

R68. Agriculture and Food, Plant Industry.

R68-23. Utah Firewood Quarantine.

R68-23-1. Authority and Purpose.

(1) Promulgated under authority of Subsection 4-2-103(1)(k) and Section 4-35-109.

(2) This rule is enacted to prevent the movement of invasive insects transported by firewood, including Emerald Ash Borer (*Agilus planipennis*), Asian Longhorned Beetle (*Anoplophora glabripennis*), and Red Imported Fire Ant (*Solenopsis invicta*).

R68-23-2. Definitions.

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

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

(3) "Firewood" means any kindling, logs, timber, or other portions of a tree of any species four 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.

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

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

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

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

R68-23-3. Area Under Quarantine.

(1) Any areas of the United States and Canada that are declared high risk by the United States Department of Agriculture or the commissioner.

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

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

(1) This quarantine applies to any firewood offered, exposed, or held for sale in the state.

R68-23-5. Restrictions.

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

(2) A person shall 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 Section 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 years.

R68-23-6. Labeling Requirements.

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

(a) identification of 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 shall be accompanied by a delivery ticket containing:

(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) Any 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 or certificate date; and

(d) signature of authorized state agricultural officer.

- (4) Certificates shall be issued only if the shipment conforms to the following heat treatment procedure :
- (a) the temperature of the center of the wood is raised to at least 160 degrees Fahrenheit (F), 71.1 degrees Celsius (C);
 - (b) the center temperature is maintained at 160 degrees F, 71.1 degrees 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 shall be able to provide a record of the treatment that identifies each sensor and shows time and temperature; and
 - (h) portable, stand-alone sensors and temperature monitoring equipment such as thermocouples or temperature data loggers shall be:
 - (i) accurate to within plus or minus 0.9 degrees F, 0.5 deg C, at the treatment temperature;
 - (ii) capable of collecting temperature data at least once each five minutes; and
 - (iii) capable of recording or storing data for 30 days.
- (5) The certifying official shall mail, fax, or email a copy of the certificate to:
- (a) Director, Plant Industry Division, Utah Department of Agriculture and Food, 4315 South 2700 West, TSOB South Bldg, Floor 2, Taylorsville, UT 84129-2128;
 - (b) fax: (801) 538-7189; or
 - (c) email: 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 this quarantine and shall hold the firewood for inspection.
- (8) The department shall inspect or release the firewood within ten 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 Section 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 ten business days of the request for an exemption.
- (5) Exemptions are valid for a 12 month period.
- (6) The department may at any time revoke an exemption due to a change in the risk assessment.
- (7) The department shall notify the firewood importer, in writing, identifying the reason 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 shall 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 Section 4-2-304.

(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 Last Change: August 1, 2022

Authorizing, and Implemented or Interpreted Law: 4-2-103(1)(k); 4-35-109