



ENVIRONMENTAL PROTECTION AGENCY

Review of Environmental Protection Agency Implementation of Recommendations August 2014

EPA Review – Follow Up and Implementation

INTRODUCTION

The Programme for Government, agreed in June 2007, contained a commitment to carry out a review of the Environmental Protection Agency (EPA). The Review commenced in 2010 and its purpose was, among other things, to assess the performance of the EPA against its mandate, and to review the resources allocated to the EPA in light of its current obligations and likely future obligations.

The membership of the Review Group brought together a broadly based spectrum of expertise relevant to the work of the EPA, including academic experts from a wide range of environmental areas (environmental law, water quality, biodiversity, human health), as well as persons with relevant experience and expertise in the industrial and agricultural sectors, the Non-Governmental sector and the public sector at both Government Department and agency levels.

The Review Group were:

Mr. John McCarthy (Chair)	Assistant Secretary, Department of the Environment, Community and Local Government
Mr. Dick Budden	Director (Ireland), Carbon Disclosure Project
Dr. Kenneth Irvine	School of Natural Science, Zoology Department, Trinity College Dublin
Mr. Fred Langeweg	Former Deputy Director, Netherlands Environmental Assessment Agency
Mr. Richard Moeran	Farmer and Forester
Mr. Jack O'Sullivan	Director, Environmental Management Services
Dr. Áine Ryall	Law Faculty, University College Cork
Prof. Anthony Staines	School of Nursing, Dublin City University
Mr. Larry Stapleton	Former Director, Environmental Protection Agency

The Review was completed in 2011 and found that the EPA overall has provided 'considerable benefit for Ireland's environment and for the health and well-being of its people'. The assessment of the EPA was structured under a number of themes including:

- Governance Internal Structure and Resources;
- Licensing, Assessment and Monitoring;
- Environmental Research and Information;
- Relationship with Stakeholders and
- Legislative Framework.

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In Chapter 7 of the final report 58 recommendations were made under the above thematic headings. Some were addressed to the EPA itself and recommended a strengthening or deepening of some activities, or the undertaking of new approaches; others addressed the very important issue of national environmental governance and were addressed to the Department of the Environment, Community and Local Government (DECLG), along with other stakeholders including the EPA; and others which would require changes and consolidation of legislation to take effect.

An Action Plan was developed to address these recommendations and the EPA and the DECLG have been actively progressing the completion of the actions within their remits, since the publication of the Review.

This report provides an overview of actions undertaken to implement the recommendations made by the Review group. Overall, substantial progress has been made with all of the recommendations. Of the 58 recommendations 43 have now been fully completed/implemented with the remaining 15 being addressed as either ongoing activities or still needing to be progressed to completion. Thirteen of the 15 ongoing issues fall under the themes of ‘Licensing, Assessment and Monitoring’ and ‘Legislative Framework’. These recommendations are more complex, long term, with a variety of possible solutions and may require further detailed consultation and possibly primary legislation. Therefore they would take a longer timeframe to complete to their fullest extent. All of the 15 outstanding recommendations are being addressed.

THEME	NO. OF RECOMMENDATIONS	IMPLEMENTED/COMPLETE	OUTSTANDING ISSUES/ ONGOING
(7.1) General	5	3	2
(7.2) Governance, Internal Structure and Resources	11	11	0
(7.3) Licensing, Assessment and Monitoring	13	7	6
(7.4) Environmental Research and Information	10	10	0
(7.5) Relationship with Stakeholders	8	8	0
(7.6) Legislative Framework	11	4	7
Total	58	43	15

