

Selling coal: The rules

The sale of traditional 'house coal' is prohibited to any home in England, you can now only sell the following:

- anthracite coal
- semi-anthracite coal
- low volatile steam coal.

Online retail of fuel: The rules

If you sell solid fuels online make sure the 'Ready to Burn' logo and associated certificate for each fuel you sell is displayed next to it. Customers must also be clearly informed if the fuel they are buying can only be burned in a Defra exempt appliance.



What happens if I break the rules?

Depending on how severe the offence and the legislation breached it could be:

- a £300 fixed penalty fine (FPN) issued by the local authority
- a more substantial (unlimited) fine issued by the courts.

Trading Standards Law

Under the Consumer Protection from Unfair Trading Regulations 2008, retailers have a legal duty to disclose such material and information that enables consumers to make an informed decision. For example, it is an offence to claim solid fuel is suitable for use in a smoke control area if it isn't.

Failure to provide information may also constitute omission, which could result in an unlimited fine and/or up to two years imprisonment.

Under the Consumer Rights Act 2015, solid fuel and wood fuel supplied to consumers must be:

- of satisfactory quality (for example, smokeless fuel must burn correctly i.e. without visible smoke)
- fit for purpose (for example, it must be compatible with the appliances specified)
- as described (for example, if described as being a particular brand of smokeless fuel, or wood logs of a certain size, then that is what the customer must receive).

More Information

Relevant Legislation

- Clean Air Act 1993
- Air Quality (Domestic Solid Fuels Standards) (England) Regulations 2020
- Consumer Protection from Unfair Trading Regulations 2008
- Consumer Rights Act 2015

Useful Websites

- www.gov.uk/guidance/selling-fuel-in-smoke-control-areas
- www.sandwell.gov.uk/airquality
- www.hetas.co.uk
- www.woodsurre.co.uk/

Contact us by email at Sandwell Council:

pollution_control@sandwell.gov.uk

SELLING WOOD AND SOLID FUELS IN SANDWELL? DO YOU KNOW THE RULES?

Guidance and information for retailers selling wood fuel or manufactured solid fuel to homes in Sandwell, which is now a legally designated 'Smoke Control Area'



Did you know that the whole of Sandwell is a Smoke Control Area?

Over the past 20 years the use of solid fuels, particularly in wood and multi-fuel burning stoves, has increased in popularity but this is damaging our health and environment.

Wood and coal smoke contains almost the same harmful chemicals and toxic particles as those found in cigarette smoke. A smoke control area has therefore been introduced in Sandwell to reduce the use of the most polluting smoky fuels, although all burning creates harmful air pollution.

What solid fuels can you sell in Sandwell?

Wood, specific types of coal and a wide variety of manufactured solid fuels can still be sold in Sandwell, but retailers have a duty to make sure customers understand which fuels are suitable for their fireplace or particular appliance (stove). This is because not all customers will have a Defra 'exempt appliance' and they can be fined if they create visible smoke.

Defra 'exempt appliances'

Defra exempt appliances include wood-burning and multi-fuel stoves, which are designed to achieve lower smoke emissions. They still require wood to be well-seasoned (2 years or more) or kiln dried and have a moisture content of 20% or less to reduce smoke emissions. Defra maintains a list of exempt appliances at www.smokecontrol.defra.gov.uk/appliances.php

Selling wood: The rules

When selling wood in Sandwell make sure:

- that wood sold in quantities of less than 2m³ has the 'Ready to Burn' logo and the certificate number is preceded by the letters 'WS'
- supplier details are clearly displayed
- it is also on the Defra certification list at www.smokecontrol.defra.gov.uk/fuels-php/
- you inform customers either by placing a sign by the wood or where customers pay, advising that **wood fuel can only be used in an approved Defra exempt appliance**
- all sale records are kept
- wood is kept dry
- records are kept of all deliveries to households in a smoke control area.



If you sell wood fuel in volumes of 2m³ or more then customers must also be informed that the wood can only be burned as fuel in approved Defra exempt appliances and they must be given the information notice shown below.

"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."

Selling manufactured solid fuel (MSF): The rules

Manufactured solid fuel (MSF) is any solid fuel made from coal, wood, plant-derived materials, waxes or petroleum products, mixed with other ingredients.

You can sell manufactured solid fuel in Sandwell, if the following requirements are met:

- it is certified as 'Ready to Burn' and the certificate number is preceded by the letters 'MSF'.
- it is on the Defra certification list at www.smokecontrol.defra.gov.uk/fuels-php/
- the manufacturer's details are clearly displayed.



Manufactured solid fuels (MSFs) that must not be burned in Sandwell

Coffee logs, olive logs, wine logs, and fuels primarily made from wheat husks, straw, miscanthus grass, bamboo, or compressed food waste **cannot** be burned in a smoke control area as they are 'unauthorised fuels'. These fuels will also not have the 'Ready to Burn' logo on their packaging.

We recommend that retailers in Sandwell do not sell these fuels, because both the retailer and the customer can be fined if burned in the borough. If you choose to sell these fuels, you must provide clear information to your customers stating that the fuel cannot be used in Sandwell as it is a designated 'Smoke Control Area'.