

# Better regulation and the impact on monitoring

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29-30 April 2009

# Today's presentation

- ➡ Overview of Better Regulation
- ➡ What does it mean for the Environment Agency
- ➡ Impact on:
  - ➡ environmental regulations
  - ➡ monitoring of emissions
  - ➡ monitoring guidance

# ***Regulators, face a range of demands, often contradictory in nature:***

- ➡ *Be less intrusive - but more effective*
- ➡ *Be kinder and gentler - but don't let the b\*\*\*\*\*s get away with anything*
- ➡ *Focus your efforts - but be consistent*
- ➡ *Process things quicker – and be more careful next time*
- ➡ *Be more responsive to industry - but do not get captured by them”*

**The Regulatory Craft  
Malcolm Sparrow 2000**

# Better regulation: getting the right balance

- ➡ Provide risk-based and cost-effective regulation
- ➡ Focus on key environmental concerns
- ➡ Not imposing unnecessary burdens on business
- ➡ Ensure the public (and business/government) retains confidence in us as an effective regulator
- ➡ Get business to take responsibility



# Better regulation: the drivers

## ⇒ Hampton Report 2005

- ⇒ Reduce the regulatory burden on business
- ⇒ Set out key principles for effective regulation
- ⇒ Applies to all regulators not just the Environment Agency

## ⇒ Regulators' Compliance Code

- ⇒ Department for Business, Enterprise and Regulatory Reform (BERR)
- ⇒ Statutory code of practice for regulators
- ⇒ Came into force April 2008
- ⇒ We have to take account of the Code's provisions
  - in developing our policies and principles
  - setting standards and giving guidance

# Benefits of better regulation

- ➡ Minimises adverse effects on people & the environment
- ➡ Sets out minimum standards
- ➡ Creates opportunities for business to innovate & profit
- ➡ Supports public confidence
- ➡ Reduces business cost
- ➡ Reduces risk & increases investor/insurance confidence

# Delivering benefits for business

- Clear and accessible advice
- Consolidated regulations and processes
- New approaches based on risk and outcomes
- Helping to create markets
- Reduce burden e.g. on track to meet 25% reductions by 2010



# Working with business

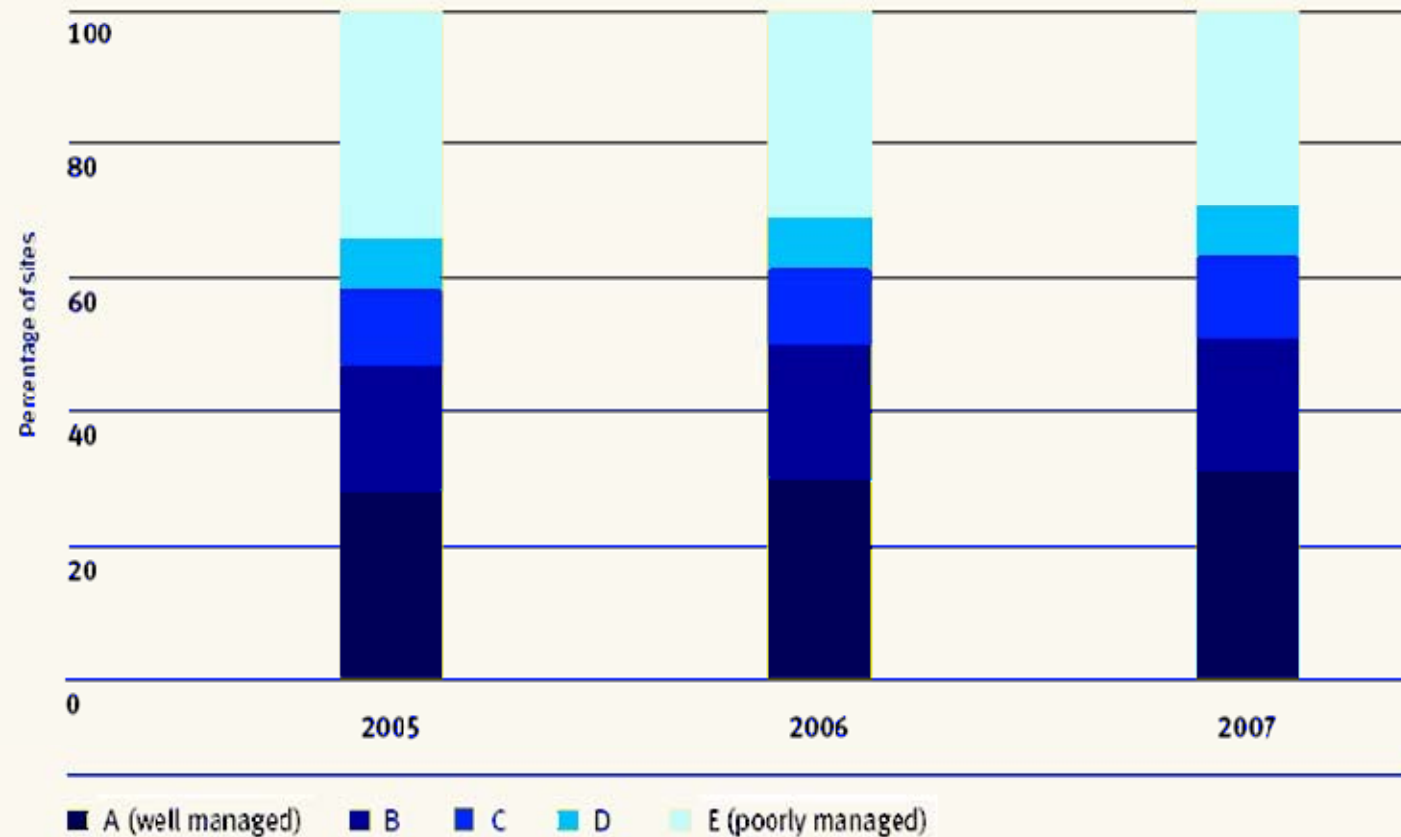
- ➡ Help business to do the right thing
- ➡ Recognise & respond to good and poor performance
- ➡ Make business more accountable to the public for their environmental performance
- ➡ Demonstrate the benefits for the environment & economy





