

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.

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.

The Environment Agency's position

Virgin timber is timber from:

- 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.

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.

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

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.

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).

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 2007. 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

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

circumstances, the storage and burning of waste wood may be exempt from permitting requirements under Schedule 3 of the Environmental Permitting (England and Wales) Regulations 2007 ('Schedule 3').

- **Use in wood-based panel manufacture.** 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.
- **Use in landscape applications.** 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 wood remains waste until it is applied to land.
- **Use in animal bedding.** 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.

We do not consider treated timber acceptable for use in animal bedding. The exemption in Paragraph 15 of Schedule 3 does not apply to treated waste wood.

- **Used to make compost.** Untreated waste wood must be stored and composted as specified either in an environmental permit or an exemption under Paragraph 12 of Schedule 3.

If you have complied with the *Quality Protocol 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.

If the compost does not comply with the Quality Protocol, 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 environmental permit or an exemption under Paragraph 7 of Schedule 3.

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.

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.

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.

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 31 October 2009.

Position Statement 005
Version 1.0
Issued June 2008

customer service line

08708 506 506

www.environment-agency.gov.uk

incident hotline

0800 80 70 60

floodline

0845 988 1188

Annex 1: Definitions of regulatory controls

The Environmental Permitting (England and Wales) Regulations 2007. Under this legislation an environmental permit is required to operate a regulated facility. Regulated facilities include waste recovery and disposal operations. Some waste operations are exempt, under Schedule 3, from the need to obtain a permit. The following exemptions are the most likely to be relevant to waste wood:

- 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
- 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.

All exemptions must be registered with the Environment Agency. This can be done through our customer service line (08708 506 506). Registration is free apart from exemptions under Paragraph 7.

The Environmental Permitting (England and Wales) Regulations 2007 streamlined the waste management licensing and pollution control regimes in England and Wales from **April 2008**. More information can be found on the Business and Industry pages of our [website](#).

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](#).

Modern Regulation: In certain circumstances we consider it is not in the public interest to require an environmental permit for a particular activity. But if any activity was carried out in a way likely to pollute the environment or harm human health, we would consider enforcement action in accordance with our Enforcement and Prosecution Policy. The following activities are presently classed as low risk:

- Secure storage, manual sorting, dismantling and/or repair of wooden pallets destined for recovery
- Secure storage and manual treatment of timber destined for reuse
- Use of untreated wood peelings to create or maintain woodland, forest roads or paths
- Secure storage of woodchip at a dock pending recovery
- Use of waste timbers by the entertainment industry for building sets, demonstrations and educational installations.

Further information on low risk positions can be found on the waste pages of our [website](#).⁵

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

⁵ Click on 'Low risk waste regulation' in the left-hand navigation bar.