

Sec. 22-84-5g. Regulation of firewood transported into and within Connecticut

(a) Transport of firewood

(1) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person shall transport firewood, by any means, originating from quarantined areas into Connecticut without:

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

- (i) Removal of the bark and additional one-half inch of wood;
- (ii) Kiln sterilization treatment;
- (iii) Fumigation according to a treatment schedule; or
- (iv) Heat treatment;

(B) a certificate issued by an APHIS inspector pursuant to 7 CFR 301.53-5(a) or 7 CFR 301.51-5(a); or

(C) a limited permit issued by an APHIS inspector pursuant to 7 CFR 301.53-5(b) or 7 CFR 301.51-5(b).

(2) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a non-quarantined area and not passing through a quarantined area into the state of Connecticut without:

(A) a permit or specialized permit from the Director;

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

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

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

(3) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a nonquarantined area and passing through an area quarantined for Emerald ash borer into the state of Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.53-4(b)(2).

(4) Notwithstanding section 22-84-5e of the Regulations of Connecticut State Agencies, no person may transport firewood, by any means, originating from a nonquarantined area and passing through an area quarantined for Asian longhorned beetle into the state of

Connecticut unless the firewood is handled and transported in compliance with the applicable requirements of 7 CFR 301.51-4(a)(2)(ii).

(5) Notwithstanding subdivisions (1) to (4), inclusive, of this subsection, the United States Department of Agriculture may move firewood into the state of Connecticut for scientific and experimental purposes in accordance with 7 CFR 301.53-4(b)(1) or 7 CFR 301.51-4(a)(1).

(b) The Director or an authorized person may issue written permission to transport firewood into Connecticut from a non-quarantined area without a treatment certificate or label, or other documentation referenced in subdivision (a)(2) of this section on a case-by-case basis if, after review, and in consultation with the Commissioner of Energy and Environmental Protection or the Commissioner's designee, it is determined that:

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

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

(c) The Director or authorized persons may inspect any firewood being transported into or through Connecticut, being sold, or intended for sale, and may obtain information concerning the verifiable origin of that firewood and, if necessary upon inspection, request production of necessary certificates, waybill, labels, or limited permits regarding its origin or treatment.

(d) All transporters and retail sellers of firewood in Connecticut shall be able to demonstrate that any firewood in their possession or offered for sale is:

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

(2) accompanied by a certificate, a limited permit, treatment certificate or label, or waybill verifying its origin and handling in accordance with subsection (a) of this section, if the firewood originated from out-of-state.

If the transporter or retail seller is not able to produce evidence of conformity with subdivision (1) or (2) of this subsection, the firewood shall be subject to confiscation by the Director or authorized persons in accordance with section 22-84 of the Connecticut General Statutes.

(e) Any firewood, transported into or possessed within Connecticut, that is of undisclosed or unverifiable origin or that lacks treatment certificates, appropriate labels, permits, or certificates required by this section or that of a federal or state quarantine shall be returned to its point of origin, disposed of at the site of detection if feasible, or transported via a tarped or otherwise enclosed vehicle to the nearest facility designated by the Department of Energy and Environmental Protection (DEEP) for responsible disposal, including a DEEP permitted resource recovery facility or solid-waste facility, unless otherwise directed by the Director or authorized person.

(Effective December 28, 2012)