

## WSR 26-01-172

## PROPOSED RULES

## DEPARTMENT OF AGRICULTURE

[Filed December 22, 2025, 2:04 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-17-032.

Title of Rule and Other Identifying Information: Chapter 16-476 WAC, Firewood exterior quarantine. The department of agriculture (department) is proposing the creation of a new chapter of rule establishing an exterior quarantine regulating the transportation of firewood into Washington state.

Hearing Location(s): On February 11, 2026, at 11:00 a.m., via Microsoft Teams conference call. Join on your computer, mobile app, or room device at [Date of Intended Adoption: February 18, 2026.](https://gcc02.safelinks.protection.outlook.com/ap/t-59584e83/?url=https%3A%2F%2Fteams.microsoft.com%2F1%2Fmeetup-join%2F19%253ameeting_NzgxNTE3NTYtYmIwZi00YTZlLTkwMjMtNjgwNWNlMTQ3NGNi%2540thread.v2%2F0%3FContext%3D%257b%2522Tid%2522%253a%252211d0e217-264e-400a-8ba0-57dcc127d72d%2522%252c%2522Oid%2522%253a%2522838c55c7-c187-44ae-8de0-2be684ce5d4a%2522%257d&data=05%7C02%7CAClow%40agr.wa.gov%7Cee0464d5dbf24f94c61608de3745e7ad%7C11d0e217264e400a8ba057dcc127d72d%7C0%7C0%7C639008970539587609%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMmIsIkFOIjoiTWFpbCIsIlldUIjoyfQ%3D%3D%7C0%7C%7C%7C&sdata=unZLnxMeHyW6MpsQVl8Fv6aZYADZsUGOXIRk2EMxyw%3D&reserved=0, Meeting ID 258 174 638 006 95, Passcode xw29hP6i; or dial in by phone +1 564-999-2000,,481269245#, Conference ID 481 269 245#.</p></div><div data-bbox=)

Submit Written Comments to: Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov), fax 360-902-2092, by 5:00 p.m. on February 11, 2026.

Assistance for Persons with Disabilities: Contact Amy Clow, rules coordinator for plant protection division, phone 360-902-2041, TTY 800-833-6388, email [aclow@agr.wa.gov](mailto:aclow@agr.wa.gov), by 5:00 p.m. on February 4, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to prevent the introduction and spread of invasive plant pests, plant diseases, and bee pests that can be transported on or inside untreated firewood. These pests including, but not limited to, emerald ash borer (EAB), spongy moth, Asian longhorned beetle, pinewood nematode, spotted lanternfly, and other harmful organisms, pose a serious threat to Washington's forests, agriculture, and environment.

This rule prohibits the transportation of untreated firewood from outside of Washington into the state for sale or use and establishes treatment, labeling, documentation, and recordkeeping requirements for firewood that is imported. Firewood imported into Washington must be heat-treated to a minimum wood core temperature of 71°C (160°F) for at least 60 minutes or receive an equivalent department-approved treatment, and must be labeled to show its source and display the statement "Approved Pest Free."

The proposed rule also clarifies the scope of the quarantine by excluding firewood harvested and remaining within Washington, processed wood products such as pellets or compressed wood bricks, and logs or wood products transported for industrial uses such as: Sawmills; pulp and paper mills; and biomass or wood composite facilities.

Enforcement provisions include civil penalties of up to \$5,000 per violation and the authority for the department to impound noncompliant firewood under RCW 17.24.091.

Reasons Supporting Proposal: The movement of untreated firewood is a well-documented pathway for the introduction of invasive insects, pathogens, and other plant pests into previously uninfested areas. Eggs, larvae, pupae, and adult insects can survive in or on firewood and be unknowingly transported and introduced to new environments when firewood is moved for personal, recreational, or commercial use. Once established, invasive species can cause severe environmental and economic harm, including tree mortality, loss of forest and urban canopy, crop losses, decreased habitat quality, and significant costs for management, eradication, or mitigation. According to the National Invasive Species Information Center, invasions in North America now cost more than \$26 billion per year (<https://www.invasivespeciesinfo.gov/subject/economic-and-social-impacts>).

A prime example is EAB, which in a 25-state study, conducted by the United States Forest Service, was projected to require treatment, removal, and replacement of more than 17 million ash trees on developed land, with a mean discounted cost of \$10.7 billion over a decade (<https://research.fs.usda.gov/treesearch/34370>). These costs accrue across multiple industries and sectors, forestry, urban canopy, agriculture, horticulture, landscaping, and pollinator support, all of which are vital to Washington's economy and are compounded by the introduction of each new invasive pest. The importation of untreated firewood materially increases the risk of introducing pests such as EAB and other wood-boring or bark-infesting species.

The proposed rule under the authority of chapter 17.24 RCW is a proactive, cost-effective measure to reduce that risk, by establishing clear standards for firewood treatment, labeling, documentation, and enforcement. The rule will help avoid the financial burdens of eradication, removal, replacement, lost ecosystem services, and commodity losses; burdens that individually amount to billions of dollars in other states and nationally. Implementing this quarantine aligns Washington with other western states and federal recommendations encouraging the use of heat-treated or certified firewood.

