

**Business Advice The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020**

**Lancashire County Council Trading Standards Service**

**1. Introduction**

Wood and coal burning appliances contribute to particulate matter and other pollutant emissions. Evidence suggests that emissions of very fine particles (PM<sub>10</sub> and smaller) from soot and smoke can have detrimental effects on health, by getting into the lungs and blood and being transported around the body.

According to the UK [Clean Air Strategy 2019](#), burning of solid fuels in homes is the single largest contributor nationally to PM<sub>2.5</sub> particulate emissions at approximately 38%. To put this figure into context, this is more than industrial combustion and road transport PM<sub>2.5</sub> particulate emissions combined (16% and 12% respectively).

The type of fuel that people burn and the appliance they use will have a significant impact on emissions. Properly seasoned and dried wood can reduce levels of pollution from a home stove by up to 50%. Burning wet wood increases emissions and has a greater impact on air quality. Smoke produced from wet wood increases the maintenance and repair requirements of an appliance, making it more expensive to run and harder to keep in a safe, effective condition.

**2. The Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020**

These regulations are made under section 87 of part IV of the [Environment Act 1995](#), to implement the National air quality strategy, comply with statutory air quality limit values and meet national emission reduction commitments. They give powers to local authorities to restrict certain activities and to enforce these restrictions through fixed penalty notices or prosecution proceedings.

The regulations aim to phase out the sale of the most polluting fuels used for domestic burning by setting restrictions for the sale of firewood, manufactured solid fuels and coal sold for combustion in domestic premises. They come into force **in England only** on 1<sup>st</sup> May 2021.

In the context of the regulations, ‘domestic premises’ means premises which are used wholly or mainly as a private dwelling, including boats designed or adapted for use solely as a place of permanent habitation.

**2.1. Restrictions for firewood sold for combustion in domestic premises (in units of less than 2 cubic metres)**

The wood must be certified as having a moisture content of 20% or less by the [Ready to Burn Scheme](#) (Woodsure Ltd has been appointed by Defra as the wood certification body) and at the point of sale must be accompanied by:

- a) the name of the person who obtained the certificate for the fuel in question from the Ready to Burn Scheme;
- b) the number of the certificate issued by the Ready to Burn Scheme; and
- c) the Ready to Burn Scheme logo:



If there is reason to believe that the moisture content of the certified wood is above 20% (e.g. wood with damaged packaging left in a weather exposed area for a long period of time and allowed to get wet), it must not be sold.

**Exemption:** For small suppliers (known as small foresters in the regulations) who supplied less than 600 cubic metres of wood between 1 May 2020 & 30 April 2021, the legislation comes into effect on **1<sup>st</sup> May 2022**.

## **2.2. Restrictions for firewood sold for combustion in domestic premises (in units of more than 2 cubic metres)**

The wood does not need to be certified by the Ready to Burn Scheme (as it is less likely to be used immediately) but at the point of sale must be accompanied by the following wording:

*"This wood is not suitable for burning until it has been dried. You should not burn wood until it has a moisture content of 20% or less.*

*Wet wood contains moisture which creates smoke and harmful particulates when burnt. As well as being harmful to your health and the environment, this can damage your stove and chimney and is an inefficient way to heat your home. Dry it in a sunny, well-aired space for at least two years, keeping rain off in the winter.*

*Radial cracks and bark that comes off easily suggests wood that is ready for burning. Test the wood when you think it is ready for burning, ideally with a moisture meter. First calibrate the meter and then measure a freshly split surface to get the best reading.”*

### **2.3. Restrictions for manufactured solid fuels sold for combustion in domestic premises**

A manufactured solid fuel is defined in the regulations as “a fuel manufactured from coal, wood, plant-derived materials, waxes or petroleum products with other ingredients, for the purposes of combustion in domestic premises in England but does not include an exempt fuel”.

Manufactured solid fuel must be tested according to recognised British/ ISO Standard methods and certified to meet the following specifications:

- a) A sulphur content of less than 2% calculated on an ash-free dry basis; and
- b) An emission of smoke at a rate of less than five grams an hour

Fuels that meet these specifications are certified as ‘authorised fuels’ by the [Ready to Burn Scheme](#) (HETAS has been appointed by Defra as the manufactured solid fuel certification body) and at the point of sale must be accompanied by:

- a) the name of the person who obtained the certificate for the fuel in question from the Ready to Burn Scheme;
- b) the number of the certificate issued by the Ready to Burn Scheme; and
- c) the Ready to Burn Scheme logo:



A person must not supply a manufactured solid fuel unless it is an ‘authorised fuel’.

The Secretary of State must publish and maintain a list of ‘authorised fuels’ which can be found [here](#). This list also satisfies the requirements of Part 3, section 20 & 21 of the [Clean Air Act 1993](#). Fuels that are on the list for Clean Air Act purposes before

these new regulations come into force are also deemed to be authorised fuels and are entitled to use the Ready to Burn logo for as long as they remain on the list.

**Exemption:** Certain manufactured solid fuels are exempt from the regulations and are known as ‘exempt fuel’. These are coffee logs, olive logs, wine logs, or fuels where the majority of the content comprises: wheat husks; straw; miscanthus; bamboo; or compressed food waste.

#### **2.4. Restrictions for coal sold for combustion in domestic premises**

A person must not supply pre-bagged bituminous coal.

A person must not supply loose bituminous coal directly to a consumer.

**Exemption:** A member of the [Approved Coal Merchant Scheme](#) is permitted to sell loose bituminous coal directly to a consumer until 30<sup>th</sup> April 2023.

#### **2.5. Enforcement**

Anyone who does not comply with these restrictions is committing an offence under the regulations and is liable for a £300 fixed penalty notice (FPN), which must be paid within 28 days. An FPN can be issued if a fuel manufacturer, supplier, distributor or retailer appears to have broken the rules. An unpaid fixed penalty may be enforced by a local authority as a fine or civil debt through prosecution proceedings. The person to whom a penalty notice has been given can ask to be tried for the alleged offence. The local authority can withdraw the notice, and it must repay any penalty amount which has already been paid relating to it.

An alternative to a fixed penalty notice is to initiate prosecution proceedings through the courts for more serious or repeat offences, where more substantial fines can be issued.

A local authority may recover the expenses reasonably incurred by it in enforcing the regulations from a person in respect of whom it has taken any action against.

### **3. Further guidance & information**

- Defra Guidance - [Domestic solid fuels: rules for local authorities in England](#)
- [Explanatory Memorandum](#) to accompany the regulations
- Woodsure [‘Ready to Burn’ leaflet](#) - gives advice to consumers on the new legislation and the benefits of using dry, seasoned wood.
- Woodsure and HETAS [Technical Bulletin](#) - gives information on the ‘Ready to Burn’ scheme, technical information about supporting the use of dry wood and guidance on taking moisture content readings
- To give some visual context to the size of a cubic metre, a 1 tonne capacity builders bag measures approximately 85cm x 85cm x 85cm and has a volume of approximately 0.6 cubic metres:



Therefore 2 cubic metres is equivalent in volume to approximately 3 and one third 1 tonne capacity builder's bags.

600 cubic metres is equivalent to one thousand 1 tonne capacity builder's bags.