

### Frequently Asked Questions

#### What is meant by ‘wood-fired heating and cooking’?

For the purposes of this Factsheet, ‘wood-fired heating and cooking’ refers to all activities and equipment that use solid fuel for heating and cooking in urban and rural-residential areas, as well as in commercial settings such as hotels and restaurants.

In Tasmania, the rules for wood-fired heating and cooking are in the *Environmental Management and Pollution Control (Smoke) Regulations 2019*<sup>1</sup>. These rules apply across the whole State.

The Regulations cover 3 aspects of wood-fired heating and cooking. These are:

- Compliance with Australian Standards for wood heaters (Part 2 – Regulations 4, 5 & 6)
- Smoke Emissions (Part 3 – Regulation 7)
- Burning of Prohibited Waste (Part 4 – Regulation 8)

Relevant definitions are given in Part 1 (Regulation 3).

#### Are there any other rules covering wood-fired heating and cooking?

Section 53 of the *Environmental Management and Pollution Control Act 1994*<sup>2</sup> (EMPCA) has a general requirement that a person should not cause an ‘environmental nuisance’. This includes excessive smoke emissions from heating and cooking.

Section 53 can be used by council officers when an activity is not specifically covered by the Smoke Regulations **OR** when apparent compliance with the heating and cooking requirements of the Regulations still results in excessive smoke. You should therefore do everything you can to minimise the smoke produced by your wood heater, fireplace or barbecue.

#### What are the rules on wood heater standards?

In summary, there are 2 rules:

A person must not:

1. Manufacture, import or sell a domestic wood heater\* in Tasmania **UNLESS** it is marked in accordance with the 2014 Australian Standards for efficiency and emissions **AND** has been issued with a laboratory certificate confirming that the standards have been met. This also applies to private sales (see Reg. 5).
2. Alter or modify a wood heater with a certificate, **UNLESS** it is a temporary modification during repairs, **OR** is already installed in a building **AND** is being sold with that building (see Reg. 6).

(\*Described in the Standards as ‘domestic solid fuel burning appliances’, and in Regulation 3 as ‘heating appliances’)

#### What does this mean in practice?

For most people, these rules are only relevant if you want to buy a wood heater. Make sure that the retailer sells you a heater with a compliance plate indicating that it meets the standards. The same

<sup>1</sup> <https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2019-034>

<sup>2</sup> <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1994-044>

applies if you are buying one from a friend or online source. You won't be fined if you buy a non-compliant heater, but action may be taken against the seller.

If you already have a wood heater, don't be tempted to modify it so that the burning efficiency is reduced and smoke emissions are increased. There are good reasons for the Australia-wide standards. They have been put in place to make sure you have access to the best quality products, and to protect your family's health as well as that of the broader community.

## What are the rules for smoke emissions?

There are 2 main rules related to smoke emissions:

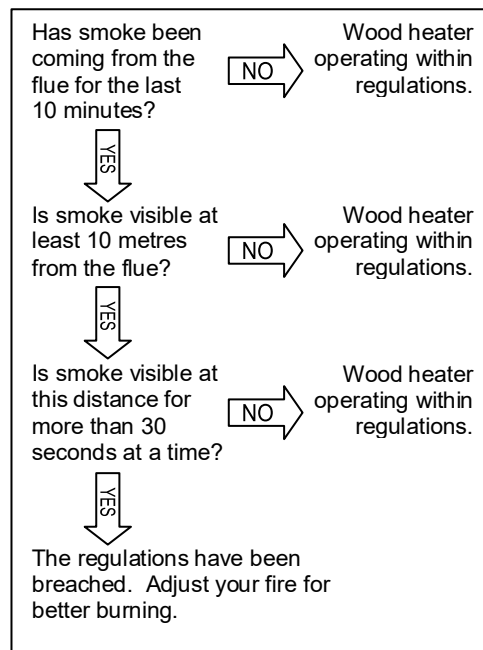
1. If you are using an indoor or outdoor fireplace, solid fuel\* heater, or solid fuel\* cooking appliance *for heating purposes*, it is an offence to allow the smoke to be continuously visible for a period greater than 10 minutes,

### AND

During that 10 minute period, allow it to be continuously visible for at least 30 seconds at a distance greater than 10 metres from the chimney or fire source.

2. Take all reasonable measure to ensure that you only burn dry solid fuel\* for heating – see subregulation 7(4).

(\* mainly firewood and pellets; see definition of solid fuel in Regulation 3 for more details and options)



## Do the smoke emission rules apply to heating and cooking food?

If you are using a barbecue, pizza oven or outdoor fireplace for *cooking purposes only*, the restrictions on smoke emissions **DON'T** apply. However, if your cooking produces excessive smoke, you may be in breach of the 'environmental nuisance' provision in section 53 of EMPCA.

If you burn garden or other waste in a barbecue or outdoor fireplace, the restrictions **DO** apply - see subregulation 7(2).

In other words, you should keep your cooking and waste-burning activities completely separate to avoid committing an offence.

You must also take all reasonable measure to ensure that you only burn dry solid fuel when cooking – see subregulation 7(4).\*

## What am I not allowed to burn in my wood heater or fireplace?

Regulation 8 makes it an offence to burn 'prohibited waste', unless authorised (e.g. by an emergency authorisation under section 34 of EMPCA).

Included on the list of prohibited waste are the following materials - asbestos, tyres, coated wire, paint & chemical containers and residues, rubber, painted & treated wood\*, plastic, oil, household waste, linen, foam rubber and polystyrene.

You must not burn any of these materials for heating or cooking.

## What can I burn in my wood heater or fireplace?

You can burn the following solid fuel\*: unpainted / untreated / uncontaminated wood, dry vegetative waste, pellet fuel, briquettes, paper, coal, charcoal and peat.

(\* As defined in regulation 3.)

## Can I burn cardboard?

Cardboard is a valuable resource and should be disposed of through kerbside recycling or by taking it to a recycling facility. Cardboard can also be used to suppress garden weeds, particularly when placed under a layer of mulch.

## What are the rules for backyard burning of vegetation?

These rules are summarized and explained in EPA Tasmania's '[Factsheet - Rules for Backyard Burning](#)'<sup>3</sup>.

## How much can I be fined if I breach the Regulations?

A council officer can issue an infringement notice, or you may be prosecuted. It is expected that court action will be taken only if other approaches consistently fail.

An infringement notice for offences related to wood heater standards and burning prohibited waste applies an on-the-spot fine of 5 penalty units\* (\$840 in 2019/20). The maximum court penalty for these offences is 50 penalty units\* (\$8400 in 2019/20).

An infringement notice for offences related to smoke emissions applies an on-the-spot fine of 2 penalty units\* (\$336 in 2019/20). The maximum court penalty for these offences is 10 penalty units\* (\$1680 in 2019/20).

\*penalty unit value is adjusted every year based on the CPI.

## For more information contact:

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EPA Tasmania the Division of DPIPW that supports Tasmania's independent statutory environmental regulator, the Environment Protection Authority

<sup>3</sup> <https://epa.tas.gov.au/Documents/Factsheet - Rules for Backyard Burning June 2019.pdf>