



Heraghty House, 4 Carlton Terrace, Novara Avenue, Bray, Co. Wicklow, Ireland.
Tel: 00 353 1 2761211 Fax: 00 353 1 2764665

Public Consultation on Solid Fuels

Air Quality Division

Department of the Environment, Climate and Communications

Newtown Road

Wexford

Y35 AP90

March 30th 2021

Re: Public Consultation on the development of new Solid Fuel Regulations for Ireland

Dear Sir/Madam,

The Environmental Health Association of Ireland (formerly the Environmental Health Officers Association), which was founded in 1949, is a non-government Association with Registered Charity status and professional body that represents those engaged in the environment and health protection fields. Our primary aim is to promote Environmental Health and to educate, advise and heighten the awareness of Environmental Health issues among the public and the profession.

Environmental Health Officers working on behalf of Local Authorities are authorised under the Air Pollution Act 1987 and regulations made thereunder. As such they have a role in enforcement and interacting with issues regarding the provision and use of solid fuels in their administrative area.

The EHAI are aware of the Departments ambition to have smoky coal completely banned nation-wide and understand that the proper use of smokeless coal as a home heating fuel will be a major element of any proposed regulations but on behalf of our members we also wish to notify another area of home heating and this is the particular issues with regards to wood burning stoves and biomass combustion.

The burning of such solid fuels in domestic premises creating a nuisance in neighbouring properties is a frequent issue that front line EHO's encounter. We are aware there is a growing body of evidence that wood combustion has a number of respiratory impacts. In investigating these issues it is frequently a combination of the fuel used and the location and/or condition of the home heating appliance that is at the core of the nuisance issue. Enforcement here can be very difficult for a variety of reasons: accessing the premises, dealing with a home heating device in situ, verifying that the correct fuel is used, verifying that the appliance is installed correctly etc.

The EHAI submit that new Solid Fuel regulations should cover the following:

1. Requirements for the safe use of wood or biomass (in the form of specific articles or in the form of a schedule/appendix)

2. Mandatory labelling of such fuels which indicate their fitness for purpose and their specific intended use (It should be a legal obligation of both the manufacturer of the fuel and the vendor of the fuel to ensure adherence to the law in this regard)



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3. Planning requirement for domestic heating systems using wood or biomass including an outright ban on the siting of stove or biomass burner flues being located at ground floor level (we are aware this may require the amendment of Planning Acts and as such may require the parent Air Pollution Act to be amended as opposed to the proposed new Solid Fuel Regs)
4. Power of authorised officer to verify the provenance/suitability of the fuel used at a domestic premises
5. Power of authorised officer to verify the installation of a wood or biomass burning device including any installation certification or guarantee
6. Power of authorised officer to enter a domestic dwelling to investigate a nuisance
7. Consider deeming both a landlord and tenant jointly responsible in the case of nuisance in a rental depending on the context of the complaint.
8. Power to issue fixed penalty notices or direction to remedy a nuisance or notice to abate a nuisance (depending on nature and extent of the issue eg FPN for incorrect fuel use or an abatement notice requiring the removal/relocation of a flue)

We would also ask the Department to consider amending the building regulations to require greater separation distances between flues and neighbouring structures (this is of particular relevance considering Project Ireland 2040 envisages far more compact development in the coming 15 years).

EHAI members have experience of working in the area of air pollution as well as enforcement in a range of public health areas. Our members have gained a wealth of experience from over 60 years as regulators and inspectors in Ireland. The EHAI believe that engagement with bodies such as ourselves who have extensive enforcement experience leads to legislation that is practical, enforceable, unambiguous and effective. Please feel free to contact me at any time on 01 2761211 or via email to chairman@ehai.ie

Yours sincerely,

Chairman Environmental Health Association of Ireland