Given that Washington's forestland, tree-cover values, agricultural production, and related industries are vulnerable to such pests, and that prevention is far less expensive than post-infestation control and recovery, the quarantine on untreated firewood entering the state is supported by both economic and environmental rationale. The director of the department has determined that it is necessary to establish a quarantine to prevent the introduction of plant pests and bee pests to protect the environmental quality, forests, floriculture, and agricultural crops of the state of Washington.

Statutory Authority for Adoption: RCW 17.24.041 and 17.24.011.

Statute Being Implemented: Chapter 17.24 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of agriculture, governmental.

Name of Agency Personnel Responsible for Drafting, Implementation, and Enforcement: Sven-Erik Spichiger, P.O. Box 42560, Olympia, WA 98504-2560, 360-280-6327.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. The department is not a listed agency under RCW 34.05.328 (5) (a) (i).

The proposed rule does impose more-than-minor costs on businesses.

### Small Business Economic Impact Statement (SBEIS)

Chapter 16-476 WAC  
Firewood Exterior Quarantine  
December 17, 2025

**SECTION 1: Describe the proposed rule, including: A brief history of the issue; an explanation of why the proposed rule is needed; and a brief description of the probable compliance requirements and the kinds of professional services that a small business is likely to need in order to comply with the proposed rule:** The movement of untreated firewood across state lines has long been recognized as a significant pathway for the introduction and spread of invasive plant pests and diseases. Invasive species such as EAB, spongy moth, Asian longhorned beetle, and others have caused significant damage to forests and agricultural resources in various regions across the United States. These pests can be transported in all life stages, eggs, larvae, and adults, hidden within or on untreated firewood. Past introductions of such pests have led to the destruction of forests, loss of crops, and substantial economic costs for control and eradication efforts [in] Washington state, with its extensive forests and agricultural lands.

The proposed rule establishes an exterior quarantine for firewood entering Washington state from outside its borders. The primary purpose is to protect the state's forests, agriculture, and environment from the introduction of invasive plant and bee pests. Without such measures, untreated firewood could serve as a vector for pests not currently present in Washington, leading to potentially devastating ecological and economic impacts. The rule is designed to close a critical pathway for pest introduction by requiring that all firewood imported into the state be properly treated and labeled, thereby reducing the risk of pest infestations.

Washington state businesses involved in the production, supply, or sale of firewood from outside Washington state will need to comply with several requirements:

- **Treatment Standards:** Firewood must be heat treated to a minimum wood core temperature of 71°C (160°F) for at least 60 minutes, or undergo an equivalent treatment approved by the department. Air drying alone is not sufficient.
- **Labeling:** Treated firewood must be labeled with its source and the statement "Approved Pest Free." Packaged firewood certified by the United States Department of Agriculture (USDA) must display certification and the producer's name and address.
- **Recordkeeping:** Providers must maintain records for at least two years documenting the source, treatment method, date of treatment, and volume of firewood treated. Phytosanitary certificated may be used to verify compliance.
- **Inspection and Enforcement:** The department may inspect shipments, and violators may face civil penalties of up to \$5,000 per violation. Noncompliant firewood may be impounded to prevent pest introduction.

It is important to highlight that the proposed rule exempts firewood harvested within Washington state that stays within the state.

Should the Washington state harvested firewood leave the state, **it would no longer be exempt from the rule's requirements.** Additionally, and while not explicitly required by the proposed rule, businesses may elect to consult the following professional services to ensure compliance and maintain good standing:

- **Pest Management and Treatment Consulting:** Guidance on approved heat treatment methods and facility setup to ensure compliance with treatment standards.
- **Labeling and Packaging Services:** Assistance in designing and producing compliant labels and packaging that meet regulatory requirements.
- **Recordkeeping and Compliance Consulting:** Support in establishing systems for tracking treatment processes, maintaining records, and preparing for potential inspections or audits.
- **Legal and Regulatory Advice:** Consultation regarding the interpretation of quarantine requirements, compliance strategies, and handling enforcement actions or penalties.
- **Phytosanitary Certification Services:** Coordination with state departments of agriculture or equivalent agencies to obtain required certificates verifying treatment and pest-free status.

Although not required, these services may help businesses navigate the technical, administrative, and legal aspects of the new rule, ensuring that their operations remain compliant and that they can continue to supply firewood to customers in Washington state.

