to prevent the spread of insect or disease to an adjacent area.
3. “Control” means eradicating, suppressing, reducing, or managing threatening insect or disease populations, their host and habitat, and preventing the spread of these insects and diseases.
4. "Compliance Agreement" means an agreement between the state of New Hampshire Department of Resources & Economic Development (NHDRED), the New Hampshire Department of Agriculture, Markets & Food (NHDAMF), and complying parties for movement of firewood from approved points of origin (see section 6.2) to pre-approved sites in the state of New Hampshire.
5. “Exotic pest” means an insect or disease of foreign origin that has been introduced into an ecosystem where it has not been known to occur.
6. “Treated firewood” means any firewood having been heated to 160 degrees Fahrenheit (71 degrees Celsius) for 75 minutes.
7. “Uncertified firewood products” means any firewood not meeting the definition of “treated firewood” or that is not certified through a Compliance Agreement.
8. “Dangerous insect or disease” means an insect or pathogen species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.
12. "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."
14. "Quarantine" means a legal instrument duly imposed or enacted by a government agency as a means for mitigating pest risk.

**Section II: Statement of Concern**

**WHEREAS**, RSA 227-K empowers the Department of Resources and Economic Development, 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 and disease infestations; and

**WHEREAS**, in the past 20 years many exotic invasive forest pests have gained entry into North American forests through the human induced movement of goods and other plant material such as firewood for camping, landscape trees, and solid wood packing material; and

**WHEREAS**, 75% of the known infestations of emerald ash borer have been attributed to camp firewood and emerald ash borer has killed an estimated 25 million ash trees; and

**WHEREAS**, Asian longhorned beetle has no known natural control and has spread to four northern states from human activities; 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 more than half of all forests in New Hampshire are susceptible hosts for Asian longhorned beetle and emerald ash borer; 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 dangerous insect or disease into New Hampshire and spread thereof within the state.

The Department of Agriculture, Markets & Food (hereto referred to as NHDAMF) and the Department of Resources and Economic Development (hereto referred to as NHDRED) have determined that this exterior quarantine is necessary based on the following:

The hemlock woolly adelgid, Asian longhorned beetle, emerald ash borer, elongate hemlock scale, and many other dangerous invasive exotic forest pests continue to move accidentally through human transportation of host material throughout the forests of North America and are causing irreparable harm to the forest environment and the conservation of healthy, diverse native ecosystems. The accidental movement is attributed, in part, to firewood, landscape

### **Section V: Firewood Quarantine**

1. This quarantine is hereby established against 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 USDA standards of 160 F (71 C) for 75 minutes.
    1. Heat treated firewood labels shall clearly state that the firewood was heat treated to the standards of 160 F (71 C) for 75 minutes; and
      - a. Specify the name and physical address of the heat treatment facility; or
      - b. Display the USDA-APHIS seal and compliance agreement number for the heat treatment facility and a statement of origin of the firewood; or
      - c. Display the State Department of Agriculture compliance agreement number for the heat treatment facility and a statement of origin of the firewood.
    2. Bulk shipments of 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. Firewood moving under the jurisdiction of a NH Compliance Agreement. (Section VI and Appendix A.)

### **Section VI: NHDRED and NHDAMF Firewood Compliance Agreement Regulations**

1. Firewood is only shipped to pre-approved sites in accordance with the mutually agreed upon elements within the Firewood Compliance Agreement (Appendix A).
2. The origin of firewood shipped into New Hampshire in accordance with a compliance agreement may **only** be from one of the following counties:

Maine- Franklin, Oxford, Androscoggin, Cumberland, York  
Vermont- All counties
3. Any Firewood shipped to New Hampshire shall be accompanied by a copy of the Compliance agreement which said load is transported under.
4. Compliance agreements may or may not be issued at the discretion of NHDRED and

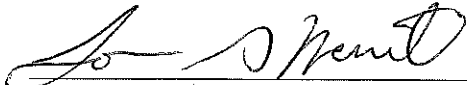
NHDAMF depending on size, volume, species, location, and other factors.

5. Compliance agreements will only be entered into with those transporting firewood for home, commercial or industrial heating. Volumes of firewood not exceeding 1 cord or intended for camping are not eligible.
6. Compliance agreements can be obtained by contacting NHDRED at 603-464-3016 or NHDAMF at 603-271-2561
7. Homeowners in New Hampshire transporting their own firewood from approved counties to their home may use an abbreviated compliance agreement available on-line at “nhdfl.org”. This homeowner compliance agreement will be submitted to NHDRED and a copy shall accompany the shipment.