# The challenge for business

Operator performance in all industry sectors



# What have we been doing?

- ➡ Consolidating regulations and processes
- ➡ Providing clearer, accessible advice and guidance
- ➡ Adopting new approaches based on risks and outcomes
  - ➡ Setting standards through MCERTS
  - ➡ Reducing the burden e.g. less check monitoring on EN 14181 sites
  - ➡ More emphasis on auditing e.g. Operator Monitoring Assessment
  - ➡ Emissions trading

## Encouraging business to take responsibility

- ➡ reflecting good performance through OPRA and OMA scores

# Consolidated regulations and processes (EPR)

## ➡ Environmental Permitting Regulations

- ➡ Replaced PPC and Waste Management regulations
- ➡ Clearer regulations – simpler to understand and apply
- ➡ Effective from April 2008
- ➡ Existing PPC permits and Waste Management Licences became EPR permits from this date – no need to reapply
- ➡ Common approach to applications, permitting and enforcement
- ➡ Simplified application procedures for many operators

➡ Only the start

➡ EPR2 on its way!

## EPR 2 – what's included?

- ⇒ Discharge consenting – Water Resources Act '91
- ⇒ Radioactive substances regulation
- ⇒ Groundwater regulations
- ⇒ Some carriers and brokers
- ⇒ Batteries and mining waste directives (permitting parts)
- ⇒ Water abstraction and impoundment (longer timeline)
- ⇒ Consultations on EPR2 over next few months

# Clear, accessible advice and guidance – the 8 “golden rules”

- ➡ Based on a good understanding of users
- ➡ Designed with input from users and their representative bodies
- ➡ Organised around the users' way of working
- ➡ Easy for the intended users to understand
- ➡ Designed to provide an appropriate understanding of how to comply with the law
- ➡ Issued in good time
- ➡ Easy to access
- ➡ Reviewed and improved

# Better regulation for monitoring

➡ What's the impact on monitoring?

➡ Operator self-monitoring

➡ Business taking responsibility for emissions and discharges

➡ Key part of EPR

➡ Need to ensure minimum standards are maintained

➡ MCERTS, OMA, technical audits, check monitoring

➡ Emissions trading

➡ Calculate, estimate or monitor?

# What is required for monitoring?

## ➡ Setting monitoring standards through MCERTS

- ➡ Work with business, users and UKAS to deliver required confidence
- ➡ Keep standards under regular review
- ➡ Work hard to make the schemes as efficient as possible

## ➡ Develop and improve our auditing tools

- ➡ Operator Monitoring Assessment (OMA) V3
- ➡ Improve consistency of auditing across air and water
- ➡ Supplemented by more technical audits where required
- ➡ OMA guidance available on the web for anyone to use
- ➡ Be proactive on OMA – don't wait for us!

## ➡ Operators demonstrate they can deliver

- ➡ Trust is a key component!

# Technical guidance

- ➡ Deliver simpler, shorter guidance on monitoring
- ➡ Technical Guidance Notes supported by Quick Guides
- ➡ Easily accessible through [www.mcerts.net](http://www.mcerts.net)
- ➡ We encourage/welcome feedback
  - ➡ Each note has contact details in it
  - ➡ If we've got it wrong, or it's not clear enough, please tell us and we'll put it right!
  - ➡ Continuous review and improvement
- ➡ Help us become a better regulator
  - ➡ By following our standards and guidance
  - ➡ Giving us feedback



# Useful web sites

## ➡ Environment Agency

- ➡ MCERTS and monitoring technical guidance

- ➡ [www.mcerts.net](http://www.mcerts.net)

- ➡ [www.environment-agency.gov.uk/mcerts](http://www.environment-agency.gov.uk/mcerts)

## ➡ United Kingdom Accreditation Service

- ➡ [www.ukas.com](http://www.ukas.com)

## ➡ Department for Business, Enterprise and Regulatory Reform

- ➡ [www.berr.gov.uk](http://www.berr.gov.uk)

- ➡ Code of practice for regulators

- ➡ Code of practice on good guidance

# Summary

➡ Overview of Better Regulation

➡ What it means for:

- ➡ Regulations

- ➡ Guidance

- ➡ Monitoring

➡ Any questions?



# Conference

**Next presentation at 10.50**

**MCERTS Air Schemes and the relationship to the new  
CEN/ISO standards, and EC legislative developments  
Rick Gould, EA.**