Is Creosote Still Available for Agricultural Fencing?

The industry needs clarity, not more confusion.

With the continuing rumours and conflicting interpretations surrounding the future use of creosote in agricultural fencing, I believe it is time for the industry to have an open and informed discussion.

Is creosote still available for agricultural fencing? The answer is yes, but with significant restrictions, and the real question is what constitutes safety-critical fencing.

Under the Health and Safety Executive's (HSE) decision of March 2026, creosote has been approved for a further seven years, until 31 March 2033. However, from 1 April 2027, creosote-treated timber may only be placed on the Great Britain market for certain specified applications, including **safety-critical fencing requiring compliance with BS 8417 Service Factor D**.

This raises a fundamental question for the agricultural fencing industry:

Who decides whether an agricultural fence is safety-critical, and on what basis?

What does the legislation say?

The relevant legislation is the Great Britain Biocidal Products Regulation (GB BPR), based on Regulation (EU) No 528/2012.

The HSE's renewal decision, Reference 2026-002, Document No. 2025/253668, confirms that from 1 April 2027, creosote-treated timber may only be placed on the GB market for:

- Transmission poles.
- Railway sleepers.
- Safety-critical fencing, in Use Classes 4.

The decision also introduces additional labelling, handling, storage and installation requirements.

From 1 April 2027, creosote-treated timber must no longer be placed on the GB market for non-safety-critical fencing, tree stakes and several other applications.

This is not a complete ban on creosote in agricultural fencing, but it is a significant restriction on its permitted applications.

The health and safety implications

Before discussing the technical interpretation, we must recognise that creosote is a hazardous substance.

The HSE identifies creosote as carcinogenic, toxic to reproduction, persistent, bioaccumulative and toxic.

Anyone specifying, supplying, handling or installing creosote-treated timber must understand the risks and implement appropriate controls.

The HSE decision introduces requirements including:

- Suitable chemical-resistant gloves and impermeable protective clothing where skin contact is a risk.
- Appropriate respiratory protection where inhalation exposure is identified.
- Restrictions on storage to prevent environmental contamination.
- Requirements for treated timber to be fully dried before installation.
- Restrictions on installation above or adjacent to surface waters.
- Location-specific risk assessments for safety-critical fencing, particularly where members of the public may be exposed.
- Additional precautions where public access cannot reasonably be avoided.

These requirements cannot be ignored. Contractors must assess the risks and ensure that appropriate protection, training and working practices are in place.

However, **health and safety requirements for installing creosote-treated timber are a separate issue from determining which fencing applications qualify for its continued use.**

And this is where the industry's problem begins.

What exactly is safety-critical fencing?

The HSE decision refers to:

"Fencing (safety critical uses, namely those requiring compliance with BS8417 service factor D)."

This is where I believe we have a problem.

BS 8417:2024 is a Code of Practice for the preservation of wood. It provides guidance on preservative treatment requirements, use classes, service factors and desired service life.

It is not, in itself, a standard that classifies the safety function of fencing.

Service Factor D addresses situations involving in ground contact conditions but not serious consequences of timber failure. It influences the level of preservative treatment required and its penetration.

But does specifying timber to UC4 Service Factor D automatically make the fence safety-critical?

Or must the fence first be assessed as performing a safety-critical function before Service Factor D becomes applicable?

These are two very different interpretations, with potentially significant consequences for the industry.

The HSE has linked safety-critical fencing to BS 8417 Service Factor D, but the industry needs greater clarity on how that requirement should be interpreted and demonstrated in practice.

We should also remember that the desired service life of timber, whether 15, 30 or 60 years, is a performance objective rather than an unconditional guarantee. As the code of practice is only a desired rather than just a service life it negates any guarantee in the treatment but is just a guide.

A timber treatment specification alone cannot determine the safety function of a completed fencing system.

Is agricultural fencing safety-critical?

This is the central question.

In general terms, a safety-critical system is one whose failure could result in serious injury, loss of life, significant property damage or environmental harm.

If we apply that principle to agricultural fencing, there is a strong argument that many installations perform a safety-critical function.

Consider fencing designed to:

- Prevent livestock escaping onto public highways or railway lines.
- Separate cattle and other livestock from public rights of way.
- Protect members of the public from potentially dangerous animals.
- Prevent livestock entering hazardous areas.
- Protect animals from foreseeable injury or dangerous environments.
- Maintain essential boundaries around agricultural infrastructure.
- Keep animals separate from each other for health and environmental reasons.

