

603-052-1080

Firewood Restrictions To Prevent Transport Of Invasive Species

- (1) This rule is established as authorized under ORS 561.510, 570.305 and 570.720 to protect the State of Oregon from the introduction of invasive species, including non-native wood-boring insects and plant diseases, transported on firewood from outside the Pacific Northwest. The requirements set forth in this rule do not apply to any non-firewood product or logs for industrial use.
- (2) The following definitions apply to OAR 603-052-1080 and 603-052-1090:
 - (a) “Approved Pacific Northwest Firewood” is a labeling standard for firewood sold by a firewood producer who complies with the provisions of section 4(a)(C) of this rule.
 - (b) “Approved Pest Free” is a labeling standard (i.e., source labeling requirement) for firewood that complies with the provisions of sections (4)(b)(A) of this rule.
 - (c) “Department” means the Oregon Department of Agriculture.
 - (d) “Firewood” means any whole or split pieces of wood less than 48” in length or other wood of any tree species cut into a form and size appropriate for use for fuel wood uses, such as home heating or campfires. Compressed wood bricks, pellets, and other processed wood products used for fuel wood uses such as home heating or campfires are excluded from this definition.
 - (e) “Firewood seller” means any person or business that supplies or sells firewood.
 - (f) “Invasive Species” means nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state.
 - (g) “Knowingly” means acting with awareness, deliberateness, or intention.
 - (h) “Pacific Northwest” means the states of Oregon, Washington, and Idaho.
 - (i) “Person” means an individual, organization, corporation or partnership, other than the Department, public authority, county, town, city, municipal agency or public corporation.
 - (j) “Phytosanitary certificate” means an official document issued by an exporting county, state, or country to verify a shipment has been officially inspected and meets the import requirements of the State of Oregon.
 - (k) “Plant Pest” means a disease, microscopic organism, insect, nematode, arthropod, parasite or any other biotic agent capable of having a significant adverse effect on the environmental quality of Oregon or of causing a significant level of economic damage in Oregon, including but not limited to damage to agricultural, horticultural or forest plants, crops, commodities or products.
 - (l) “Source” means the state from which the firewood was harvested.
 - (m) “Untreated Firewood” means any firewood that has not been treated in accordance with the provisions of section (4)(b)(A)(Approved Pest Free) of this rule.
 - (n) “Violation” means the failure to comply with any requirement of these rules. Each day a violation continues after the time established for compliance shall be considered a separate violation unless the department finds that a different period of time is more appropriate to describe a specific violation event.
- (3) No person shall transport, by any means, untreated firewood into the State of Oregon, for sale or use within the State from any location outside of the Pacific Northwest.
- (4) Restrictions on transport, sale, or possession of untreated firewood within Oregon:
 - (a) Pacific Northwest-harvested firewood:

(A) Persons who cut and burn firewood in Oregon for personal use are exempt from these documentation, treatment, and labeling requirements.

(B) Firewood harvested and then sold in the Pacific Northwest does not need to be treated or labeled.

(C) Optional labeling for untreated Pacific Northwest Firewood:

(1) Sellers of Pacific Northwest Firewood:

- i. May choose to use the “Approved Pacific Northwest Firewood” designation on firewood that has its source wholly within the Pacific Northwest and outside of declared quarantine areas for invasive species (ORS 561.510, 561.560, OAR 603-052-1230). A summary of Oregon’s plant quarantines is available at <http://nationalplantboard.org/laws/index.html>.
- ii. Firewood sellers using the optional “Approved Pacific Northwest Firewood” label shall maintain records that include, at a minimum, the source(s) of the firewood for a minimum of one (1) year. Upon request, such records shall be made available for inspection to the Department.
- iii. Are required to provide to all purchasers (except to the final end-use customer, unless requested), the source of the firewood and the contact name of the seller.

(D) Landowners who occasionally allow or charge a fee for cutting firewood on their land for personal use in Oregon are not considered sellers.

(b) Firewood harvested from outside the Pacific Northwest:

(A) Firewood from outside the Pacific Northwest must be heat treated to a minimum wood core temperature of 60°C (140°F) for at least 60 minutes or equivalent treatment as approved by the Department. Air drying of firewood is insufficient and is not approved by the Department. Post treatment firewood must be stored in a manner to minimize re-infestation.

(B) Treated firewood meeting the standard in (A) above, whether harvested from the PNW or elsewhere may be labeled as “Approved Pest Free.”

(C) Sellers of “Approved Pest Free” firewood shall maintain, for at least two (2) years from the date of treatment, records that document the source of the wood, the treatment method and the volume of firewood treated. Official phytosanitary certificates from a firewood seller’s State Department of Agriculture or official equivalent may be used to verify the treatment method and volumes of treated firewood produced. Regulatory officials shall be allowed to inspect such records and the facilities used to treat and store the firewood upon request.

(D) Using an “Approved Pest Free” label fraudulently is subject to civil penalties as described in section (5).

(5) Violation of rule. Violators of this rule will be subject to civil penalties of up to \$10,000 as provided by ORS 561.995 and described in OAR 603-054-0070. Commodities shipped in violation of this rule may be treated, destroyed, or returned to the point of origin without expense or indemnity paid by the state. Civil penalties recovered under this section shall be deposited in the Invasive Species Control Account ORS 570.810.

603-052-1090

Civil Penalty Matrix

(1) Magnitude of violation: The commission of prohibited acts specified below has been

determined to be a minor, moderate, or major violation.

(a) Minor:

(A) Failure to maintain proper certificates or paperwork as required.

(B) Importing firewood for personal use that does not meet the requirements of this rule from outside the Pacific Northwest.

(b) Moderate:

(A) Importing firewood for other than personal use that does not meet the requirements of this rule from outside the Pacific Northwest.

(c) Major:

(A) Knowingly importing infested or infected firewood that does not meet the requirements of this rule from outside the Pacific Northwest.

(B) Knowingly representing untreated or improperly treated firewood as Approved Pest Free firewood.

(C) Tampering with, altering, misrepresenting or falsifying in any manner official documents issued by a plant regulatory official. Providing false information required for issuance of documents. Using falsified documents.

(2) Standard civil penalties will be as follows. The Director may consider extenuating circumstances in assigning a penalty.

	1 st Violation	2 nd Violation	3 rd & Subsequent Violation
Minor	Notice of violation	\$100	\$300
Moderate	\$300	\$900	\$1,800
Major	\$5,000	\$7,500	\$10,000

Stat. Auth.: ORS 570.305, 561.510, 570.720

Stats. Implemented: ORS 570.720

Effective 1/1/2013