



# Briefing on Regulation of Wood

Our approach to working with the wood recycling sector on the management of waste wood

v1 Sept 2014

## Purpose of this Briefing

The aim of this briefing is to highlight that the Environment Agency has replaced our position on the environmental regulation of wood (version 2.0, June 2010) and updated our thoughts in light of discussions with the wood recycling sector.

It advises our staff and external stakeholders on the management of waste wood and the direction we are seeking in how waste wood is managed as a waste stream.

It highlights the need to ensure waste wood is effectively segregated and subsequently managed appropriately. It therefore incorporates the changes we are seeking in industry approaches and the appropriate management standards we are working toward with the wood recycling sector. We will support them in developing an industry code of best practice incorporating these approaches.

It also reflects limited but developing information we have received on how waste wood is managed and on the various treatments applied to wood during its life cycle from virgin timber to waste.

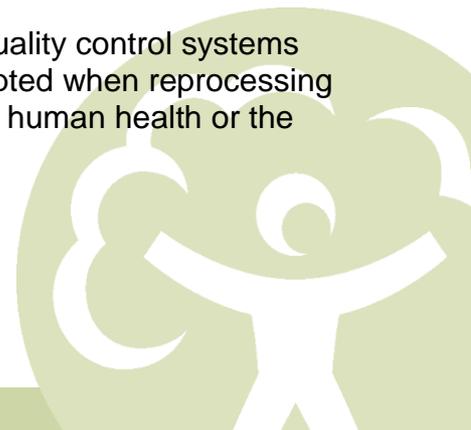
Other, specific regulatory issues regarding waste wood will in due course be incorporated into Regulatory Guidance Note (RGN) 2.

## Background

There are many treatments applied to wood, some of which are invisible and the impacts of these treatments are poorly understood. We are working with the wood recycling industry to identify these treatments, however it will take some time before appropriate controls can be developed so we need to provide clarity on how waste wood is regulated and what we expect of the waste wood industry.

The need for more effective management of wood waste has been highlighted by the number of incidents involving treated waste wood consigned to inappropriate sites, especially to compost sites or used as animal bedding.

Numerous information gaps remain concerning what quality control systems need to be 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.



## Section 1 - Is wood a waste?

**Virgin timbers** are not waste and are not subject to waste regulatory controls provided they are certain to be used for the purposes virgin wood is used.

These uses include:

- woodchip in gardens or on pathways;
- a raw material for composting;
- animal bedding or horse ménages;
- fuel in an appliance;
- 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.

Virgin timber includes trees and branches and vegetation removed during river and other maintenance works or trees removed from watercourses following flooding, etc.

Where virgin timber is mixed with waste timber or with any other waste, the mixed load is classed as waste. For example, virgin timber from maintenance works such as those mentioned above when mixed with other wood such as fence posts, window frames, furniture, etc.

**Non-virgin timber** off cuts, shavings, chippings and sawdust from the processing of non-virgin timbers (whether un-treated 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](#).

**Non-treated (or un-treated) non-virgin** waste wood is wood which has not had any sort of chemicals or treatment applied ranging from sapstain treatments through to preservation materials (e.g. varnish, paint, resins, glues, etc) or been made into panel board of any sort (see wood grading in section 2 below). Such wood is waste.

**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) or made into some form of panel board. Treatments may include, for example, sapstain or fungicides, penetrating oils, tar oil preservatives, waterborne preservatives, organic-based preservatives, boron and organo-metallic based preservatives, halogenated flame retardants and surface treatments.

The nature and risks of these treatments are poorly understood and are very often not visible, especially when waste wood from different sources are being segregated for further treatment such as chipping.

*It is very important therefore to ensure wood from different sources is efficiently segregated and as near to sources as possible. Use of quality management systems may be able to provide confidence on such efficiency.*

## Section 2 - Classification of waste wood and suitable uses

The regulatory controls covering the use of processed waste wood depend on the quality of the waste wood and its intended use. We will clarify the specific regulatory controls that apply to certain uses of waste wood when we update our Regulatory Guidance Note - RGN2.

The wood recycling industry grade waste wood into four grades A, B, C and D.

Waste wood must be effectively segregated into these grades before subsequent processing for use. There is evidence that waste wood is not effectively segregated at processing sites, especially due to lack of rigour in visible inspection before segregation of grade A and in the poor segregation of grades B and C.

Regulatory controls and suitable end uses depend on the effectiveness of such segregation. We need to have evidence of the effectiveness of segregation into these grades and the management controls in place to ensure segregation, in order to have regulatory certainty for proposed end uses. Operators should therefore discuss their procedures with their local regulatory officer.

The grades are;

**Grade A** – visibly ‘clean’ recycled waste wood mainly from packaging waste, scrap pallets, packing cases and cable drums, and process off-cuts from the manufacture of untreated products. It is our understanding that ‘single use’ packaging and pallet manufactured within the UK are unlikely to have been subject to any form of treatment.

