

SCIENTIFIC AFFAIRS

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Dear Dr Pentreath,

<p style="text-align: center;">ENVIRONMENT AGENCY [EA] CONSULTATION DRAFT : 'CREATING AN ENVIRONMENTAL VISION'</p>

Thank you for inviting the Royal Society of Chemistry [RSC] to comment on the above. The following submission has been prepared under the aegis of the Environment, Health and Safety Committee of the Royal Society of Chemistry. Members of the Committee serve as individual experts and not as representatives of their employers.

The Society's Royal Charter obliges it to serve the public interest by acting in an independent advisory capacity and we are happy for this submission to be put into the public domain. The Society itself makes its submissions available to anyone on request and places copies on its website <http://www.rsc.org/lap/rsccom/ehsc/ehscsubs.htm>. Equally we assume that the Environment Agency [EA] is happy for us to reproduce its consultation paper alongside the submission for the convenience of readers.

ANSWERS TO THE SPECIFIC QUESTIONS RAISED IN SECTION 6.4 [page 45]

EA Question 1

'Do you support the need for a long term vision for the environment, even if some of the outcomes seem optimistic in the short term? How challenging should such a long term vision be? Should the vision include some indication of the pace of change we envisage?'

RSC Response:

- We support the need for a long-term vision in the Environment Agency.
- We assume EA has an input, through the Department of Environment, Transport and the Regions [DETR], to Government policy on sustainable development.
- The EA 'vision' cannot differ in policy from that of the Government as a whole. EA is an agency of Government and its powers derive from the legislation that set it up or that are devolved from Ministers.
- The EA vision should therefore be based on the existing Government approach to sustainable development and this should be explicitly stated. The added value of the EA vision should be explained.

- Government statements on sustainable development are not quantified and are not accompanied by an action plan. The EA vision could add value by giving quantitative targets and an action plan wherever possible. The EA 'long-term objectives' [page 4] are 'motherhood' statements that do not advance the debate on sustainable development at all.

EA Question 2

'What should the Environment Agency's role be in the delivery of such a vision – should we focus on our regulatory role, or act more broadly as a champion of the environment?'

RSC Response:

- The essence of this consultation is the question whether EA should remain essentially a regulator or should extend its role to become the 'Champion of the Environment'. EA seems to see itself becoming the 'Champion of the Environment'. But what does this actually mean? Is EA trying to emulate the US EPA?
- We question whether its existing legal mandate would allow EA to extend its role as suggested.
- EA has two recognised roles. The first is as a regulator/pollution control agency. Relatively little interpretation is required in this role. The second is as a monitor of the state of the environment, identifying trends etc. EA is not good at this but it should be an EA role.
- EA must regulate by law. It needs to get this role sorted out before looking for further responsibilities.
- If EA does take on additional roles how will they be paid for? In particular the polluter pays principle is fine in theory but often problematic in practice. Thus it is used to justify recouping the costs of inspection and monitoring of industrial processes but it is of doubtful validity when it comes to diffuse sources. Also the 'polluter' can include users & intermediaries such as retailers, as well as the operators of industrial processes. Whatever happens costs should be transparent.

EA Question 3

'To structure the vision, we have adopted nine themes (Chapter 3) each with long term objectives and outcomes.

- Do you agree with these objectives and outcomes?
- Which do you think are the highest priority?
- Do they cover the key environmental issues?
- Can they be accomplished in the context of sustainable development – ie while still maintaining social and economic progress?
- What are your views on the goals we have set ourselves?'

RSC Response:

- The priorities for EA should be those issues where it has a lead role to play.
- The consultation document is very 'water' oriented. The emphasis on 'flooding' seems to overshadow many of EA's other roles. The use of language is revealing: air and land are to be protected, water is to be 'cherished'!
- Ideally there should be a clear distinction between responsibility for water quality and water quantity. The former should fall to the EA but the latter could come under another body, eg the British Waterways Board. However we recognise that this is not realistic [eg because of the Water Framework Directive]. Therefore EA needs to change its structures and procedures to reflect the difficulty of combining water quality and quantity. The first is a regulatory function. The second is principally a management function.

- The consultation document is confused on the issue of wanting consistency versus allowing regional variation where appropriate. The aim should be a consistent approach with the freedom to adapt to local circumstances.
- The Key Agency Indicators [box4, page 44] are inappropriate, though to a degree this may reflect the inadequacies of the UK Key indicators. There should be fewer, genuinely key EA indicators. It is not entirely clear why some of those listed are significant let alone 'key' [eg Thames Barrier closures]. It is arguable that EA's key indicators should only comprise the key issues over which the Agency has fairly direct influence and which can be quantified. Apart from other considerations the proposed indicators put too great a burden on EA staff when there are more important things they should be doing.
- The document mentions monitoring but doesn't adequately explain why or how the data will be used.

