

R68. Agriculture and Food, Plant Industry.

R68-23. Utah Firewood Quarantine.

R68-23-1. Authority and Purpose.

Promulgated under authority of 4-2-2 and 4-35-9, this rule is enacted to prevent the movement of invasive insects transported by firewood, including, but not limited to *Agrilus planipennis* (Emerald Ash Borer), *Anoplophora glabripennis* (Asian Longhorned Beetle), *Solenopsis invicta* (Red Imported Fire Ant).

R68-23-2. Definitions.

(1) "Department" means the Utah Department of Agriculture and Food.

(2) "Firewood" means any kindling, logs, timber, or other portions of a tree of any species four (4) feet or less in length, cut or split, or 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 in any form commonly used for burning in campfires, stoves or fireplaces.

(3) "Invasive insects" means any nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state.

(4) "Person" means any individual, organization, corporation, or partnership.

(5) "Sales By Package" means a package of firewood offered, exposed, or held for sale.

(6) "Sale From Bulk" means firewood offered, exposed, or held for sale which is not packaged.

R68-23-3. Area Under Quarantine.

(1) All areas of the United States and Canada that are declared high risk by the United States Department of Agriculture or Utah Commissioner of Agriculture and Food.

(2) The department shall keep an updated list of quarantine areas.

R68-23-4. Articles and Commodities Under Quarantine.

(1) This quarantine applies to all firewood offered, exposed, or held for sale in the State of Utah.

R68-23-5. Restrictions.

(1) All firewood transported, offered, exposed, or held for sale in the state shall be labeled in accordance with R68-23-6.

(2) A person may not transport, offer, expose, or hold for sale firewood from an area under quarantine in this state unless the firewood is treated in accordance with R68-23-7.

(3) Any person that transports or supplies firewood in this state for other than personal use shall maintain records,

certificates, or other documents for two (2) years.

R68-23-6. Labeling Requirements.

(1) Each Sales By Package must bear a clear and conspicuous declaration of the following:

(a) identify the package as containing firewood, unless the contents can be easily identified through the wrapper or container;

(b) net quantity in terms of weight, measure, or count;

(c) name and address of the manufacturer, packer, or distributor of the firewood, if the package was not produced on the premises where they are offered, exposed, or held for sale; and

(d) origin of harvest identified by county or counties and state.

(2) Each Sale From Bulk must be accompanied by a delivery ticket containing the following information:

(a) name and contact information of the person who weighed or measured the firewood;

(b) date delivered;

(c) quantity delivered, by cords or cubic meters, including fractions or count of individually wrapped packages delivered, if more than one is delivered;

(d) quantity on which the price is based, if different than the quantity delivered;

(e) identity of the type of firewood in the most descriptive terms commercially practicable; and

(f) origin of harvest by county or counties and state.

R68-23-7. Importation and Treatment.

(1) All firewood shall be prohibited entry into Utah from an area under quarantine unless the required certification is produced.

(2) Certification shall be issued by an authorized state agricultural official of the state of origin.

(3) The certificate shall bear the:

(a) name and address of the exporter of the firewood;

(b) name and address of the importer of the firewood;

(c) inspection/certificate date; and

(d) signature of authorized state agricultural officer.

(4) Such certificates shall be issued only if the shipment conforms to the heat treatment procedure listed below:

(a) the temperature of the center of the wood is raised to at least 160 deg F (71.1 deg C);

(b) the center temperature is maintained at 160 deg F (71.1 deg C) for at least 75 minutes;

(c) internal wood temperatures are obtained and verified by

sensors located in the larger pieces of firewood at representative locations within the stack;

(d) sensors are placed in large firewood pieces in the coldest areas of the kiln as identified by the department;

(e) the full depth of the monitoring probes are placed in the wood;

(f) monitoring probes are sealed within the wood by a gasket, non-hardening putty, or similar material to prevent the probe reading ambient air temperature rather than the temperature of the wood;

(g) temperature monitoring equipment must be able to provide a record of the treatment that identifies each sensor and indicates time and temperature; and

(h) portable, stand-alone sensors, the temperature monitoring equipment (thermocouples, temperature data loggers, etc.) must be:

(i) accurate to within +/- 0.9 deg F (0.5 deg C) at the treatment temperature,

(ii) capable of collecting temperature data at least once every five (5) minutes; and

(iii) capable of recording or storing data for 30 days.

(5) The certifying official shall mail, FAX or e-mail a copy of the certificate to Director, Plant Industry Division, Utah Department of Agriculture and Food, 350 North Redwood Road, PO Box 146500, Salt Lake City, Utah 84114-6500, FAX: (801) 538-7189, e-mail: UDAF-insects@utah.gov.

(6) The exporter shall give advance notification of regulated firewood shipment to the department.

(7) The importer shall notify the department of the arrival of firewood imported under the provisions of this quarantine and shall hold such firewood for inspection.

(8) The department shall inspect or release the firewood within in 10 business days of delivery.

R68-23-8. Records.

(1) The records, certificates or other documents of a person who transports or supplies firewood for other than personal use shall include information regarding the source of the firewood, any treatment of the firewood and the disposition of the firewood.

(2) The records, certificates or other documents of a person that sells firewood shall include information regarding the source and supplier of the firewood.

(3) The department may inspect the records, certificates, documents, inventory, and facilities of a person that transports firewood or of a firewood supplier or seller at any time during reasonable business hours and may take samples of firewood for purposes of detecting invasive insects.

R68-23-9. Exemptions.

(1) Firewood harvested in areas other than those under quarantine are exempted from the treatment requirements in R68-23-7.

(2) The department may issue an exemption to the treatment for areas under quarantine upon request.

(3) Requests for an exemption shall be made to the department in writing and shall contain the:

(a) identity of the firewood importer;

(b) origin of harvest identified by county or counties and state; and

(c) type of wood to be imported.

(4) The department shall respond in writing within 10 business days of the request for an exemption.

(5) Exemptions are valid for a twelve (12) month period.

(6) The department may at any time revoke an exemption do to a change in the risk assessment.

(7) The department shall notify the firewood importer, in writing, identifying the reason(s) for the revocation.

R68-23-10. Enforcing Powers.

(1) Authorized agents of the department shall refuse admittance into Utah any firewood products that do not meet the provisions of this quarantine.

(2) Any shipment found within Utah in violation of this quarantine shall be treated to comply with this quarantine or be returned to the exporter at once.

R68-23-11. Violations and Penalties.

(1) Any fraudulent use of incorrect information on any forms used in the enforcement of this quarantine is a violation of this quarantine.

(2) Any intentional movement of firewood from an area under quarantine is a violation. Failure to perform or have inspection will constitute intentional movement as well as willfully moving property after notification.

(3) Failure to give advance notice to the department is a violation of this quarantine.

(4) Failure to comply with any provisions of this quarantine shall be a violation of this quarantine.

(5) Violators of this quarantine shall be subject to civil penalties of not more than \$5,000 per violation as defined in 4-2-15.

(6) Each improperly labeled, transported, or treated package or bulk sale shall be a separate violation of this rule.

KEY: firewood, quarantine, insects

Date of Enactment or Last Substantive Amendment: August 3, 2017

Authorizing, and Implemented or Interpreted Law: 4-2-2; 4-35-9