*To ensure only grade A is used for such purposes best practice dictates that rigorous segregation takes place and as near to the site of production as possible. Reputable wood recyclers have such quality procedures in place.*

**Grade B** – may contain Grade A wood together with other waste wood sourced from construction and demolition activities, transfer stations, civic amenity sites and the manufacture of furniture from solid wood.

Grade B waste wood should be regarded as treated waste wood and can mainly be used in panel board manufacture.

**Grade C** – may contain the above grades of waste wood and from similar sources, but will predominantly consist of panel products such as panel board, MDF, plywood, including products bonded using heat treatment.

Grade C waste wood is treated waste wood and should be used as biomass fuel at Waste Incineration Directive (WID) compliant facilities and is not therefore suitable for U4 – Burning as fuel in a small appliance.

**Grade D** – is hazardous waste consisting of wood which has had copper, chrome, arsenic (CCA) treatment or creosote applied. It can only be disposed of by incineration or hazardous waste landfill.

For more detailed information and grades and uses you should refer to Annex 2 of [PAS: 111 \(2012\)](#).

We are in discussion with the wood recycling sector on the management of 'fines' material from the processing of waste wood e.g. the chipping, shredding, cutting or pulverising of waste wood either under an environmental permit or T6 exemption. There is great concern that these fines are contaminated from the processing of wood grades B and C and subsequently used in composting processes or spread to land. This use of fines is not acceptable.

We realise that the disposal of such fines to landfill is expensive and potentially un-sustainable. We are therefore supporting the sector in finding alternative long-term, sustainable solutions. Until solutions are found, fines from the processing of grades B and C must NOT be sent to composting facilities or spread to land. Where this happens then we shall take enforcement action in accordance with our enforcement and prosecution policy.

There is, uniquely in Europe, a well established and [thriving market](#) in the UK for used sleepers and telegraph poles. This market requires imported sleepers to supply as our national alone cannot meet demand. Used sleepers and telegraph poles are an important resource and are put to a number of beneficial uses e.g. farm buildings and landscaping, storage bays and bund/bank support, steps and bridges, etc. Sleepers and poles used for these purposes undergo no, or very minimal, processing before use.

Most sleepers have spent upwards of twenty years on the rail network, exposed to the elements and in a very well drained environment and as with telegraph poles potentially have a twenty to fifty year lifespan. This indicates that the risk in their reuse will be no greater than that of the originally placed sleeper or telegraph pole.

Exemption U8 allows for the use of waste telegraph poles, railway sleepers, etc for specified purposes such as use in construction of buildings, fencing, barriers, containment or similar above ground construction.

Because of the unique status of railway sleepers and telegraph poles our position is that;

**only** when they have been collected from the rail network, electricity or telephone supply network, both in UK and abroad, and

stored for use after being declared suitable for direct resale, and

where contracts exist with dealers to have access to these sleepers for direct resale on to retail and other outlets where these are stored, supplied or used for such valid, legitimate and legal purposes

we will treat them as **non waste**.

If sleepers, poles and similar items are discarded or managed as waste then they must be categorised as waste wood in line with grade A to D categories described above, depending on the levels and types of treatment that have been applied.

Where these waste sleepers/telegraph poles contain hazardous substances (that is, they are grade D) they must be consigned and treated as hazardous waste.

## Section 3 - Our recommendations to industry

The information so far provided on the treatments applied to waste wood is insufficient to give us confidence that all Grade A 'clean' timber is clean enough to be used for a number of the uses highlighted above and we therefore continue to classify it as 'use of waste'.

Further, the Environment Agency's experience to date is such that we do not have the confidence that general procedures for segregation of waste wood are sufficiently robust for some end uses.

Use of waste wood must therefore be in accordance with a relevant exemption or permit.

*We are aware that there are some wood recyclers who are able to achieve high standards of product and have robust management systems in place to achieve quality output. We will continue to encourage all waste wood recyclers to achieve these standards. We hope that the sector can develop guidance covering these aspects will therefore work with the WRA and others to help develop this.*

All holders of waste wood must comply with their duty of care and describe their waste correctly.

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 therefore consider end of waste submissions on a case-by-case basis to encourage higher standards to prevail.

For end of waste submissions see our guidance at <https://www.gov.uk/government/publications/end-of-waste-submission-forms> .

## Further information

Further information and guidance on regulatory controls can be obtained from our National Customer Contact Centre on 03708 506 506 or from the waste section of GOV.UK website (<https://www.gov.uk/browse/environment-countryside/recycling-waste-management>).

The positions described above will be reviewed by 1 September 2015 or when further evidence is presented.

For further information please contact;

Alan Holmes  
Senior Advisor  
Illegal's and Waste, Environment & Business  
Tyneside House, Newcastle  
0191 203 4232  
[alan.holmes@environment-agency.gov.uk](mailto:alan.holmes@environment-agency.gov.uk)