

Brief Summary of Public Hearing Held On
November 2, 2012 and Response to Comments
Kirby C. Stafford III, ViceDirector

A public hearing on the adoption of firewood regulations and amendments to the emerald ash borer (EAB) and Asian longhorned beetle (ALB) regulations was held on November 2, 2012 at the Phoenix Auditorium at the Department of Energy and Environmental Protection (DEEP) in Hartford, CT from 1 to 4 PM. Legal notices for this hearing were published in the following newspapers on October 21, 2012: Hartford Courant, New Haven Register, and Waterbury Republican American. Notice was also provided to the CT Nursery and Landscape Association, Timber Producers Association in CT, the CT Tree Protective Association, and made available on The Connecticut Agricultural Experiment Station (CAES) website.

Dr. Kirby Stafford, Vice Director of the CT Agricultural Experiment Station (CAES) and State Entomologist, presided over the hearing. The hearing was recorded by Kenneth Collette of DEEP and will be available upon request.

Dr. Kirby Stafford's opening remarks covered the purpose of the hearing noting major points of the proposed amendments and firewood regulations, background and current status on the discovery of EAB in CT, the risk of firewood in moving pests, the input of various state agencies on formulating the regulations, and that the proceedings were being recorded. Dr. Stafford noted that the regulations were requested under the authority granted to the Director of CAES under CT General Statute 22-84, which allows the Director to control the movement of wood products that are susceptible to destructive insect infestations. The following exhibits were announced for the record: the proposed regulations, notice of intent to adopt the regulations, notice of the public hearing, fiscal note, small business impact statement, samples of the beetle and damaged wood, EAB fact sheets and pamphlets, and a copy of a research article on insects found in retail firewood. Dr. Stafford also announced that public input had been received and considered and that written testimony would be received prior to 4:30 PM EST, November 7, 2012.

The detection of EAB in New York along the Hudson River in 2010 resulted in increased survey and outreach efforts in CT. Survey was conducted statewide with purple panel traps, a biosurveillance technique using a wasp that will prey on EAB if present, and about 30 girdled ash trap trees. EAB was detected in the Town of Prospect on 16 July 2012 and subsequently in the towns of Naugatuck, Bethany, Beacon Falls, and Waterbury. All other surveys have been negative to date. Dr. Stafford mentioned that the ALB was detected in Worcester, MA in 2008 and that the ALB quarantine is now 110 square miles with nearly 32,000 trees removed to date. This beetle also represents a threat to CT through the movement of infested wood. He noted that a recent study published in the October issue of the Journal of Economic Entomology, on exhibit, reported evidence of insect infestation in 50% of purchased retail firewood, an average of 11 insects emerged from each infested article, and insects emerged up to 558 days after purchase, illustrating the risk from firewood to spread potentially destructive pests.

For the oral testimony, Dr. Stafford announced that each person would be allowed 4 minutes and that each person should announce their name at the microphone. An opportunity was provided for questions or further comment following each presentation. One municipal official spoke: Mayor Robert J. Chatfield of Prospect. Two DEEP staff persons spoke, Christopher Martin, State Forester, and Chris Donnelly as former president for the CT Tree Protective Association. All spoke in favor of the firewood

regulations. There was no other comment for the record. No written testimony was submitted at the hearing. The hearing closed at 4 PM.

Notices were sent to the following persons by the CAES Director regarding proposed firewood regulations and amendments to existing regulations: CT General Statute section 22-84 (sections 22-84-5d, 22-84-5e, and 22-84-5g). None requested advance notice of the hearing: Patricia Boye-Williams, Robert Chatfield, Ken Collette, Chris Donnelly, Patricia M. Douglass, Brendan Finley, Eric Hammerling, Bob Heffernan, John P. Hudak, Chris Martin, Joan Nichols, Bronwyn Schoelzel, Lee Seeton, Barbara Sladek, Bruce Sherman, and Kirby C. Stafford, III. Williams, Hadak, and Douglas provided earlier written comment.

In addition to the oral comments, written comment was received from William R. VanDoren, Certified Forester, South Central Regional Water Authority, requesting that CAES enter into compliance agreements with their permit holders to harvest firewood from forester certified ash-free areas for distribution outside New Haven County without treatment. His comments were considered, but as explained to Mr. VanDoren, CAES has declined to make changes to the proposed regulations because this option had been discussed with USDA-APHIS-PPQ and would not be consistent with federal regulations.

CAES intends to proceed with securing final approval for the promulgation of these regulations from the Legislative Regulation Review Committee. A final version of the regulations is available on the CAES website as well as a summary of the changes made to the regulations since the original Notice of Intent to amend and adopt regulations was issued in the Connecticut Law Journal on October 2, 2012.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Kirby C. Stafford, III".

Kirby C. Stafford, III
Hearing Officer and Vice Director