Emergency Order

Restricting Transportation of Firewood into the State of Maine

Background

Two wood-boring insects, the emerald ash borer (EAB) and the Asian long-horned beetle (ALB), have the potential to destroy Maine's forests. The introduction of these or similar insects into Maine would adversely affect wildlife habitat and other forest-based resources. The adult insects and their larvae are found in trees and cut wood. The invasion of such insect pests would pose a threat to tree species of commercial value. The EAB has killed millions of ash trees in the Midwestern United States and Canada and has spread across thirty states, from Colorado and Texas to New Hampshire. The ALB is now present in three (3) northeastern states. The transportation of firewood from infested areas to other states increases the spread of these insects beyond their normal biological dispersal rate. Although Federal quarantines on the export of certain firewood are in place in a number of states, the spread of these insects has not yet been contained.

Since many campers come to Maine transporting firewood from their home states, the Legislature determined that these facts together create an emergency. The Legislature passed legislation effective April 1, 2010 addressing this emergency. In PL 2010, Chapter 585, the Legislature specifically instructed the Director of the Bureau of Forestry to impose restrictions on the transportation of firewood as may be required to preserve the public peace, public health and public safety. The Director of the Bureau was directed to work closely with the Director of the Bureau of Parks and Lands to protect the State's forests from introduction of the EAB and the ALB.

On August 31, 2010 the Director of the Bureau of Forestry, pursuant to the authority granted by 12 M.R.S. § 8305 (as amended by PL 2010, Ch. 585), issued the initial Emergency Order regulating import of firewood. That initial Order, which was slated to expire after 120 days, has been periodically reissued, most recently in August 2016. Where the final regulations have not yet been put in place, in order to protect Maine's forest resources and wildlife from the introduction and spread of these destructive insect pests, the Director of the Bureau of Forestry must take immediate action and hereby reissues and amends the Emergency Order pursuant to the authority granted by 12 M.R.S. § 8305 (as amended by PL 2010, Ch. 585).

EMERGENCY ORDER TO VISITORS, RESIDENTS AND ANY OTHERS TRANSPORTING FIREWOOD INTO OR THROUGH MAINE

1. **Regulated Article.** All firewood that is being, or has been, transported into or through Maine.

2. **Prohibition on Importation of Certain Firewood.**

   A. No person shall bring firewood into Maine unless it has been treated so that its core temperature has reached at least 160 degrees Fahrenheit for 75 minutes and is accompanied by a treatment certificate or label from a United States Department of Agriculture (USDA) qualified treatment facility, or similar documentation of treatment from an analogous state agency in accordance with the USDA Plant Protection and Quarantine (PPQ) Treatment Manual, or from analogous Canadian authorities attesting such treatment. Any person stopped at the New Hampshire border with firewood who cannot demonstrate its prior treatment, or prove that the firewood originates from a local Maine source, may be required to turn such firewood over to Maine Bureau of Forestry officials.

   B. All retail sellers of firewood in Maine must be able to demonstrate by bill of sale, harvest notification report, trip ticket, and/or other mechanism that any firewood they are selling came from an in-state source, or if the firewood originated from out-of-state that it was accompanied by a treatment certificate or label. If the retail seller is not able to produce evidence of either, the firewood is subject to confiscation by the Maine Bureau of Forestry.

   C. The Maine Bureau of Forestry may issue case-by-case variances. Variances will only be approved if, after review, the Maine Bureau of Forestry in its sole discretion determines that the firewood does not pose a threat of importing the EAB, ALB, or similar regulated pests because of verifiable local origin and handling, or having been otherwise treated so as to eliminate any threat.

3. **Prohibition on Intrastate Movement of Certain Firewood.** Persons transporting firewood within Maine may be required to identify the source of the firewood in order to show compliance with this Section.

4. **Inspections and Disposal of Firewood.**

   A. Officials from the Maine Bureau of Forestry and from the Maine Bureau of Parks and Lands may inspect firewood being transported into or through Maine, being sold, or being used at campgrounds, and obtain information concerning the source of that firewood.

B. All firewood originating outside Maine, of undisclosed or unknown origin, and lacking treatment certificates or labels shall be disposed of with the least amount of movement possible. Such firewood shall be burned on site, if possible, or driven to the nearest Bureau of Forestry or Bureau of Parks and Lands facility for responsible disposal.

5. Notices to be Posted.

At all campgrounds where campers are likely to burn firewood, the owners are requested to conspicuously display at a central location a sign with the following information:

WARNING: Persons with firewood that was not originally purchased in this State may be unknowingly transporting Asian long-horned beetles and/or emerald ash borers, insects that are highly destructive to forests. Unless your firewood has a treatment certificate or label, it should all be burned within 24 hours, or driven directly to Bureau of Forestry or Parks and Lands facility for responsible disposal. All camper firewood, brought into this campground is subject to inspection and potential confiscation by Maine Bureau of Forestry or Maine Bureau of Parks and Lands personnel.

Private campground owners are strongly encouraged to immediately post this notice on their websites and, if possible, to notify expected out-of-state guests of the State's requirements.

6. Authority: The authority for this Emergency Order is 12 M.R.S. § 8305.

7. Effective Date: This Emergency Order is effective upon signature by the Director of the Maine Bureau of Forestry and shall remain in force for 180 days, unless extended by a subsequent Order.

DATED: February 1, 2016

Doug Denico

Douglas Denico, Director
Bureau of Forestry