**SECTION 2: Identify which businesses are required to comply with the proposed rule using the North American Industry Classification System (NAICS) codes and what the minor cost thresholds are:**

NAICS Code (4, 5, or 6 Digit)	NAICS Business Description	Number of Businesses in Washington	Minor Cost Threshold = 1% of Average Annual Payroll	Minor Cost Threshold = 0.3% of Average Annual Revenue
457210 or 454310	Fuel Dealers (Includes Firewood Dealers, Direct Selling, and Retail)	123	\$18,826.55*	\$4,745.12**
423990-14	Firewood (Wholesale)	261	\$14,515.53*	\$2,245.72**
321999	All Other Miscellaneous Wood Product Manufacturing (May Include Some Firewood Processors)	340	\$4,963.32*	\$11,712.11**
115310	Support Activities for Forestry (May Include Firewood Harvesting and Preparation)	201	\$3,893.89*	\$3,238.51**

\* Data source: 2021 Employment Security Department

\*\* Data source: 2021 Department of Revenue

± Data source: 2021 Quarterly Census of Employment and Wages (Bureau of Labor Statistics)

**SECTION 3: Analyze the probable cost of compliance. Identify the probable costs to comply with the proposed rule, including: Cost of equipment, supplies, labor, professional services and increased administrative costs; and whether compliance with the proposed rule will cause businesses to lose sales or revenue:** In evaluating the probable costs associated with compliance under the proposed rule, it is essential to consider both the explicit requirements of the regulation and the actual sourcing and business practices of entities operating within Washington state. The proposed rule mandates that firewood imported from outside Washington must be heat treated to a specific standard, appropriately labeled, and accompanied by comprehensive recordkeeping.

During the rule-making process for the proposed rule, the department received input from a broad range of stakeholders, primarily Washington-based businesses, along with one business located outside the state. While the department values and appreciates the input from all stakeholders, it is important to clarify the legal framework governing the SBEIS requirements. Under the Regulatory Fairness Act (RCW 19.85.040 and 19.85.070), SBEIS is specifically intended to evaluate the economic impact of proposed regulations on small businesses operating within Washington state. The requirement to analyze the economic impacts of the rule does not extend to businesses located outside of Washington, even if they supply or do business with in-state entities. Therefore, while the department has considered and recorded feedback from out-of-state businesses in accordance with the Administrative Procedure Act (chapter 34.05 RCW) (please see section 7 below for more information), the SBEIS analysis is limited to impacts on Washington-based small businesses.

Based on the feedback received via meetings, survey responses, and emails from Washington-based firewood producers and suppliers, the department determined that all of them either exclusively source their firewood from within the state or already have compliant product offerings. As firewood harvested within Washington state is explicitly exempt from the quarantine and its associated compliance requirements (only if it remains within the state), these businesses will not be subject to the new regulation and will not incur any additional costs for equipment, supplies, labor, or professional services because of this rule.

On the other hand, based on the feedback received from out-of-state producers and suppliers, potential costs to these out-of-state businesses may include investments in heat treatment equipment, ongoing supplies for labeling and packaging, additional labor for treatment and administrative tasks, professional services for compliance and certification, and possible increases in administrative overhead.

Retailers who currently source firewood from out-of-state vendors have indicated a high degree of flexibility in their supply chains. Many have conveyed that, should their current supplies not meet the new regulatory standards, they are fully prepared to shift to alternative vendors who are compliant with the rule or to transition their sourcing to in-state suppliers. This adaptability allows retailers to maintain uninterrupted product availability for their customers while avoiding the costs and operational burdens associated with bringing noncompliant products into alignment. For these retailers, the cost of compliance is therefore expected to be negligible, as they can simply adjust their sourcing strategies rather than invest in new infrastructure or processes.

Additionally, some businesses have confirmed that their current firewood products already meet the proposed regulatory standards for heat treatment, labeling, and recordkeeping. Their currently established practices align with the objectives of the regulation, ensuring continued access to the Washington market without interruption or added expense.

Given these prevailing business practices, the likelihood of more-than-minor compliance costs being imposed on Washington state businesses is low. Most in-state producers and retailers either fall outside the scope of the regulation due to their sourcing practices or can comply through existing vendor relationships and product offerings. Consequently, the risk of lost sales or revenue, increased administrative costs, or the need for substantial investment in equip-

ment or professional services is either very minimal or nonexistent for these Washington state businesses.

In sum, all the Washington-based businesses that the department identified and received feedback from stated that they would not be impacted by the proposed rule as they source firewood exclusively from within the state (and keep it within the state) and are thus explicitly exempt from the proposed rule.

Additionally, the department was unable to identify any Washington-based businesses that currently source firewood from out-of-state suppliers as part of its stakeholder engagement efforts. Despite their absence, it remains essential to include this hypothetical analysis as there is no guarantee that such businesses do not exist now or will not emerge in the future. Certain businesses may have been accidentally missed during outreach efforts, may have chosen not to participate, or may be newly established after the department's completion of data collection. This comprehensive approach ensures that even hypothetically affected businesses, whether they exist now or may emerge in the future, are considered in the analysis of the proposed rule's economic impact.

For businesses categorized as either Washington-based businesses that source firewood from outside the state for sale or use within Washington or out-of-state firewood producers/suppliers shipping firewood into Washington state, any resulting increases in compliance and operational costs are likely to be passed on to all Washington-based businesses sourcing firewood from outside the state. Vendors facing additional expenses for heat treatment, certification, etc., will adjust their prices accordingly, resulting in higher purchase prices for Washington businesses that rely on nonlocal firewood for retail, operational, or heating purposes. These higher procurement costs place Washington-based businesses in the position of either absorbing the additional expense or passing it through to their own customers to preserve profit margins and operational sustainability.

