Rialtas na hÉireann
Government of Ireland

FAQ for Media Companies

What are the Solid Fuel Regulations that I need to be aware of?

The current regulations on solid fuels for domestic heating in Ireland took effect on October 31st, 2022. The primary focus of these regulations is on improving air quality and improving people's health chances and outcomes, by restricting the retail, online and commercial sale of smoky fuels, including smoky coal, turf and wet wood. These fuels are proven to be a major contributor to air pollution in Ireland.

The regulations are known as the Air Pollution Act 1987 (Solid Fuels) Regulations 2022. They may be found online at www.irishstatutebook.ie/eli/2022/si/529/ or by searching for "SI 529 of 2022"

How do these regulations affect advertising in my publication/on my website/etc.?

The regulations set technical standards for solid fuels, and only fuels which comply with these standards ("approved fuels") may legally be sold or distributed for space or water heating purposes in a domestic or licensed premises.

The regulations make it an offence to sell or otherwise supply non-approved fuels irrespective of the selling technique used. This includes placing products on the market via:

(i) any retail premises, whether movable or immovable;
(ii) a retail website or similar online sales facility;
(iii) a telephone service; or
(iv) any other place or method of sale.

In addition, the Regulations explicitly make it an offence for anyone to offer turf for sale by way of the internet or other media, or from a premises or place used for the retail of food, fuel or other goods (including from shops, garages and petrol filling stations, fuel yards and public houses and other public places).

What is an approved fuel?

The technical standards set by the Regulations state that to be considered an approved fuel:

- Coal products and manufactured solid fuels must have a smoke emission rate of less than 10 grams per hour. This is the same standard as applied under the previous regulatory regime to low smoke coal for use in designated Low Smoke Zones.

Note that low smoke coal is commonly referred to as "smokeless coal", although this is not a term the Department uses, as all fuels emit at least some smoke when burned.

V4 PUB 03 25

- Manufactured part biomass products must have a smoke emission rate of less than 5 grams per hour.
- Coal products and manufactured solid fuels, including manufactured part biomass products, must have a sulphur content of less than 2% by weight on a dry ash-free basis. Subject to a market assessment, this may move to less than 1% by weight on a dry ash-free basis from 1 September, 2030.
- Fuel products which are 100% biomass, including wood products and wood logs, supplied in units of two cubic metres or less, must have a moisture content of less than 25% (moving to 20% with effect from 1 September, 2025).

How can I tell if a fuel is an approved fuel?

The EPA is responsible for maintaining an online register of producers and of the approved products registered to them that can be placed on the market. This is to include product names, product types and the registration number of the producer. The register is updated as new applications are received or approved, and so it is advisable to check regularly for any changes. Both registers can be found on EPA website.

Specific queries in this regard may be directed to the EPA at fuelsregister@epa.ie

In addition, under the regulations, the packaging of an approved solid fuel must be labelled with the words “contents comply with the Air Pollution Act Regulations”, and the registration number issued by the EPA to the producer of the fuel.

What safeguards can I put in place?

In the case of turf, watch out for existing adverts or attempts to place new ones that include words such as “turf”, “peat” or “sod peat”, and remove or reject them if they are clearly offering turf/sod peat for sale.

For non-approved coal or other manufactured products, you can take similar measures for adverts that include listings for products which are not listed on the EPA register. This is particularly relevant when dealing with adverts from vendors based in other jurisdictions where the sale and use of these fuels is permitted.

You may also wish to consider introducing policies whereby at the time of booking an advert, a person must supply the product name and product code as per the EPA register, or an image of the product which clearly shows the labelling requirements outlined above, and/or their EPA registration number.

What can I tell people who are already running an advert for turf or unapproved solid fuels, or who attempt to place a new advert offering them for sale?

We have produced the following suggested wording for notices which can be issued in such cases where the advertisement is being removed/rejected:

V4 PUB 03 25

For adverts offering turf for sale –

We have removed/rejected your advert as the sale of turf via advertising on the internet or in other media is no longer permitted.

Legislation which took effect on 31 October 2022 states: the holder of a right of turbary may sell or offer to sell turf to another provided it is not by way of the internet or other media, or from a premises or place used for the retail of food, fuel or other goods (including from shops, garages and petrol filling stations, fuel yards and public houses and other public places (within the meaning of section 3 of the Criminal Justice (Public Order) Act 1994 (No. 2 of 1994))

The relevant Regulations are the Air Pollution Act 1987 (Solid Fuels) Regulations 2022

Further information can be found at www.gov.ie/cleanair

Specific queries on the new Regulations may be addressed to the Department of the Environment, Climate and Communications at solidfuels@decc.gov.ie

For adverts that are for other non-approved fuels –

We have removed/rejected your advert as the sale of non-approved fuels is no longer permitted and it is also an offence under the regulations to transport non-approved fuels

Legislation which took effect on 31 October 2022 states that only approved fuels may be sold or distributed.

The relevant Regulations are the Air Pollution Act 1987 (Solid Fuels) Regulations 2022.

Further information can be found at www.gov.ie/cleanair

Specific queries on the new Regulations may be addressed to the Department of the Environment, Climate and Communications at solidfuels@decc.gov.ie

Why were the regulations introduced?

The European Environment Agency states that some 1,300 premature deaths in Ireland each year are associated with fine particulate matter ($PM_{2.5}$), which is mainly caused by domestic solid fuel burning. In addition, $PM_{2.5}$ causes and exacerbates a range of health conditions including bronchitis, bronchiolitis, pneumonia, COPD, lung cancer, asthma, coughing, sneezing, runny nose, and shortness of breath. While all solid fuels produce pollution, the regulations are designed to ensure that the most polluting fuels are removed from the market.

V4PUB0325

The regulations include an explicit ban on the advertising of turf because there has been increasing evidence in recent years of turf being traded on the “grey market” into non-peat producing urban areas, where the emissions associated with its burning affect a far greater number of people.

This regulatory approach recognises traditional practices associated with turf (sod peat), but also seeks to stem its flow into such urban areas.

In the case of other fuels, the regulations are designed to bring the same health and clean air benefits to all, regardless of whether or not they live in what was up to now a designated Low Smoke Zone.

Who is responsible for enforcement?

The local authorities are responsible for enforcement. It would be useful if your company provided details to the Department of the person(s) within your company who a local authority can contact if an illegal advert is identified. Such details may be sent to solidfuels@decc.gov.ie

V4 PUB 03/25

Disclaimer

This document provides information to assist advertisers and media placement organisations to comply with the new solid fuel regulations, SI 529 of 2022

It represents the most up to date information possible and is not a legal interpretation of the regulations. It is a working document and subject to update and change at any time as new information becomes available.

Any additional queries can be directed to solidfuels@decc.gov.ie

Rialtas na hÉireann
Government of Ireland