

The environmental regulation of wood

Purpose of this position statement

It advises our staff and external stakeholders on when we consider wood to be a waste, what regulatory controls should be followed and our recommendations to industry. The document deals with virgin timbers and non-virgin timbers.

This position updates our previous position on the environmental regulation of wood (version 1.0). It lists a further situation where we would not consider the virgin timber to be a waste, that is where the virgin timber is used to create or maintain a habitat as part of the natural cycle of land management.

Additionally the note reflects the changes brought about by the Exemption Review and the new exemptions.

Background

The Waste Protocols Project¹ commissioned a Technical Advisory Group (TAG) made up of representatives from the Environment Agency, WRAP and industry to produce a technical report to consider at what point waste wood ceases to be waste and to consider whether a Quality Protocol could be developed.

The report identified numerous information gaps concerning what quality control systems should be put in place and what standards should be adopted when reprocessing waste wood to ensure the outputs do not pose a risk to human health or the environment.

It was therefore not possible to produce a Quality Protocol which would identify the point at which waste wood may cease to be waste. Instead we have produced this position statement to provide clarity on how we regulate wood.

Section 1 Is wood a waste?

The Environment Agency's position

Virgin timber is timber from:

¹ The Waste Protocols Project is a joint Environment Agency and WRAP (Waste & Resources Action Programme) initiative, funded by the Department for Environment, Food and Rural Affairs (Defra) Business Resource Efficiency and Waste (BREW) Programme.

- whole trees and the woody parts of trees including branches and bark derived from forestry works, woodland management, tree surgery and other similar operations (it does not include clippings or trimmings that consist **primarily** of foliage²);
- virgin wood processing (e.g. wood offcuts, shavings or sawdust from sawmills) or timber product manufacture dealing in virgin timber.

Virgin timbers are not waste and are not subject to waste regulatory controls provided they are certain to be used for purposes to which virgin wood is commonly put. These include use as:

- woodchip in gardens or on pathways;
- a raw material for composting;
- animal bedding;
- fuel in an appliance;
- a raw material for the production of wood-based products or in paper production;
- a material to create or maintain a habitat as part of the natural cycle of land management.

But if virgin timber is mixed with waste timber or any other waste, the mixed load is classed as waste.

Non-virgin timber may be either treated or clean.

- Clean non-virgin timber is any timber or timber product that has not been treated.
- Treated non virgin timber is any timber or timber product that has been chemically treated (e.g. to enhance or alter the performance of the original wood). Treatments may include penetrating oils, tar oil preservatives, waterborne preservatives, organic-based preservatives, boron and organo-metallic based preservatives, boron and halogenated flame retardants and surface treatments.

The references to types of waste wood or their uses in this position statement are not intended to be exhaustive. Please contact us for further guidance on any waste type or use not mentioned.

Non-virgin timber offcuts, shavings, chippings and sawdust from the processing of non-virgin timbers (whether clean or treated) are waste. They remain waste and subject to regulatory control until the point of final use unless this is the spreading of compost that complies with the requirements of the compost Quality Protocol (see below).

² The leaves of a tree, or leaves on the stems or branches on which they are growing.

Section 2 The regulatory controls that apply if the wood is waste

The regulatory controls covering the use of processed waste wood depend on the intended use. Some examples are given below. Further information on the regulatory framework is given in Annex 1.

Use as fuel. Waste wood remains waste until burned as a fuel. Its burning will normally be regulated by an environmental permit under The Environmental Permitting (England and Wales) Regulations 2010 (EPR 10) or through the U4 exemption. In addition, burning of waste wood is normally subject to the requirements of the Waste Incineration Directive (WID). Plants that only burn wood not contaminated with halogenated organic compounds or heavy metals (resulting from treatment with wood preservatives or coating) are excluded from the WID requirements. In limited circumstances, the storage and burning of waste wood may be exempt from permitting.