Notes:

- Lost sales/revenue: Loss of access to Washington state market if noncompliant; a possible reduction in sales, if costs are passed to customers, has been determined to be variable and dependent on the business themselves. This potential range of costs is contingent on a business's ability to adapt its sourcing, customer price sensitivity, and their market share.
- All costs apply only to out-of-state producers shipping firewood into Washington and Washington-based businesses sourcing firewood from out of state. Businesses exclusively sourcing in-state firewood (and keeping it within the state) are exempt and will not incur these costs.
- Actual costs will vary based on business size, adaptability, economies of scale, and existing infrastructure.

**SECTION 4: Analyze whether the proposed rule may impose more-than-minor costs on businesses in the industry:** Note: For this analysis, the department has referenced the minor cost thresholds as calculated by the office of financial management (OFM) for the relevant NAICS codes (as referenced in Section 2).

**Likelihood of Exceeding Minor Cost Thresholds:** The likelihood that the proposed rule will impose costs exceeding these thresholds is **extremely low** for Washington-based businesses but may be higher for certain out-of-state producers and for Washington-based businesses that source firewood from out of state.

**Washington-Based Businesses Sourcing In-State:** Most Washington businesses source their firewood exclusively from within the state. As specified in WAC 16-476-001, firewood harvested within Washington is explicitly exempt from the quarantine and its associated compliance requirements (only if it remains within the state). These businesses will not incur any new costs because of the rule and therefore will not approach or exceed the minor cost thresholds.

**Out-of-State Producers and In-State Businesses Sourcing from Out-of-State:** The proposed rule requires all firewood imported into Washington be heat treated, labeled, and certified as "Approved Pest Free," which may be accomplished through issuance of phytosanitary certificates (or other official equivalent(s)) from the supplier's state's department of agriculture.

Although out-of-state firewood vendors may experience increased operational expenses as a result of the proposed rule, such as mandatory heat treatments, certification obligations, and other related requirements, the resulting cost increases are generally distributed across multiple customers and larger volumes of sales/transactions. For individual Washington-based purchasers, the incremental increases in procurement costs associated with buying treated, certified out-of-state firewood is anticipated to remain modest and manageable.

Historical data and market trends further reinforce this determination. Businesses within firewood retail (e.g., NAICS 457210-13) and wood product manufacturing (e.g., NAICS 321, 32111) typically operate with diverse customer bases and adaptable sourcing arrangements, allowing them to absorb minor cost fluctuations without significant disruptions. Previously similar regulatory changes within these sectors have not resulted in widespread financial strain or any other harmed parameters set by the small business administration (Washington invasive species council (Economic Impacts of Invasive Species in Washington State, 2022)).

**Likelihood of Businesses Choosing Least-Cost Compliance Options:** Given the significant costs associated with achieving compliance for firewood imported into Washington, such as investments in heat treatment equipment, labeling, recordkeeping, etc., it is highly likely that businesses currently operating with noncompliant processes will seek the least costly path to maintain market access and profitability. For most businesses, this will mean changing their operations or procurement procedures to source firewood from within Washington state.

The direct costs associated with **sourcing firewood from outside of Washington state** can easily exceed several thousand dollars per year, and initial capital investments (i.e., for heat treatment kilns) may reach tens of thousands of dollars (Kilnfrog, 2023). There are also ongoing administrative and labor costs, as well as the risk of lost inventory if shipments are found to be noncompliant.

**In contrast, sourcing firewood from within Washington state** is explicitly exempt from all these requirements under WAC 16-476-001, only if it remains within the state. In-state firewood does not require special treatment, labeling, certification, or recordkeeping beyond what is already standard business practice. There are no additional compliance costs, no risk of penalties under this rule, and no threat of impoundment for in-state firewood. Due to Washington's robust firewood industry, a vast majority of businesses already source their firewood from in state. For those that do not, shifting to in-state suppliers is a straightforward operational change that avoids the significant compliance costs and regulatory risks associated with

importing firewood. Additionally, in-state sourcing eliminates the logistical costs and uncertainties of interstate shipping, further reducing overall expenses. Given these realities, it is reasonable to expect that businesses will act in their economic self-interest and choose the least-cost compliance option (Cunningham & Lewis, 2014). For most, this will be sourcing firewood from within Washington. The cost of compliance for importing firewood, particularly for small businesses or those without existing heat treatment infrastructure, will almost always exceed the cost of simply switching to an in-state supplier. Even for larger businesses, the economies of scale gained by importing may not offset the regulatory and capital costs imposed by the new rule.

Based on the structure of the proposed rule and the comparative costs involved, it is highly likely that any Washington business currently sourcing firewood from out of state, but lacking compliant processes, will elect to change their operations to source from in-state suppliers (USDA, Animal and Plant Health Inspection Service, 2010). This shift is supported by a clear economic rationale: Sourcing in-state is not only simpler and less risky, but also significantly less expensive than meeting the new regulatory requirements for imported firewood. **As a result, the department anticipates the number of Washington-based businesses incurring more-than-minor costs to comply with the rule to be very limited, if any at all,** further minimizing the rule's economic impact on Washington's small business community.