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7.1: GENERAL

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.1.1 Consideration should be given to carrying out a wider review of environmental governance in Ireland so that issues of suggested fragmentation in structures and processes can be examined more fully. This exercise, which should take account of other review / reform programmes of relevance, including in relation to local government, could be particularly useful in supporting the effort to address infringements of EU environmental legislation where, although significant improvements have been achieved in recent years, considerable further work remains to be done, work which must continue to be accorded the highest possible priority.</p>	<p>Issues are being addressed as they arise, for instance in the context of ongoing reform of the local government sector and the recent establishment of Irish Water, which will result in improved environmental governance.</p> <p>A review of environmental governance would be a valuable exercise. However, such a review would require concentrated engagement by a range of stakeholders, Government Departments, local authorities and other public bodies over a considerable period, to ensure a thorough and wide-ranging review.</p>	<p>Ongoing</p>
<p>7.1.2 General issues around enforcement should be examined as part of a wider review of environmental governance as they have resonance beyond the EPA, with Memoranda of Understanding (MoU) developed to manage the operational relationships between the EPA and other public authorities as necessary. All MoUs to which the EPA is a party should be published on the Agency's website.</p>	<p>The EPA has now in place 14 Memorandum of Understanding (MOU) Agreements with various organisations that have an involvement in, or who contribute to, matters relating to the environment. These include SEAI, ABP, HSE, HSA, CSO, Met Eireann, Marine Institute, National Directorate for Fire & Emergency Management, DAFM, Bord Gais, CER, Joint Research Commission, UK Drinking Water Regulators and DCENR/Kilkenny CC/Galmoy Mines Limited. Seven of these MOUs are currently published on the EPA website while the other seven are being reviewed and updated and will be published once finalised where agreed with the other party.</p>	<p>Complete</p>

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REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.1.3 The proposed wider review of environmental governance would also be the most appropriate context in which to consider whether a specialist Environment Court / Tribunal and / or a system of administrative sanctions should be put in place (taking into account the experience of such systems recently introduced in England and Wales) and if so, what form such mechanisms and measures might take.</p>	<p>The DECLG is currently undertaking a public consultation process regarding implementing Article 9 of the Aarhus Convention. This consultation seeks to initiate discussion on a review of domestic provisions implementing Article 9 with a view to improving clarity and ensuring on-going effectiveness of the implementing measures. This consultation provides an opportunity for all to input into the process of further enhancing the legislation including consideration on whether mechanisms such as a specialist Environmental Court/Tribunal/administrative sanctions etc. should be put in place.</p>	<p>Ongoing</p>
<p>7.1.4 Immediate steps should be taken to complete ratification of the Aarhus Convention by Ireland.</p>	<p>The Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters was ratified by Ireland on 20 June 2012 and entered into force on 18 September 2012.</p>	<p>Complete</p>
<p>7.1.5. Environmental law is a rapidly developing and often highly technical area and tackling environmental crime effectively raises particular challenges. The Review Group recommends that the Committee for Judicial Studies (formerly the Judicial Studies Institute) considers putting in place regular information sessions for the judiciary on a range of issues relating to environmental governance and, in particular, civil and criminal liability for breach of environmental law. The possibility of exploiting available fora at EU level, such as the EU Forum of Judges for the Environment and the European Judicial Training Network, should also be examined.</p>	<p>Both the EPA and the DECLG have organised and funded a number of seminars and conferences on environmental law to increase awareness, e.g. EPA Annual Conference on Environmental Law in association with the ICEL (Irish Centre for European Law) Environmental Law Conference in November 2013 with speakers including Mr. Justice Aindrias Ó Caoimh, European Court of Justice. The DECLG funded a seminar on the Aarhus Convention, in conjunction with the Environmental Pillar in November 2013.</p> <p>The EPA also represented Ireland on the board of the European Network of Prosecutors for the Environment. On 27 and 28 November 2013 this network co-hosted a Strategic Seminar on Environmental Crime in the Hague at which representatives from 26 Member States attended.</p>	<p>Complete</p>

