

Emergency Order Restricting Transportation of Firewood Into the State of Maine

Frequently Asked Questions

Why is the Maine Forest Service regulating import of firewood?

The 124th Legislature instructed the Maine Forest Service to ban import of firewood because of the demonstrated threat firewood poses for bringing serious non native pests into the state.

As a prime example: Asian longhorn beetle (ALB) was established in Worcester, MA for 12+ years before being detected. As a result, there was tremendous opportunity for local residents to utilize declining trees as firewood, and to inadvertently move such firewood to uninfested areas like Maine.

This potential is borne out by the newly detected infestations of ALB in Boston, and emerald ash borer (EAB) in a camp ground in the Hudson Valley of New York.

What are you calling "firewood"?

As defined in the statutory language, "firewood" means wood that is sold or transported for residential or recreational consumption in fireplaces, woodstoves, outdoor fireplaces or campfires.

"Firewood" does not include wood chips, wood pellets, fuel for biomass boilers, pulpwood or other wood sold or transported for manufacturing purposes.

Are both softwood and hardwood firewood regulated?

Yes. There are serious non native pest species not known to be in Maine that are capable of being transported in both hardwood and softwood firewood. This ban addresses all firewood.

Is "seasoned" firewood okay?

No. Seasoning (ie "aging" or "curing") is no guarantee that firewood is not infested, and is not an approved treatment.

What about firewood with bark removed?

No. Simply removing bark will not destroy many borers and diseases. It is no guarantee that firewood is not infested, and is not an approved treatment.

What is an "approved treatment"?

Maine is adopting the USDA heat treatment standards for assuring that firewood is not infested. In brief, wood has to be treated so that its core temperature has reached at least 160 degrees Fahrenheit for 75 minutes. Facilities that provide this treatment can be certified by either the USDA or by the plant regulatory agency (usually the Dept of Ag) in the state where the facility is located. Firewood from such facilities can then be certified by the producer as being meeting the USDA heat treatment standard. Fire wood that such facilities produce will have a label or stamp on its packaging certifying that the facility generates a product that meets the USDA and/or state standard.

Is "kiln-drying" an acceptable treatment?

No. Kiln drying is a process to reduce the moisture content of wood. It does not guarantee that firewood has been sufficiently heated to destroy any existing infestation. It is not an approved treatment.

Are there any other treatments that would be accepted?

The MFS is accepting the USDA heat treatment protocols as the approved standard. Other treatments, if requested, could be considered for approval on a case-by-case basis.

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Can I still transport firewood from my own woodlot or camp to my home, or from my home to my own camp or property, for my personal use?

If the firewood originates from out of state, it can not be brought into Maine unless it is accompanied by a certificate assuring that the wood has been treated by USDA-approved methods. In practical terms, this means that wood will need to have a certificate from the USDA or appropriate state plant regulatory agency stating that the wood has been heat treated to a temperature of at least 160 degrees Fahrenheit for 75 minutes.

These regulations add no additional restrictions of movement of firewood originating from inside Maine.

“I bring firewood from my winter heating supply when I go camping. How will I prove that it is from Maine?”

As a practical matter, if you have Maine license plates on your vehicle and/or a Maine driver’s license, the MFS accepts that the most probable source for any unpackaged firewood is also Maine.

If I buy camping firewood from a mom and pop roadside stand, how can I prove it wasn’t transported from out of state?

Many local firewood suppliers have labels attached to their bundles. The MFS accepts that for this initial year, there will be situations where this is not the case. We will be working with local suppliers to develop a standard label that identifies producer and source.

Are sawn up 2x4s and pallets okay?

The current regulations exempt finished wood products such as boards and 2x4s. Therefore, sawn up pieces of such materials are exempted under the general state regulation. However, individual landowners/campground owners may have further restrictions for their property.

Are bulk firewood sales covered by this regulation?

Yes, bulk firewood sales are covered by this regulation.

How will customers know the source of firewood they buy?

Firewood dealers, whether located in Maine or elsewhere (eg neighboring NH towns) can not legally bring out-of-state firewood into Maine without certification of approved treatment from USDA-APHIS or the originating state’s Department of Agriculture.

As a rule of thumb, buying from local Maine firewood dealers will assure that you are buying approved wood.

People who buy from dealers not in Maine (eg NH) will need to assure that they are buying firewood certified as heat-treated by USDA-APHIS or the originating state’s Department of Agriculture.

If buyers have any questions regarding whether the firewood they are buying is legal, they should confirm the source with the supplier. If they have further questions or concerns they should contact the Maine Forest Service at 207-287-2791.

How can Maine firewood producers/dealers demonstrate the source of their firewood?

Firewood processor/suppliers, except in the case of small-scale harvest (less than 5 acres/year) on their own land, should be able to provide documentation regarding wood source because:

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-All larger commercial harvests (including for firewood) are required under Maine's Forest Practices Act to submit a "Notification of Intent to Harvest", which generates a harvest notification number.

-All persons transporting wood in Maine (except for retail consumer delivery of firewood) are required under the Maine state "commerce and trade" statutes to have a "trip ticket" which includes origin of the material. Commercial firewood processors/dealers whose raw material comes from a number of harvest locations, should have access to the "trip tickets" and load slips for the wood in their processing yard.