**SECTION 5: Determine whether the proposed rule may have a disproportionate impact on small businesses as compared to the 10 percent of businesses that are the largest businesses required to comply with the proposed rule:** RCW 19.85.040(1) requires the department to compare the cost of compliance for small businesses with the cost of compliance for the 10 percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: (a) Cost per employee; (b) cost per hour of labor; or (c) cost per \$100 of sales.

For the proposed rule, the overwhelming majority of Washington state businesses, especially those classified under NAICS 454310, 423990, 321999, and 115310, are not expected to be impacted at all, as they source their firewood exclusively from within Washington and are explicitly exempt from the rule's requirements (only if it remains within the state). This determination was based on feedback received from Washington-based businesses throughout the rule-making process (emails, phone calls, and meetings) which both confirmed this firewood sourcing practice and thus no compliance costs would be incurred.

The rule's compliance requirements, including mandatory heat treatment, labeling, recordkeeping, etc., apply only to firewood imported into Washington from outside the state. Thus, the only businesses required to comply are: (1) Out-of-state producers shipping firewood into Washington, and (2) Washington-based businesses sourcing firewood from out of state. The analysis below focuses on these businesses which would be required to comply:

1. Cost Per Employee:

a. **Small businesses** typically have fewer employees, so fixed compliance costs (i.e., purchasing a kiln, recordkeeping systems, etc.) are distributed over a smaller workforce. For example, a \$30,000 kiln for a business with three employees is \$10,000/employee, while a large business with 30 employees is \$1,000/employee.

b. **Large businesses** can spread these costs over many employees, significantly reducing the per-employee impact.

2. Cost Per Hour of Labor:

a. **Small businesses** may need to dedicate a higher percentage of their available labor hours to compliance (i.e., treatment, labeling, recordkeeping, etc.), which can disrupt operations and reduce productivity.

b. **Large businesses** often have dedicated compliance staff or can absorb additional labor hours with less operational impact, resulting in a lower cost per hour of labor.

3. Cost Per \$100 of Sales:

a. **Small businesses** generally have lower sales volumes, so fixed compliance costs represent a larger share of revenue. For example, if a small business has \$100,000 in annual sales, a \$10,000 compliance cost is \$10 per \$100 of sales (10 percent). For a large business with \$1,000,000 in sales, the same cost is only \$1 per \$100 of sales (one percent).

b. **Large businesses** will undoubtedly benefit from economies of scale, making compliance costs a much smaller portion of their total sales.

**Small businesses** face a much higher per-employee and per-sales-dollar cost for compliance, as fixed costs are not offset by scale. The cost per hour of labor is also higher, as compliance tasks can represent a significant portion of their total available labor. **Large businesses**, and particularly **the 10 percent of largest businesses required to comply with the proposed rule**, benefit from economies of scale, existing compliance infrastructure, and higher sales volumes, all of which reduce the proportional impact of compliance costs. They are more likely to already have heat treatment capacity, administrative systems, and established vendor relationships, further minimizing incremental costs (USDA APHIS, 2015).

**Analysis of Actual Impact in Washington State:** Despite the apparent differences, **the actual impact on Washington state small businesses is expected to be negligible.** Feedback from Washington businesses indicates that nearly all source their firewood in state (and keep it within the state) and are thus exempt from the proposed rule's requirements. No small Washington business has indicated it would incur compliance costs. For the (likely limited) Washington-based businesses that do source from out of state, the most likely response is to switch to in-state suppliers, which is both legally permissible and far less costly than compliance (Washington invasive species council, 2022). Sourcing in-state avoids all compliance costs, including equipment, labor, and administrative burdens (Mt. Adams Resource Stewards, 2018).

**Conclusion:** While the proposed rule could theoretically have a disproportionate impact on small businesses due to higher per-employee, per-hour, and per-sales-dollar costs, **the practical effect in Washington state is that small businesses will not be disproportionately impacted.** Most will simply continue to source in state or switch to in-state suppliers, incurring no new costs. The largest businesses required to comply are best positioned to absorb any compliance costs that do arise, due to their scale and resources. Thus, the rule does not impose a disproportionate impact on small businesses as compared to the largest 10 percent of businesses required to comply.

**SECTION 6: If the proposed rule has a disproportionate impact on small businesses, identify the steps taken to reduce the costs of the rule on small businesses. If the costs cannot be reduced, provide a**

**clear explanation of why:** The department has carefully evaluated whether the proposed rule may have a disproportionate impact on small businesses, as required by RCW 19.85.040. This analysis is based on a combination of quantitative cost estimates, the regulatory scope of the rule, and extensive outreach to potentially affected stakeholders, including direct communications and engagement with business associations and groups representing small businesses, specifically grocers and BBQ/hearth/patio businesses, as well as representatives from major retailers (large businesses), including Tractor Supply, Home Depot, Lowe's, Kroger, and Albertson's/Safeway.