EPR10 introduced a new set of waste exemptions that replaces the previous waste exemptions. These new exemptions are subject to transitional provisions so that if you had an exempt site that was registered under the old system it retains its exemption under the old system for up to 3.5 years. After this transition time you must either register an exemption in the new system, get a permit or stop. Different activities have different transition dates and more information on these transitional periods can be seen at www.environment-agency.gov.uk/exemptions. In order to benefit from the transitional arrangements you must comply with the terms and conditions of your current exemption, including paying any fees

If you had an exemption registered on 5 April 2010 then this was registered under the Environmental Permitting (England and Wales) Regulations 2007 (EPR2007):

References in this table to paragraphs 7, 12, 14, or 15 relate to EPR 07 exemptions and references to U1, U8, U9 U10, U11 U12 or T23 relate to EPR 10 exemptions

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| Use in wood-based panel manufacture | <p>The wood remains waste until it is made into panelboard. It must be stored and processed into panelboard as specified either in an environmental permit or an exemption under Paragraph 14 of Schedule 3.</p> <p>If you registered this exemption before the 5 April 2010 this registration will last to 1/10/2012 (or 1/10/2013 if you are doing it on a farm).</p> <p>If you didn't have an exemption for this activity on the 5/04/10 you should register a U9 exemption or get an environmental permit.</p> |
| Use in landscape applications | <p>Examples include weed suppressant, decorative woodchip, pathways and arena chip. The material must be stored and applied to land as specified either in an environmental permit or an exemption under Paragraph 7 of Schedule 3. The</p> |

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| | <p>wood remains waste until it is applied to land.</p> <p>If you registered this exemption before the 5 April 2010 this registration can last to 1/10/2012 or 1/10/2013 if you are dealing with agricultural waste on a farm, assuming that you renew it on an annual basis.</p> <p>If you didn't have an exemption for this activity on the 5/04/10 you should register one of the following new exemptions .</p> <p>If you are using it as a weed suppressant you should register a U12 exemption. If you are using it as decorative woodchip, pathways you should register a U1 exemption or get an environmental permit.. If you are using it in horse ménages you should register a U8 exemption or get an environmental permit.</p> |
| Use in animal bedding | <p>Examples include cattle, horse and pet bedding. Untreated waste wood must be stored and used either as specified in an environmental permit or an exemption under Paragraph 15 of Schedule 3. The wood remains waste until incorporated into animal bedding.</p> <p>If you registered this exemption before the 5 April 2010 this registration will last to 1/10/2012 or 1/10/2013 if you are doing it on a farm.</p> <p>If you didn't have an exemption for this activity on the 5/04/10 you should register a U8 exemption or get an environmental permit</p> |
| Used to make compost | <p>Under the old exemption system</p> <p>Untreated waste wood must be stored and composted as specified either in an environmental permit or an exemption under Paragraph 12 of Schedule 3.</p> <p>If you have complied with the Quality Protocol (QP) for the Production and Use of Quality Compost from Source-segregated Biodegradable Waste,³ the material will cease to be waste once the quality compost has been despatched to an end user from one of the groups identified in the protocol. Waste regulatory control will cease at that point.</p> <p>If the compost does not comply with the QP, it will remain waste until it has been applied to land. The compost must be stored and applied to land as specified either in an</p> |

³ The Quality Protocol can be downloaded from the waste pages of the Environment Agency [website](#). Click on 'Waste Protocols Project' and then Compost Quality Protocol' in the left-hand navigation bar.