How can customers know whether wood they buy is "certified as heat-treated by USDA-APHIS or the originating states' Department of Agricultural"?

Facilities that provide approved treatment are regulated by either the USDA or by the plant regulatory agency (usually the Dept of Agriculture) in the state where the facility is located. They operate under specific legal instruments called Compliance Agreements.

Fire wood that such facilities produce will have a stamp on its packaging certifying that the facility generates a product that meets the USDA and/or state standard.

Consumers should look for this notice on the packaging.

A seal or stamp stating that the firewood is "kiln dried" does not constitute approved certification of heat treatment.

What about un-labeled or un-treated firewood already in state (ie in stores/warehouses/distribution centers), or which private individuals have already brought in from outside the state?

This is not a "product recall".

- We anticipate that for this season there will be some firewood for sale in Maine which does not meet the new certified treatment standards, and that it will take time for such material to be used up. There are no plans to confiscate and destroy such firewood
- Our intention is to continue to focus our efforts on increasing awareness and education during this initial period, rather than strict enforcement.

Are other States doing this too?

Yes. Pennsylvania and New York currently have similar laws; Florida and Missouri are in the process of enacting regulations. Other states (including neighboring NH) have taken a more limited approach, establishing similar regulations for state-owned lands.

What is the Federal government doing?

The federal government has similar regulations in place banning entry of firewood from outside the US unless it has governmental certification that it has been heat-treated and meets USDA-APHIS standards. These regulations are already being enforced on the Maine/Canadian border.

What is the Canadian government doing?

Canada has regulations that mirror US federal regulations (ie banning firewood without certification of treatment from entering Canada)

If I am a Maine firewood dealer, what are the requirements?

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Under this Emergency Order there are no **new** requirements for Maine firewood dealers who utilize local in-state wood and sell locally. Firewood dealers are still required to comply with all existing regulations associated with harvest and movement of wood, and with existing in-state quarantines (eg gypsy moth).

Dealers who are considering interstate purchase or sale of firewood should contact the Maine Forest Service at 207-287-2791.

As the MFS goes through a more extended “rule-making process”, we will assess utility of “Maine-produced” labeling to identify locally produced firewood.

Is firewood transport through Maine to another State regulated?

Yes. Any firewood from outside Maine is restricted from entry – even if it is intended for use elsewhere.

What are the penalties for violations?

The authorities that the MFS is operating under in generating this Emergency Order do not provide penalty provisions. Although any non compliant wood could be confiscated, for this initial year our intention is to continue to focus our efforts on increasing awareness and education, rather than strict enforcement.

As the MFS goes through a more extended “rule-making process”, there are opportunities to define level of penalties.

However, there are federal regulations and federal penalties for movement of regulated wood products (including firewood) from areas under federal quarantine. Examples of such areas include the Worcester and Boston Mass ALB infestations and any of the EAB infested sites.

Who will be responsible for enforcement?

State police, county sheriffs, municipal law enforcement officers, state forest rangers and game wardens will be authorized to make inspections, investigations, arrests and disposals of firewood transported illegally to Maine from other states. However, efforts during the initial period are targeted on familiarizing local citizens and visitors with the new regulations. Most of the effort is currently being focused on education and public awareness.

However, as mentioned above, regulations associated with materials (including firewood) from known infestations will be strictly enforced.

What do I do if I have come to Maine and inadvertently brought firewood with me, and I can't prove that it meets USDA heat treatment standards?

If you have wood that comes from an area that is quarantined by the federal government (eg Worcester, Mass), it should be reported immediately to USDA APHIS Plant Protection and Quarantine at 207-848-5199. Alternatively, contact the Maine Forest Service (207-287-2791) or Maine Dept of Agriculture (207-287-3891). Such wood will be destroyed immediately.

Regarding wood from other (not federally quarantined) out-of-state sources: during this initial season, the Maine Forest Service is instructing visitors to burn it within 24 hours.

If visitors have too much wood to utilize within 24 hours, the MFS is instructing visitors to deliver it to designated Maine DOC facilities for destruction (Currently: Gray, West Paris, and Bolton Hill). We are continuing to explore opportunities for an additional drop off site on northbound I95 near Maine's southern border but we don't have that yet.

A list and map of available firewood drop off sites is available at www.maine.gov/firewood .

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Is the interstate movement of "logs" restricted or affected under this firewood regulation?

No

Why aren't logs transported to mills and other wood-using industries also regulated?

Wood processing facilities in Maine are already operating under various regulations and compliance agreements related to import of potentially infested material, and are required to report the source for the logs they use for manufacturing. The MFS is actively monitoring mills for both potential pest introduction and for compliance with existing regulations.

Isn't this a violation of the Federal Interstate Commerce Clause affecting trade and business between States?

No. This question has previously been addressed in the courts for other products and the question has been investigated in regards those judgments as they apply to firewood. These state regulations do not violate Federal ICC law.

Are wood pellets, bark or mulch covered under this regulation?

No. The processes used to make these materials greatly reduce probability that they harbor invasive pests. Such grinding/chipping processes are being used by USDA to treat materials from known infestations.

Are Christmas trees covered by this regulation?

No