Based on all available data, direct communications, and the absence of concerns expressed by small businesses or their associations, **the department has determined that the proposed rule should not have a disproportionate impact on small businesses.** The rule's structure, the prevailing sourcing practices in Washington state, and the clear economic incentive to source in state all ensure that small businesses are not unduly burdened. The department will continue to monitor for any unforeseen impacts and remains committed to supporting Washington's small business community.

RCW 19.85.030(2) requires consideration of the following methods of reducing the impact of the proposed amendment on small businesses:

(a) *Reducing, modifying, or eliminating substantive regulatory requirements:* The substantive regulatory requirements, heat treatment, labeling, and recordkeeping for firewood imported into Washington, are integral to the statutory purpose of preventing the introduction and spread of invasive pests and plant diseases. These core requirements are explicitly established in chapter 17.24 RCW and are necessary to protect Washington's agriculture, forests, and environment. Reducing these requirements would undermine the primary objective of the quarantine and harm the state's ability to safeguard against pests.

(b) *Simplifying, reducing, or eliminating recordkeeping and reporting requirements:* The recordkeeping provisions outlined in WAC 16-476-003(3) are narrowly tailored to document the source, treatment, and movement of firewood into Washington. These records are essential for verifying compliance and enabling effective regulatory oversight. Given the significant risk posed by invasive pests associated with firewood movement, further simplification or reduction of these requirements would greatly diminish the department's ability to ensure effective quarantine enforcement and traceability.

(c) *Reducing the frequency of inspections:* Mandatory inspections are not specified in the proposed rule language, therefore the reducing such inspections is outside the scope of this rule making.

(d) *Delaying compliance timetable:* Based on feedback received from impacted businesses, the department has determined that a delay in compliance timetables is necessary, to give the industry time to implement and install the needed equipment and/or processes to be in compliance. Specifically, after the rule is adopted, there will be a six-month delay before it would become effective. Additionally, the department reserves the option to extend this compliance timeline further if circumstances indicate such an extension is necessary to support successful transition and minimize disruption for regulated entities.

(e) *Reducing or modifying fine schedules for noncompliance:* Fines for noncompliance of this rule are dictated by chapter 17.21 RCW; therefore, the ability to reduce or modify them are outside of the scope of this rule making.

(f) *Any other mitigation techniques including those suggested by small businesses or small business advocates:* The department has considered and remains open to other mitigation techniques, including those suggested by Washington-based small businesses and their advocates. During stakeholder outreach, the only mitigation suggested by businesses was to have additional time to comply with the new rule's requirements. In response, the department intends to delay the effective date of the rule until six months post-adoption, with the option to extend if needed. Beyond a delay in compliance, no other mitigation techniques were suggested by small businesses or small business advocates.

**SECTION 7: Describe how small businesses were involved in the development of the proposed rule:** As part of the stakeholder engagement for the proposed rule, the department proactively reached out to small businesses that were identified as firewood producers/suppliers to assess potential impacts and gather feedback on the proposed requirements.

Additionally, the department also received a detailed letter from an out-of-state firewood supplier expressing significant concerns regarding the impact of the proposed rule on their operations, specifically noting that the requirement for heat treatment of all firewood imported into Washington would effectively prevent them from accessing their primary market, potentially resulting in severe economic consequences for their business and employees.

Upon receipt of these concerns, the department held a meeting with a representative from the supplier. This meeting provided an opportunity for the company to further elaborate on their operational practices, pest management protocols, and the unique circumstances of their supply chain. The company advocated for a more tailored regulatory approach, such as exemptions or alternative compliance pathways for commercial firewood operators sourcing from nonquarantined areas and maintaining detailed oversight and pest management systems.

The department appreciates and values the participation of all stakeholders in the rule-making process, including out-of-state businesses. The department recognizes the importance of open dialogue and transparency and has ensured that the concerns and suggestions raised by this business were fully documented and considered as part of the rule development process.

However, it is important to reiterate the legal framework guiding the department's analysis of economic impacts. The requirements for an SBEIS, as set forth in chapter 19.85 RCW, are specifically intended to assess the financial effects of proposed rules on small businesses located within Washington state. The statute does not obligate the department to analyze or mitigate financial impacts on businesses operating solely outside of Washington, even if those businesses serve as vendors or suppliers to Washington-based entities. Accordingly, while the department has engaged with and listened to out-of-state stakeholders, the department's legal obligations for economic impact analyses and mitigations are limited to Washington-based small businesses.

**SECTION 8: Identify the estimated number of jobs that will be created or lost as the result of compliance with the proposed rule:** The proposed rule does not explicitly mandate the creation or removal of jobs. Instead, its impact on employment within the firewood industry; that is, firewood producers and suppliers, is contingent on individual business characteristics, including their adaptability, existing economies of scale, operational models, and established relationships within the supply chain. Consequently, both job creation and removal

are possible, but neither is a certain outcome across the industry (Hodges & Young, 2011 and Bowe, Skog, & Araman, 2001).

