



## Frequently Asked Questions for Fuel Retailer/Supplier in the Low Smoke Zone

### What is a Low Smoke Zone?

It is an area designated under the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012-2020, to protect public health, where certain solid fuels can not only be marketed or used.

### What is the legal basis for establishing Low Smoke Zones?

The sale, marketing, distribution and burning of bituminous (smoky) coal is prohibited under the provisions of the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012-2020.

### Why regulate these fuels?

The burning of smoky coal releases toxic emissions (including fine particles or  $PM_{2.5}$ ) into the atmosphere. There is no safe level for exposure to fine particles; negative effects have been observed at even low levels of exposure. Air pollution can build up outdoors, as well as in private houses and have a detrimental effect on health. Fine particles get deep into the lungs and into the bloodstream, where it is carried around the body causing cardiovascular disease. Other toxic substances are present in coal and are released to the air when it is burned include mercury, cadmium and arsenic.

### What are the health issues associated with burning smoky coal?

Fines particles ( $PM_{2.5}$ ) released during the burning of smoky coal can spark asthma attacks, and can cause a range of respiratory problems such as bronchitis, bronchiolitis (affects one in four children under the age of two), pneumonia, chronic obstructive pulmonary disease, lung cancer and others.  $PM_{2.5}$  has also been associated with strokes, heart attacks, and other cardiovascular conditions. The burning of smoky coal affects the external environment, but also the **internal environment** of homes where it is burned.

## **How do I find out if I am operating in a Low Smoke Zone?**

To establish if you are operating in a Low Smoke Zone, please click on the link here:

<https://dcenr.maps.arcgis.com/apps/webappviewer/index.html?id=feee728a0ee1427d9a3973a090a9f292> you can then input your eircode or use the search by address option.

## **Is it illegal to sell smoky coal and the other regulated fuels in the Low Smoke Zone?**

Yes, Article 5 of the Regulations prohibits the marketing, sale and distribution of smoky coal within a Low Smoke Zone, even to customers living outside the zone.

## **If I retail within the Low Smoke Zone, may I store bituminous coal on my premises?**

Yes, but only if you maintain a register and hold it **for delivery** to customers at addresses outside the Low Smoke Zone. It should not be in view of customers, as this constitutes “marketing”. You may not have signs at your premises advertising bituminous coal. You must record all deliveries of bituminous coal to addresses outside the Low Smoke Zone, and you must be carrying at least one metric tonne when you leave the depot.

## **If I retail within the Low Smoke Zone, may I sell bituminous coal to a customer who can prove that they live outside the Low Smoke Zone?**

No. A customer living outside the Low Smoke Zone may phone you and place an order for bituminous coal, and you may deliver it to them. The complete transaction including payment must take place outside the Low Smoke Zone. You must record all deliveries of bituminous coal to addresses outside the Low Smoke Zone, and you must be carrying at least one metric tonne when you leave the depot.

## **Are there any circumstances wherein I can sell or give a bag of bituminous coal to a customer at my premises in the Low Smoke Zone?**

No, there are absolutely no exceptions.

## **If I am delivering Low Smoke Fuels in a Low Smoke Zone, can I carry bituminous coal on my vehicle for later delivery outside the Low Smoke Zone?**

No. It is an offence to make any sales of any fuels in the Low Smoke Zone while at the same time carrying bituminous coal on the vehicle. On-the-spot fines will be issued to anyone found selling in the zone with bituminous coal on board.

## **Is it an offence to drive through the Low Smoke Zone with bituminous coal in my vehicle?**

Not if this coal is destined for addresses outside the Low Smoke Zone. However, you must have started your journey with a minimum of one metric tonne on board, and you must have records of the quantity of each type of fuel on board, and the names and addresses of customers to whom it will be sold. You may not stop to make any sales within the Low Smoke Zone. All sales dockets must be kept for inspection by your local authority.

## **The Regulations state that, if I travel through the Low Smoke Zone with bituminous coal on my truck, there must be at least one metric tonne on board, with a destination outside the Low Smoke Zone. If I am returning from a delivery with only a few bags of bituminous coal on board, do I risk prosecution?**

No. Not as long as your records show that you began your outward journey with at least a metric tonne on board, and you have records of all sales made since then.

## **I retail outside the Low Smoke Zone. Do I have to establish the addresses of customers to whom I sell bituminous coal?**

No. It is an offence to burn bituminous coal in the Low Smoke Zone. Your customer commits an offence if they bring it back into the Low Smoke Zone to burn.

## **I retail outside the Low Smoke Zone. Are there any restrictions on the coal I sell?**

Yes, bituminous coal must contain less than 0.7% sulphur, and must comply with SWiFT 7 or an equivalent recognised standard. It must be **supplied** to you by a supplier who is [registered with the EPA](#), and you must hold certification that it is compliant.

## **What powers does an “authorised person” of the local authority have in respect of a commercial operation?**

A person authorised under the Regulations may inspect any premises or vehicle used in connection with the sale or distribution of fuel. They may also inspect all relevant documentation, take samples of fuel, and require such information from any person on the premises or vehicle as the authorised person considers necessary.

## **How will I know if a person wishing to inspect my premises or vehicle is genuinely a Local Authority employee?**

Any person authorised under the Regulations will identify themselves when making an inspection. They will show you an official identification card, and will give you a telephone number if asked which you can contact to verify that they are genuine.

## **What if I refuse to cooperate with an authorised person of the local authority?**

To obstruct an authorised person in the performance of their duty is an offence under the Regulations.

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