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7.2: GOVERNANCE, INTERNAL STRUCTURE AND RESOURCES

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.2.1 The process of making licence performance and enforcement information available on the Internet should be continued and progressively extended.</p>	<p>The EPA website has been enhanced and extended in several ways to ensure easy access to environmental information including licence performance and enforcement. Such improvements include access to:</p> <p>Information on Dumping at Sea permitting, PRTR data, waste water discharge annual environmental reports, drinking water audit reports and maps showing the status of urban waste water treatment (via a layer on the Envision WebGIS) and an online reporting system for WEEE producers.</p> <p>The EPA has recently developed an on-line tool entitled <i>My Local Environment</i> to make environmental data more accessible, framing it in a local setting. This makes it easier for people to access live data and learn more about the environment close to where they live, work or play, including information on licensed facilities.</p> <p>The EPA will continue to expand and develop information on the environment including information on licence performance and enforcement.</p>	<p>Complete</p>
<p>7.2.2 The EPA should be more answerable to the Oireachtas through, for example, the extension of the parliamentary questions process to State agencies, as is set out in the Programme for Government (2011).</p>	<p>The Director General, Directors and other senior EPA staff are available to, and regularly appear, before various Joint Oireachtas Committees and the Public Accounts Committee when requested to do so. The EPA responds to all PQs in relation to its operations.</p>	<p>Complete</p>
<p>7.2.3 The EPA should increase its role in driving the integration of environmental considerations into policy development across the State by engaging more broadly with sectors interacting with the environment. This engagement should have the objective of promoting integrated assessments of existing and emerging environmental challenges for each sector and should take place through the formation of a</p>	<p>Both the DECLG and the EPA sit on a wide number of inter-departmental and inter-agency groups which input into environmental policy. For example the DECLG chairs the High Level Inter Departmental Group on Sustainable Development which in turn supports the Cabinet Committee on Climate Change and the Green Economy. The DECLG and the EPA are also represented on the Consultative Committee on Jobs and the Green Economy led by the Department of Jobs, Enterprise and Innovation.</p> <p>Engaging and networking with other sectors and organisations interacting with the environment is a key strategic priority as set out in the EPA Strategic Plan 2013-2015 – <i>Working With Others for A Better Environment</i>.</p>	<p>Complete</p>

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<p>high level Environmental Governance Network, involving key stakeholders.</p>	<p>As part of this process the EPA is actively engaging with/contributing to a variety of important policy initiatives across various sectors including:</p> <ul style="list-style-type: none"> - Agriculture (Food Harvest 2020; Origin Green; The Rural Development Plan) - Green Economy (Action Plan on Jobs) - Biodiversity (The National Biodiversity Action Plan) - Health (Public Health Policy, Establishment of Health Advisory Committee, input to number of national health initiatives including air quality regulations, smoky coal etc.) - Energy (Green Paper on Energy Policy in Ireland) <p>In addition to these activities the EPA’s role in Strategic Environmental Assessment (SEA) provides an opportunity for the EPA to promote integrated assessments to the wide range of plans and developments that require SEA.</p> <p>In relation to the establishment of an environmental Governance Network refer to action 7.1.1</p>	
<p>7.2.4 The general features of the method of appointment of the Director General and other Directors are robust, conform to the criteria in the White Paper on Better Regulation and should remain in place. The composition of the selection committee should be reviewed.</p>	<p>The composition of the selection committee is set out in the EPA Act 1992 and requires legislation to change it. In the context of the EPA/RPII merger, provision was made in the Radiological Protection (Miscellaneous Provisions) Act 2014 to include a member with radiological expertise. There are no other proposals at this time to change the composition of the selection committee.</p>	<p>Complete</p>
<p>7.2.5 Of greater value than giving observer status to the public at EPA Board meetings would be a periodic engagement by senior staff of the Agency with stakeholders and the public on key environmental challenges</p>	<p>The EPA uses several platforms to liaise with stakeholders and the public on key environmental challenges. These include the many fora where senior staff of the EPA engage with its many stakeholders e.g. EPA Advisory Committee which meets four times per year and also other established Advisory Committees in the areas of GMOs, Dumping at Sea and Health, the ENGO Network, representative body meetings (IBEC, IFA etc.), annual EPA conferences (e.g. Environment Ireland, National Water Conference and meetings with residents groups).</p> <p>The EPA Climate change lecture series has been running since 2007 and continues to attract large audiences. These lectures are all available to view on the video section of the EPA website. The EPA places great importance on engaging with stakeholders in developing policy and guidance on environmental protection matters. Some recent areas where public consultation was sought and valuable submissions and feedback received include when developing the EPA Strategic Plan 2013-2015; the revised National Hazardous Waste Management Plan; Towards a Resource Efficient Ireland Strategy; domestic waste water treatment and protection of private</p>	<p>Complete</p>