**Potential for Job Creation:** The rule could indirectly lead to job creation within Washington state's domestic firewood industry. If businesses that previously source firewood from out of state shift to in-state suppliers to avoid compliance costs, this could stimulate demand for Washington-produced firewood. An increase in demand for in-state firewood could, in turn, necessitate increased production, processing, and distribution activities by Washington-based firewood providers. This growth may lead to:

- **Increased employment in harvesting and processing:** More labor might be required for felling, bucking, splitting, and preparing firewood within Washington.
- **Expansion of related services:** Logistical support, transportation, and retail services for in-state firewood could also see a boost.
- **Investment in local infrastructure:** While not directly mandated by the rule, increased in-state demand could encourage investment in new or expanded firewood processing facilities within Washington, which may generate construction/operational jobs.

**Potential for Job Removal:** Conversely, for businesses that currently import noncompliant firewood into Washington state, whether they are out-of-state producers or Washington-based businesses sourcing from out-of-state, the rule introduces new compliance costs and operational requirements. As detailed in the sections above, these can include significant capital investments in heat treatment equipment, increased labor for treatment and recordkeeping, and additional administrative burdens.

**Contingent/Variable Impacts:** The ultimate impact on employment (creation or removal) hinges on several factors:

- **Business Adaptability:** Businesses willing and able to invest in new compliance technologies (i.e., heat treatment kilns) or pivot their sourcing strategies (i.e., switching to in-state suppliers) are more likely to retain or potentially expand their workforce. Those less adaptable face higher risks of job loss.
- **Economies of Scale:** Larger businesses, particularly those with existing heat treatment capabilities or diverse markets beyond Washington, may be able to absorb compliance costs more readily, thus preserving jobs. Smaller businesses, with together [tighter] margins and fewer resources, may find the cost of compliance prohibitive, potentially leading to downsizing or cessation of operations.
- **Operational Models:** Businesses with agile procurement processes, like Tractor Supply Company, which indicated flexibility to swap vendors, are well-positioned to maintain their employment levels without significant disruption.
- **Market Dynamics:** The overall demand for firewood in Washington, combined with the competitive landscape, will influence how readily businesses can pass on compliance costs or shift sourcing without losing market share (USDA APHIS, 2010).

In conclusion, the proposed rule does not inherently mandate either job creation or job removal. Instead, it introduces new market conditions that will favor businesses capable of meeting the new import requirements or those that exclusively source in state. Businesses unable to adapt to these new conditions may face job reductions,

while those within Washington's domestic firewood industry, benefiting from potentially increased demand, may see job growth. The net effect on employment statewide is difficult to predict, as it depends on the complex interplay of individual business decisions and market responses.

### References

Bowe, S. A., Skog, K. E., & Araman, P. A. (2001). Wood use for domestic heating: Current status and possible impacts of regulatory change. *Forest Products Journal*.

Cunningham, S., & Lewis, G. (2014). Do regulations alter the flow of invasive species? Evidence from firewood movement. *Ecological Economics*.

Kiln Frog. (2023, August 26). How much does a kiln cost? Kiln pricing explained for buyers. Kiln Frog Blog. <https://kilnfrog.com/blogs/frogblog/how-much-are-kilns>

Hodges, D. G., & Young, T. M. (2011). Economic impacts of the forest industry in Washington, 2010. University of Tennessee, Institute of Agriculture.

Mt. Adams Resource Stewards. (2018). *Economic impacts of the Mt. Adams Community Forest, 2014-2017*.

*Report Economic Impacts of the Mt. Adams Community Forest 2014-2017\_FINAL\_EDIT.pdf*

United States Department of Agriculture, Animal and Plant Health Inspection Service. (2010). Risk assessment of the movement of firewood within the United States. [https://www.aphis.usda.gov/sites/default/files/firewood\\_pathway\\_assessment.pdf](https://www.aphis.usda.gov/sites/default/files/firewood_pathway_assessment.pdf)

Washington Invasive Species Council. (2017). *Economic impacts of invasive species in Washington*. <https://invasivespecies.wa.gov/wpcontent/uploads/2019/07/EconomicImpactsRpt.pdf>

A copy of the statement may be obtained by contacting Gloriann Robinson, Rules Coordinator, P.O. Box 42560, Olympia, WA 98504-2560, phone 360-902-1802, fax 360-902-2092, TTY 800-833-6388, email [wsdarulescomments@agr.wa.gov](mailto:wsdarulescomments@agr.wa.gov).

December 22, 2025  
Alison Halpern  
Acting Assistant Director

**RDS-6832.2**

### **Chapter 16-476 WAC FIREWOOD EXTERIOR QUARANTINE**

#### NEW SECTION

**WAC 16-476-001 Establishing an exterior quarantine for firewood.** Pursuant to chapter 17.24 RCW, a quarantine is established to protect the state of Washington from the introduction of plant pests, includ-

ing plant diseases, and bee pests transported on firewood from outside the state.