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| | <p>environmental permit or an exemption under Paragraph 7 of Schedule 3.</p> <p>We do not consider treated timber acceptable for use in composting. The exemption under Paragraph 12 of Schedule 3 does not apply to treated waste wood.</p> <p>Under the new exemption system If you registered the Paragraph 12 exemption before the 5 April 2010 this registration will last to 1/10/2012 or 1/10/2013 if you are doing it on a farm.</p> <p>If you didn't have an exemption for this activity on the 5/04/10 you should register a T23 exemption or get a permit.</p> <p>If you were spreading the compost under a paragraph 7 exemption that was registered before the 6th April 2010 2010 this registration can last to 1/10/2012 or 1/10/2013 if you are dealing with agricultural waste on a farm, assuming that you renew it on an annual basis.</p> <p>If you didn't have an exemption for this activity on the 5/04/10 you should register a U10 or U11 exemption or get an environmental permit .</p> |
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Section 3 Our recommendations to industry

The information in the technical report on wood waste was insufficient to give us confidence that all non-virgin clean timber is clean enough and we will continue to classify it as waste.

To move beyond this point and to give greater certainty to the wood recycling industry, we recommend that industry develops an approved standard with appropriate certification and accreditation systems that:

- specifies minimum quality controlled production processes to be used;
- identifies the point at which the output can be verified as free from (or have an acceptable level of) contaminants.

It may then be possible to agree a Quality Protocol indicating when clean non-virgin timber is considered to be fully recovered and ceases to be waste.

We recognise there is a wide variation in the specifications used in waste wood markets. As the market for waste wood products develops, it will remain an option for companies to make a case to us that the waste wood has been fully recovered to a standard that can be widely marketed as a product. We will consider submissions on a case-by-case basis to encourage higher standards to prevail.

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Further information

Further information and guidance on regulatory controls can be obtained from our National Customer Contact Centre on 08708 506 506 or from the waste section of our [website](#).

This regulatory position will be reviewed by 1 October 2012.

Position Statement 005
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Issued June 2010

Annex 1: Definitions of regulatory controls

Under our current legislation an environmental permit is required to operate a regulated facility. Regulated facilities include waste recovery and disposal operations. Some waste operations are exempt from the need to obtain a permit. The following exemptions are the most likely to be relevant to waste wood:

Before 5 April 2010:

- Paragraph 3 – Burning wood as a fuel under a local authority authorisation
- Paragraph 5 – Burning waste as a fuel in an appliance subject to thermal input
- Paragraph 7 – Spreading wood waste on specified land for agricultural benefit or ecological improvement
- Paragraph 12 – Composting biodegradable waste
- Paragraph 13 – Manufacture of timber products from waste wood (this includes making wood chips)
- Paragraph 15 – Beneficial use of waste
- Paragraph 21 – Chipping, shredding, cutting or pulverising waste plant matter
- Paragraph 30 – Burning waste plant tissue on specified land in the open.

After 5 April 2010:

- U1 – Use of waste in construction
- U4 – Burning of waste as a fuel in a small appliance
- U8 – Direct and beneficial use of waste for a specified purpose
- U9 – Use of waste to manufacture finished goods
- U12 – Use of mulch
- U13 – Spreading of waste plant matter to confer benefit
- U11 Spreading
- T6 – Treatment of wood waste and waste plant matter by chipping, shredding, cutting or pulverising
- T23 - Aerobic composting and associated prior treatment
- T24 - Anaerobic digestion at premises used for agriculture and burning of resultant biogas
- T25 - Anaerobic digestion at premises not used for agriculture and burning of resultant biogas
- D7 – Burning waste in the open

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More information on exemptions and on transitional periods can be seen at www.environment-agency.gov.uk/exemptions.

Collection and transport. In general, waste wood should be transported only by people who are registered waste carriers. Further information on this legislation can be found on the waste and duty of care pages of [NetRegs](#).

Waste Incineration Directive. Unless the plant falls within the definition of ‘excluded’, waste wood must be burned in compliance with the Directive’s requirements. Details of the regulatory controls that apply to burning wood are included in the report, *Regulation of Energy from Solid Biomass Plants*.⁴ More information on the Waste Incineration Directive can be found on the waste and waste incineration pages of [NetRegs](#).

⁴ Available from our Publications catalogue (product code GEHO0706BLBH-E-E).

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