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	<p>wells; and the proposed Terms of Reference for research into hydraulic fracturing.</p> <p>The EPA is increasingly using social media to engage with members of the public including several Twitter pages: EPA, EPA Research, EPA Climate Change and EPA Air Quality. There is also a <i>See It? Say It!</i> app for reporting pollution issues and a web app for private well assessment. The EPA has also developed animations on a number of topics which are available on the EPA YouTube site, along with other relevant environmental videos.</p>	
7.2.6 There should be increased emphasis on knowledge and experience of environmental protection in the appointment of members of the EPA Advisory Committee, including key public sector stakeholders, and an external Chairperson should be appointed.	<p>The first part of the recommendation was considered following a review of representative bodies by the DECLG as part of appointing the sixth EPA Advisory Committee in February 2013. As a result new regulations under S.I. 405 of 2012 were introduced which gave better representation to health stakeholders by the inclusion of the Health And Safety Authority and the Food Safety Authority. The regulation also streamlined the selection process by substituting representative bodies for individual organisations in some instances.</p> <p>In terms of the Chairperson, primary legislation would be required to change the present provision. The DECLG is about to commence consultation with the EPA Advisory Committee on the possible merits or otherwise of instituting an external chair.</p>	Complete
7.2.7 An additional specialist Advisory Committee is needed to address the issue of the interface between the environment and human health.	<p>The EPA Health Advisory Committee was established in 2012 and meets three times per year to advise on the health context of EPA activities. Seven meetings have been held to date and topics reviewed include: Drinking Water Regulation; Health Protection in Regulatory Activities; the Air Quality Index for Health; and Domestic Waste Water Treatment Systems.</p>	Complete
7.2.8 The flexibility and change management shown by the EPA is a major strength and should not be limited by overly prescriptive statutory provisions governing the Agency's structure.	<p>No specific action required other than to ensure this recommendation is taken into account in any future legislative change.</p>	Complete
7.2.9 The regional structure of the EPA has strategic advantages which should be maintained, subject to cost efficiency requirements.	<p>The Regional structure of the EPA has been maintained and continues to be of strategic importance to the delivery of EPA operations.</p>	Complete
7.2.10 The issue of staffing levels should be urgently reviewed to ensure that, in making decisions in relation to the allocation of scarce staff resources across the public sector, adequate account is taken of the priority attaching to the Agency's role in meeting critical legislative requirements.	<p>Every effort will be made to ensure an adequate staffing complement is maintained, in the context of the public sector reform programme and Employment Control Framework.</p> <p>The EPA carries out work force planning on an on-going basis to ensure that resources are assigned to priority areas, identification of which includes consultation with the DECLG.</p> <p>For example, additional functions were recently assigned under the Water Framework Directive and resources were allocated.</p>	Complete

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<p>7.2.11 Top priority should be attached to securing overall funding for the EPA at a level that ensures its legal obligations can be met in the future.</p>	<p>All agencies must continue to maximise efficiencies and reduce costs. Funding decisions are based on ensuring that the EPA has adequate resources to discharge its legal and contractual obligations as a minimum. The DECLG will continue to endeavour to ensure that the resources available to the EPA from subheads, the Environment Fund and own resources are properly balanced so that the EPA continues to fulfil its mandate in a pro-active manner, within the context of public finances.</p>	<p>Complete</p>
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7.3: LICENSING, ASSESSMENT AND MONITORING

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
7.3.1 The EPA, in deciding on the appropriate enforcement action in individual cases, should always take into account the strong deterrent effect of prosecutions and should pursue the prosecution route to optimum effect.	The EPA has conducted a review of its enforcement policy and of similar policies in other countries. A new enforcement policy and better regulation policy are currently being prepared and are due to be published by the EPA by the end of 2014.	Ongoing
7.3.2 There is a strong case for the EPA's licensing process to include formal requirements in relation to Health Impact Assessment. The proposed Advisory Committee on the interface between the environment and human health (Recommendation 7.2.7) should, as a matter of priority, make urgent recommendations about the most appropriate way to address this issue. This Committee should also assess and make recommendations in respect of the inclusion of health factors in risk assessment for prioritising enforcement.	Following the establishment of the Health Advisory Committee in mid-2012 the EPA has commissioned a study to examine the issues around the role of Health Impact Assessment in environmental regulation. This project is now in its final stages. Following review by the EPA and other stakeholders (including the Health Advisory Committee), the final report will be published. See also 7.2.7.	Ongoing
7.3.3 While due regard should be given to the interests of SMEs and smaller agricultural units, the level of EPA licence fees should be routinely reviewed and the Group notes that these are due for upward revision.	The EPA fee structure was reviewed in late 2012. On the basis of that review, a number of provisions are included in the Environment (Miscellaneous) Bill 2014 to provide for new licence fee categories. It should be noted that fees increases will require consent of the Department of Jobs, Enterprise, and Innovation and the Department of Public Expenditure and Reform.	Ongoing
7.3.4 Currently, the EPA is restricted in its power to review part of an IPPC licence. Where this will not compromise environmental protection, and subject to appropriate public participation, the EPA	The DECLG has initiated an examination of this proposal in conjunction with the EPA and stakeholders. Discussions are ongoing on the clarification of procedures whereby alterations on a licensable site can be permitted by way of a letter of agreement, technical amendment or full review.	Ongoing

