A Green Paper on the Radical Reforms Facing the Environment Agency

October 2010

Eil/wp/RadicalreformW-10.2010/02

THE RADICAL REFORM FACING THE ENVIRONMENT AGENCY

SUMMARY

With the budget cutting axe swinging mercilessly around all Government departments, it was the Environment section which felt the blade more than most. Although savings must be made, there is a danger that the vital educational and advisory roles will be scaled down with a greater emphasis being placed on revenue creation. The concern is that a ‘speed camera policy’ will result in a more reactionary stance from the Environment departments.

HOW THE BUDGET CUTS COULD IMPACT THE ENVIRONMENT AGENCY AND THE ENVIRONMENT

Following the long awaited ‘Bonfire of the Quangos’ which took place in October 2010, the flames were felt most by the Environment Department which had fifty Quangos axed. Natural England and the Environment Agency are to be retained but both face ‘radical reform’ to make them ‘leaner and more efficient’. The Cabinet Office said plans for the EA included "reform through structural, process and cultural change to become a more efficient and customer focused organisation; and clarify accountabilities." Commenting on what the changes would make to Defra, the Environment Secretary, Caroline Spelman, said: "Defra's current delivery network contains over 90 arm's-length bodies and there have been difficult decisions to make in order to achieve the best value for money in this challenging economic climate. The announcement today confirms that the number of Defra's arm's length bodies will reduce by over half.”

The significant concern is that environmental enforcement could turn into ‘a speed camera policy’ where fines and costs are used to plug the hole in the revenues. Couple this with ignorance within the market place and we fear that we will have a situation where the EA could quickly alienate industry. Furthermore, the vital educational side of their remit could suffer as focus is turned to areas where results are easier to prove such as prosecutions. The

old saying prevention is better than cure, has never been more appropriate than when applied to environmental pollution. From our own research we have found that 93% of Directors we polled, mistakenly believe that legislation like the European Liability Directive 2004/35/EC, only applies to the chemical industry. Many businesses already seem to take the absence of a visit from an EA inspector as evidence that their site doesn't have anything to worry about and that it somehow fails to qualify for compliance with EU pollution guidelines. Combine this with the Environment Agency's estimation that 75% of all pollution incidents originate from non-regulated areas of industry and you have a frightening picture that industry is ignorant, complacent or negligent. Whichever one is true, it's clear that the Environment Agency is vital in it's role as educator and enforcer. As with any business, savings can always be made and efficiency increased, but the catastrophic consequences of large scale environmental disasters like the BP Gulf spill and recent toxic waste spill in Hungary are frightening reminders that there is absolutely no room for complacency.

Environmental awareness itself is nothing new, as far back as 1388 a UK law was passed that made it illegal to dump animal waste, dung or litter into ditches and rivers. The fact that we still require stronger and stronger legislation to prevent similar incidents over 600 years later is yet another reminder that the EA and other bodies role in education and enforcement is vital and we should ensure that the baby isn't thrown out with the polluted bathwater!

FURTHER ESSENTIAL READING

The Full DEFRA Guidance on the New Environmental Civil Sanctions :

The EA intends to start to use these new powers on 4th January 2011.
"http://www.defra.gov.uk/environment/policy/enforcement/pdf/defra-wag-guidance.pdf"

PPG7 : Refuelling Facilities :

Advice on how to protect the environment through the safe delivery, storage and dispensing of fuels.
http://publications.environment-agency.gov.uk/epages/eapublications.storefront

PPG18 Managing Fire Water and Major Spillages

These guidance notes have been drawn up to assist in the identification of the equipment and techniques available to prevent and mitigate damage to the water environment caused by fires and major spillages.
Download full Guidance at
"http://publications.environment-agency.gov.uk/pdf/PMHO600BBUD-e-e.pdf"

PPG21 : Pollution - Incident Response :

Good practice guidance to produce incident response plans for dealing with accidents, spillages and fires, to help protect the environment.
http://publications.environment-agency.gov.uk/epages/eapublications.storefront

PPG22 : Incident Response – Dealing with Spills :

Advice on how to deal with spillages to avoid pollution.
http://publications.environment-agency.gov.uk/epages/eapublications.storefront

PPG26 : Safe Storage - Drums and Intermediate Bulk Containers :

The regulations apply to: tanks (can be permanent or temporary); drums greater than 200 litres capacity; intermediate bulk containers (IBCs); mobile bowsers.
All above PPGs are available for download at
http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx

ENVIRONMENTAL LIABILITY DIRECTIVE 2004/35/EC :

The Directive establishes a strong framework for environmental liability based on the "polluter pays" principle, with a view to preventing and remedying damage to animals, plants, natural habitats and water resources, and damage affecting the land. Where the polluter is at fault or negligent powers exist to ensure that the costs as well as any fines are allocated, in extreme cases prison sentences can be enforced.
Download full Directive www.europa.eu

PPG28 Controlled Burn

This guidance will help you decide when and how to use a controlled burn as part of a fire fighting strategy to prevent or reduce damage to the environment. You should consider this guidance on a site by site basis when developing an incident response plan for your site.
Download full Guidance at
"http://publications.environment-agency.gov.uk/pdf/PMHO1005BJIT-e-e.pdf"

Fire Service Manual

This Fire and Rescue Manual is the first manual within the Fire Service Operations series dedicated to the protection of the environment. This publication provides information and guidance designed to support firefighters, Fire Brigade Service managers, and trainers in their work at operational incidents, training events, and during day-to-day activities.
Download full manual here
"http://www.communities.gov.uk/publications/fire/environmentprotectvol2"

IS YOUR SITE RIGHT?

Use this Environment Agency 10-point checklist to help you make sure

Storing and handling oils, chemicals and other risky materials

1. Are storage containers fit for purpose, regularly inspected and maintained?
2. Are storage areas and containers sited away from watercourses, drains and unsurfaced areas?
3. Do storage containers have secondary containment, such as a bund, to contain any leaks or spills?
4. Do you have procedures and training for safe delivery and handling of materials?

Waste management

5. Is your storage and handling of waste safe and does it comply with the law?
6. Do you know where your waste goes? Are you sure it's disposed of correctly?
7. Are you reducing and recycling your waste? Do it and save money.

Site Drainage

8. Do you have an up to date drainage plan of your site?
9. Is your site drained correctly?

- only clean water, such as roof drainage, to surface water drains.
- all contaminated water, such as sewage and trade effluent, to foul drain.

Dealing with pollution emergencies

10. Do you have a plan, equipment and training to deal with pollution emergencies?

If you answered 'no' to any question, or are unsure, use the Environment Agency's "Pollution Prevention Pays – getting your site right" guidance available from their website or call us for advice **0800 731 9313**

If you have any questions about how to make your business safer for your staff and the environment please call
0800 731 9313
"www.environmental-innovations.biz"

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