

Enrolled
House Bill 2122

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor John A. Kitzhaber for State Department of Agriculture)

CHAPTER

AN ACT

Relating to firewood; and declaring an emergency.

Whereas invasive forest pests and disease cause millions of dollars in damage annually to the forest industries, residential structures and public lands of the United States; and

Whereas it is desirable to reduce the risk of introducing invasive pests and diseases into Oregon forests; and

Whereas preventing the introduction of pests that have become established outside of the Pacific Northwest into Oregon can be furthered through the creation of labeling and treatment requirements for firewood; now, therefore,

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) **As used in this section:**

(a) **“Firewood” means whole or split pieces of wood that are:**

(A) **Less than 48 inches in length; and**

(B) **In a form commonly used for burning in campfires, stoves or fireplaces.**

(b) **“Invasive species” has the meaning given that term in ORS 570.755.**

(2) **A person may not transport into or within this state firewood for personal use or sale at, or delivery to, a destination in this state unless:**

(a) **The firewood is harvested from a source located in this state, Idaho or Washington;**
or

(b) **The firewood has been treated in a manner prescribed by the State Department of Agriculture.**

(3) **A person may not sell firewood within this state unless:**

(a) **The firewood is harvested from a source located in this state, Idaho or Washington;**
or

(b) **The firewood is labeled as required by the department and the seller can provide documentation that the firewood has been treated as prescribed by the department.**

(4)(a) **Persons that transport or supply firewood in this state for other than personal use that is harvested from a source outside of this state, Idaho or Washington shall maintain records, certificates or other documents as required by the department. Persons that sell firewood in this state that is harvested from a source outside of this state, Idaho or Washington shall maintain records, certificates or other documents as required by the department.**

(b) **The records, certificates or other documents of a person described in paragraph (a) of this subsection that transports or supplies firewood in this state must include, but need**

not be limited to, information regarding the source of the firewood, any treatment of the firewood and the disposition of the firewood. The records, certificates or other documents of a person described in paragraph (a) of this subsection that sells firewood must include, but need not be limited to, information regarding the source and supplier of the firewood. The department shall adopt rules establishing the required retention time for the records, certificates or documents.

(c) The department may inspect the records, certificates and other documents described in paragraph (b) of this subsection and the 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 for purposes of detecting invasive species.

(5) In addition to any other requirement of this section, if firewood is harvested from a source in an area of this state, Idaho or Washington that is subject to a state or federal quarantine for the control of a plant disease or pest, any harvesting, treating, transporting, supplying or selling of the firewood must be performed in conformance with the quarantine.

(6) The department shall adopt rules for carrying out this section.

SECTION 2. Violation of section 1 of this 2011 Act or a State Department of Agriculture rule adopted under section 1 of this 2011 Act is punishable by a civil penalty, not to exceed \$10,000. The imposition of a civil penalty under this section is subject to ORS 183.745. Any civil penalty recovered under this section shall be deposited in the Invasive Species Control Account established under ORS 570.810.

SECTION 3. (1) Section 1 of this 2011 Act applies to the transportation into this state or other supplying of firewood, and to the wholesale selling of firewood, that occurs on or after January 1, 2013. Section 1 of this 2011 Act applies to the selling of firewood that a retail seller acquires from a supplier or wholesale seller on or after January 1, 2013.

(2) The State Department of Agriculture shall complete the adoption under section 1 of this 2011 Act of temporary or permanent initial rules to regulate the transportation into this state and other supplying of firewood and to regulate the wholesale and retail sale of firewood in time for the rules to become effective on January 1, 2013.

SECTION 4. This 2011 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect on its passage.

Passed by House February 23, 2011

Repassed by House June 7, 2011

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Ramona Kenady Line, Chief Clerk of House

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Bruce Hanna, Speaker of House

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Arnie Roblan, Speaker of House

Passed by Senate May 5, 2011

Repassed by Senate June 8, 2011

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Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2011

Approved:

.....M,....., 2011

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John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2011

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Kate Brown, Secretary of State