In these circumstances, fencing is not simply marking a boundary. It is providing a physical barrier intended to reduce foreseeable risks.

The HSE's agricultural accident statistics demonstrate the serious risks associated with livestock. These incidents underline the importance of effective livestock management and appropriate fencing, although the statistics alone cannot establish how many accidents would have been prevented by fencing.

If the failure of a fence could result in serious injury or death, surely there is a legitimate argument that the fence performs a safety-critical function?

That does not mean every agricultural fence must automatically qualify. However, it does suggest that the industry needs a practical and consistent method of identifying those that do.

What about agricultural grants?

There is another complication.

Agricultural fencing supported through various government grant schemes is frequently required to use timber treated to BS 8417 Use Class 4 (UC4), reflecting the importance of durability in ground-contact applications.

However, UC4 and Service Factor D are not interchangeable requirements.

This raises further questions.

If government-funded fencing must meet specified durability standards, is that recognition of its importance to agricultural infrastructure?

Where a grant-funded fence is installed to control livestock or protect people, and environmental considerations, should it be considered safety-critical?

And if government departments are funding fencing for important agricultural, environmental or public protection purposes, should there not be a consistent approach to how its safety function is assessed?

We cannot have one part of government recognising the importance of durable agricultural fencing while another leaves uncertainty over the materials permitted for its construction.

This is an area where the AFI believes further engagement with the HSE, Defra, the Rural Payments Agency and other relevant organisations may be necessary.

Where does this leave the industry?

We now have a situation where creosote remains approved for certain fencing applications, but there is uncertainty about how those applications should be identified.

Manufacturers need to know what they can produce.

Merchants need to know what they can supply.

Contractors need to know what they can install.

Farmers and landowners need to know what they can specify and purchase.

And everyone needs to understand their responsibilities.

Leaving the interpretation entirely to individual businesses risks inconsistent decisions, commercial uncertainty and potentially inappropriate applications.

The industry needs more than assumptions. It needs clear guidance that can be understood and applied consistently.

What should the AFI do?

As the Association of Fencing Industries, we have a responsibility to represent the interests of the wider fencing sector, but we also need to understand what the industry wants us to pursue.

There are three possible approaches.

A. Lobby for recognition of agricultural fencing as safety-critical where its failure could create significant risks.

Engage with the HSE, Defra, the Rural Payments Agency and other government bodies to establish clear definitions, practical assessment criteria and appropriate recognition of the safety functions performed by agricultural fencing.

B. Accept the current position and allow market forces to determine the future.

Leave manufacturers, suppliers and contractors to interpret the requirements, with alternative timber treatments and products increasingly replacing creosote where necessary.

C. Take no further action.

Accept the HSE decision as it stands and allow individual businesses to make their own decisions regarding compliance and product selection, with the risk to litigation for the wrong choices.

The AFI wants your views

This is not simply about whether creosote is a good or bad preservative.

It is about understanding the role of agricultural fencing, ensuring that the regulations are clear, protecting those who install and use fencing, and allowing the industry to make informed decisions about the future.

We must also recognise that the HSE has legitimate concerns regarding the health and environmental impacts of creosote. Any argument for its continued use must be supported by evidence of necessity, safety and the suitability of available alternatives.

The question is not whether every agricultural fence should be treated with creosote. The question is whether the industry should have a clear and defensible route to using it where the fencing genuinely performs a safety-critical function.

I believe this is a discussion the industry needs to have now, rather than waiting until the restrictions take full effect in April 2027.

What do you think? If action is required by the members and greater industry a joint approach is the only solution.

Should the AFI challenge the current interpretation and seek greater clarity, or should we accept the direction of travel and move towards alternative products?

We want to hear from contractors, manufacturers, suppliers, farmers and everyone involved in the agricultural fencing sector.

Send your comments to Pete Clark **info@theafi.co.uk**.

The Association of Fencing Industries — representing and protecting the interests of the fencing industry.

References

- HSE Decision 2026-002 — Creosote Active Substance Renewal
- Regulation (EU) No 528/2012 — Biocidal Products Regulation
- BS 8417:2024 — Preservation of wood. Code of practice.