

Report From Agency

REPORT TO LEGISLATURE

NR 45.045, Wis. Adm. Code

Board Order No. FR-20-12
Clearinghouse Rule No. 13-080

Basis and Purpose of the Proposed Rule

DNR currently limits firewood entering state lands to that wood originating from within 25 miles and within the state or from dealers that are certified by the state as treating their wood to prevent transmission of pests or diseases. In response to concerns from the public, we propose to reduce the allowable distance to 10 miles. A model of the changing risk of introduction of an invasive pest with decreasing allowable distance shows a significant reduction in level of risk between 25 and 10 miles and that difference in reduction in risk is greater with increasing numbers of infestations in Wisconsin. With the establishment of emerald ash borer and beech bark disease at several sites in Wisconsin and the new threat of thousand cankers disease of walnut, reducing the allowable distance for wood brought onto state lands is a prudent step to take.

If the allowable distance is reduced to 10 miles, the prohibition of out-of-state wood will no longer provide the additional protection it once contributed. If a pest is established within 10 miles, it will be a short time before it can spread on its own onto the property. Regulation that doesn't provide a benefit should be dropped. We also expect a long term benefit of simplifying the message that safe wood is local or treated and avoiding the appearance of blaming other states for invasive pests.

Summary of Public Comments

The department received 14 comments, four were in favor of the proposed revisions, two were opposed to the proposed changes because they were too lenient, and six were opposed to changing the regulation preferring that the allowable distance remain at the current 25 miles. Two additional comments were concerned with the cost of wood and advocated that the price be lowered as a way to discourage movement of firewood. All commenters were replied to and if their comment included a question or misunderstanding, those were addressed in the reply.

Modifications Made

No Modifications were made.

Appearances at the Public Hearing

Harald Norslien

John Hermanson, Board Member Clean Water Action Council of Northeastern Wisconsin- Green Bay

Changes to Rule Analysis and Fiscal Estimate

No changes were made

Response to Legislative Council Rules Clearinghouse Report

All changes suggested by the Legislative Council Rules Clearinghouse were made to the proposed rule.

Final Regulatory Flexibility Analysis

Small vendors just outside state campgrounds are already getting their wood from close by given the current 25 mile limit on allowable wood. For this reason, we do not anticipate an additional significant impact on these vendors with the decrease to 10 miles. It may have a beneficial effect on vendors who are certified as treating

their wood by the Department of Agriculture, Trade and Consumer Protection as it could increase the convenience of their product since it can be brought onto any state property, regardless of where it originated.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.