The movement of firewood containing plant pests and bee pests poses a threat to Washington's forests, agriculture, and environment. Eggs, larvae, and adult stages of many invasive insect pests can be carried on or inside firewood and are easily spread when firewood is moved from one location to another. Introductions of these invasive insect pests have destroyed forests and crops and are costly to control. Invasive plant pests that may be transported through firewood include emerald ash borer, spongy moth, Asian longhorned beetle, spotted lanternfly, pine wood nematode, Sirex woodwasp, Japanese cedar longhorn beetle, and other insects and organisms that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants, or that can be considered bee pests. The director of the department has determined that it is necessary to establish a quarantine to prevent the introduction of plant pests and bee pests to protect the environmental quality, forests, floriculture, and agricultural crops of the state of Washington.

No person shall transport, by any means, untreated firewood into the state of Washington, for sale or use within the state, from any location outside of the state.

This quarantine and the requirements set forth in this rule do not apply to firewood harvested and remaining within Washington state, compressed wood bricks, pellets, and other processed wood products used for fuel wood uses such as home heating or campfires, and any nonfirewood product or logs for industrial use, such as sawlogs, pulpwood, or wood chips being transported to facilities for processing into lumber, paper, or manufactured wood products.

#### NEW SECTION

**WAC 16-476-002 Definitions.** The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

(1) "Approved Pest Free" is a labeling standard for firewood harvested outside of Washington state that complies with the provisions of WAC 16-476-003. When firewood is harvested outside of Washington state and is treated in compliance with WAC 16-476-003, it must be labeled "Approved Pest Free" in order to be transported into the state.

(2) "Department" means the Washington state department of agriculture.

(3) "Firewood" means all wood of any species, cut or not cut, split or not split, regardless of length which is:

(a) In a form and size appropriate for use as a fuel; or

(b) Which is destined for use as fuel. Firewood shall not include kiln dried dimensional lumber, and wood that has been chipped to a maximum piece size that is no greater than 1-inch in 2-dimensions. Firewood shall not include logs or wood being transported to or possessed by the following operations and facilities, for use in their primary manufacturing process:

(i) Sawmill for dimensional lumber;

(ii) Pulp and/or paper mills;

(iii) Wood pellet manufacturing facilities;

(iv) Plywood manufacturing facilities;

(v) Wood biomass-using refineries or power plants; and  
(vi) Reconstituted wood or wood composite product manufacturing plants.

(4) "Firewood provider" means any person, including a business, that produces firewood for sale, supplies it, or sells firewood.

(5) "Person" means a natural person, individual, firm, partnership, corporation, company, society, or association, and every officer, agent, or employee of any of these entities.

(6) "Phytosanitary certificate" means a certificate issued by a government agency under authority of state or federal statute, which declares or establishes the pest status of a shipment of plants or plant parts under accepted inspection or sampling procedures. Phytosanitary certificates are patterned after model certificates of the International Pest Protection Convention.

(7) "Plant pest" means a living stage of an insect, mite, nematode, slug, snail, or protozoa, or other invertebrate animal, bacteria, fungus, or parasitic plant, or their reproductive parts, or viruses, or an organism similar to or allied with any of the foregoing plant pests, including a genetically engineered organism, or an infectious substance that can directly or indirectly injure or cause disease or damage in plants or parts of plants or in processed, manufactured, or other products of plants.

(8) "Source" means the state from which the firewood was harvested.

(9) "Untreated firewood" means any firewood that has not been treated in accordance with the provisions of WAC 16-476-003.

#### NEW SECTION

**WAC 16-476-003 Treatment and labeling requirements for firewood imported into Washington state.** (1) In order to be transported into Washington state, firewood from outside Washington state must be heat treated to a minimum wood core temperature of 71°C (160°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 potential reinfestation by plant and bee pests.

(2) Firewood that meets the standard in subsection (1) of this section may be transported into Washington state if accompanied by a label that fully states:

(a) The source of the firewood; and

(b) Includes the statement "Approved Pest Free."

(3) Providers of "Approved Pest Free" firewood shall maintain, for at least two years from the date of treatment, records that document the source of the wood, the treatment method, date of treatment, and the volume of firewood treated. When requested, providers of "Approved Pest Free" firewood shall provide such records to the department at no cost. Official phytosanitary certificates from a firewood provider's state department of agriculture or official equivalent may be used to verify the treatment method and volumes of treated firewood produced.

(4) Packaged firewood that has been certified by USDA may also be transported into Washington state. This firewood must be labeled to clearly show it is certified by USDA, as well as contain the producer's name and address.

NEW SECTION

**WAC 16-476-004 Violations.** (1) Violators are subject to civil penalties of up to \$5,000, per violation, as provided by RCW 17.24.141. Each violation shall be a separate and distinct offense.

(2) If upon inspection, the department finds that firewood is being held or transported in violation of this rule, the department shall notify the owner that a violation of this chapter exists. The director may impound or order impounding the firewood in such a manner as may be necessary to prevent the threat of infestation pursuant to RCW 17.24.091.