EA Question 4

'How can we harness business' spirit of innovation and entrepreneurship, and the support and enthusiasm of others, including the general public, to help deliver the overall vision?'

RSC Response:

- It appears likely that regulation is both inhibiting innovation in the UK and perhaps driving it abroad. For example minor changes to a chemical process are relatively straightforward but significant changes trigger a range of regulatory requirements that are a disincentive to innovate unless there is a very large financial driver to do so. All legislation and regulation should include an assessment of its impact on innovation. In general research and development should be exempt from the more onerous legal requirements.
- EA should help to convince the public that innovation is an important tool in achieving sustainable development. Without innovation development will be limited and older processes will not be replaced by cleaner technologies. In addition without innovation industries will decline and jobs will migrate abroad.
- It is unrealistic to expect industry to take responsibility for sustainable development for altruistic reasons. Companies are driven by the bottom line, and by factors that influence the bottom line, such as stakeholder pressure and supply chain pressure. Key sustainability issues include how to drive sustainable development by making it beneficial to the 'bottom line', and how to make it happen faster.
- There is little mention of Small and Medium Sized Enterprises [SMEs]. Reaching SMEs and getting their support and enthusiasm is a major problem, but at the same time presents a significant opportunity for improvement.
- EA could usefully provide advice for industry, especially SMEs, on why sustainable development is good for them.
- Does EA know what the general public thinks of it? Can and should EA seek to improve its visibility with the public?

EA Question 5

'What are your views on how we propose to change, as an organisation, in order to achieve the vision (Chapter 4)?'

RSC Response:

- We do not agree with the proposed changes. The core remit of EA is set by legislation. It should improve performance on its core functions before considering expansion. The Agency should also seek to collaborate more effectively with others and to adopt a more functional structure for most of its activities.

- EA probably does not have either the structure or the competence to carry out its core functions. EA structure is old fashioned and regional. It needs to be functional where this is appropriate. Water resources should be a separate division of EA.
- EA needs both specialist and more general inspectors [like HSE]. The current EA system, having centres of special expertise bedded out in their regions, does not work well. Nor are these centres properly integrated with other arms of EA. EA should also consult more effectively with its own staff on the ground.
- The boundaries between EA, DETR, & Local Authorities need to be clarified. Should EA subsume additional local responsibilities?
- The consultation document does not indicate that EA will work with others, rather it suggests that EA is inviting others to help it. This view of 'partnership' needs to be modified. EA should seek to co-operate with others more often, rather than always wanting to take the lead. For example EA should contribute to Local Environmental Action Plans but these should primarily be run by the Regional Development Agencies.
- EA should seek to balance the needs of the environment against those of the population. It can only do this in partnership with others. It also needs appropriate staff.
- The evidence suggests that EA does not have the culture or ability to change itself quickly enough or in the right directions without external assistance.
- EA needs to become more 'street wise'. Anecdotal evidence suggests that inspectors can make statements that are picked up and misinterpreted by the press. EA should neither play down nor exaggerate environmental incidents.

GENERAL POINTS

- The deadline for responding to this consultation was 18 August 2000. We are concerned that the letter from Sir John Harman, dated 23rd June 2000, which accompanied this consultation document stated: *'The Vision – reviewed in the light of your comments – will also be featured at our AGM on September 5th'*. If the comments are to be considered seriously how does EA propose to amend the Vision adequately between 18 August and 5 September? This gives the impression that EA has made its mind up and that the consultation is a formality that will not be taken seriously.
- The consultation makes little mention of Scotland or of the international context, and in particular of the European Union. Box 3 [page 14] is the nearest it comes to providing an international dimension.

I trust that these comments are helpful.

Yours sincerely

Professor D. Taylor
Chairman, Environment, Health and Safety Committee of the Royal Society of Chemistry

The Royal Society of Chemistry was formed from a merger of the Chemical Society (founded in 1841) and the Royal Institute of Chemistry (founded in 1877); it inherited the prestige and responsibilities of its parent bodies. It is both the learned society for chemistry and the professional qualifying body for chemists in the United Kingdom.

There are about 46,000 members of whom 10,000 are abroad. Professional membership of the Society is an internationally recognised qualification. The Society also administers the

examinations for the Mastership in Chemical Analysis (MChemA) which is a statutory requirement for practice as a Public Analyst.

The Society is one of the world's major chemical publishing houses with a wide range of primary, secondary, and tertiary literature, including research journals, abstracts and indexes, educational publications and computer based information services.

Strong ties are maintained with government both at national and European Community level. Formal contact with parliament is maintained through the society's two parliamentary advisers and through its Link Scheme, whereby members of the Society are linked with individual Members of Parliament.

The Society has 35 local sections in the United Kingdom and the Republic of Ireland and a number of local sections.