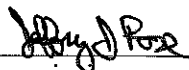
### **Section VII: Violations**

1. Any written compliance agreement to ship firewood from quarantined areas to pre-approved sites in New Hampshire may be canceled by the NHDRED 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 NHDRED 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.

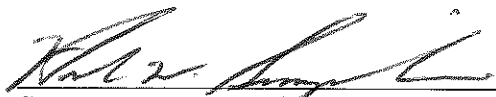
This quarantine against out-of-state firewood will become effective upon its adoption.

  
\_\_\_\_\_  
Commissioner  
Department of Agriculture, Markets & Food

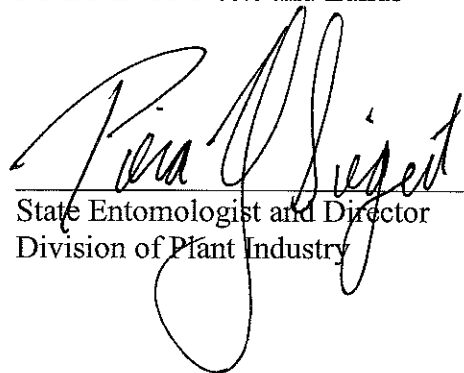
12-11-13  
Date

  
\_\_\_\_\_  
Commissioner  
Department of Resources & Economic Development

12/12/13  
Date

  
\_\_\_\_\_  
State Forester and Director  
Division of Forests and Lands

12/11/13  
Date

  
\_\_\_\_\_  
State Entomologist and Director  
Division of Plant Industry

Dec 11, 2013  
Date

**STATE OF NEW HAMPSHIRE**  
**Firewood Quarantine Compliance Agreement**

Department of Agriculture, Markets & Food  
and  
Department of Resources and Economic Development

Agreement between the State of New Hampshire Department of Agriculture, Markets and Food (NHDAMF) and Department of Resources and Economic Development (NHDRED) and

\_\_\_\_\_ for movement of untreated firewood from approved points of origin as described in the NH Firewood Quarantine Section 6.2 to pre-approved sites in the state of New Hampshire.

**Objective:** To protect the forest resource of New Hampshire from the threat of dangerous invasive forest insects and diseases while minimizing any interruption of firewood product deliveries to mills, storage sites and commercial home deliveries in New Hampshire.

**Quarantine (RSA 433:34, RSA 227-K:2 III and RSA 227-K:14):** The commissioner and Director of NHDRED may establish quarantines in consult with NHDAMF as specified in the law to prevent the dissemination of forest pests within the state or into the state that have the potential to cause serious damage to forests.

**Agreement:** NHDRED and NHDAMF agree to allow \_\_\_\_\_ and its wood suppliers to transport untreated firewood from a quarantined point of origin described herein as: \_\_\_\_\_ to the premises located at: \_\_\_\_\_.

**Special Requirements:**

- A. Reasonable precautions will be taken in the management of untreated firewood at premises listed herein to minimize risk of initiating pest infestations. Precautions include:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- B. Firewood shipments from the above listed premises covered under this agreement shall be free to ship within New Hampshire.
- C. Department representatives may go on premises listed herein at any time during normal working hours to check for the presence of pest outbreaks, and may be accompanied by a representative of said company for safety reasons.
- D. \_\_\_\_\_ shall undertake sanitary action against any infestation found on the above premises to the satisfaction of the Department (s).
- E. This agreement will become effective upon date signed below and will be renewed every three years until conditions of the pest risk are such that continuance of the agreement is unwarranted.

**5. Violations:**

- A. Any written compliance agreement to ship firewood from quarantined areas to pre-approved sites in New Hampshire may be canceled by the NHDRED 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 NHDRED may reinstate the written agreement if it finds that the problem(s) leading to the cancellation has (have) been rectified.
  
- B. 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) (227-K:17)
  
- C. Any regulated articles not in compliance with the quarantine are subject to confiscation and destruction.

<p><b>8. Compliance Agreement #</b> _____ <b>Date Issued:</b> _____</p> <p>Signatures:</p> <p>Name: _____</p> <p>Company representative: _____</p> <p>Title: _____</p> <p>Date: _____</p> <p>NHDRED/NHDAMF representative: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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