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<p>should be given the power to undertake partial reviews of existing licences (see also 7.6.10).</p>		
<p>7.3.5 The EPA should be allowed greater access to the past records of licence applicants generally through a strengthening of relevant legislative provisions.</p>	<p>There are no proposals to do so at this time but the matter could be considered as part of future legislative provision.</p>	<p>Ongoing</p>
<p>7.3.6 The EPA should continue to develop the role of the Office of Environmental Enforcement in the future in particular to support and guide local authority enforcement activities.</p>	<p>This is being achieved through the continued work of the Network for Ireland's Environmental Compliance and Enforcement (NIECE). Participants of the Network include the EPA, all local authorities, government departments, An Garda Síochána, the National Bureau for Criminal Investigations, the Northern Ireland Environment and Heritage Service, the Police Service of Northern Ireland, the Fisheries Boards, the Health Service Executive, the Revenue Commissioners, and the DPP. The Network harnesses the collective resources and expertise available nationally to co-ordinate a consistent and more effective approach to the enforcement of environmental legislation in Ireland.</p> <p>Also, a range of new and existing working groups are active in tackling national enforcement issues and overseen by a national steering committee. These working groups are supported by individual local authority enforcement plans which are implemented and reported upon annually. Recent development initiatives include the launch of the National Environmental Complaints line and See Something Say Something iPhone App.</p> <p>The Government's most recent waste management policy document 'A Resource Opportunity – Waste Management Policy in Ireland' includes the provision for a reduction in the number of waste management planning regions from ten to three (Connacht-Ulster, Eastern Midlands and Southern). Work commenced in late 2013 by the lead local authorities involved on the preparation of these new Regional Waste Management Plans with input from the DECLG and the EPA and will be coordinated through NIECE.</p>	<p>Complete</p>

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<p>7.3.7 The EPA should continue to contribute to the development of national waste policy through provision of data and analysis of Ireland's performance.</p>	<p>This is being achieved through the continued publication of national waste reports, EU reports and other information, and also through the development of performance indicators. A new system has also been developed for coordinating the collection of waste information. There is on-going development of suitable waste and green economy indicators and an infographic with high level national waste statistics, as provided to EuroStat, was published to the EPA website in 2013.</p> <p>Other relevant developments published in 2014 include:</p> <ul style="list-style-type: none"> - A bulletin on municipal waste generation and treatment. - Information on current progress towards EU waste recycling, recovery and diversion targets. - A report on EPA's assessment of National Municipal Waste Recovery Capacity. <p>In 2014, the EPA made submissions to the DECLG on their public consultations on (i) regulation of household waste collection (ii) Tyres and Waste Tyres in the PRI sector in Ireland (iii) End of Life Vehicles in the PRI sector in Ireland, using our knowledge and experience of waste data and waste management in these sectors. The submissions are available on the EPA website.</p> <p>The EPA is also represented on the National Co-Ordination Committee for Regional Waste Management Plans and inputs to setting objectives and development of waste indicators for the new plans. The EPA has also provided a significant amount of waste data to regional co-ordinators for the preparation of new plans.</p> <p>The EPA is also represented on the National Compliance Committee which reviews performance and publishes annual reports on progress and recommendations. Business analysis of waste data flows across the EPA commenced in mid-2013, with the aim of significantly changing how waste data is reported to and used within the EPA, and made available post-validation by the EPA. A new municipal waste characterisation study is planned for 2015 (last study carried out in 2008).</p>	<p>Complete</p>
<p>7.3.8 In order to facilitate greater public participation in licensing matters generally, the legislative framework should make provision for experts to give evidence via video-conferencing.</p>	<p>No proposals at this time but provision for experts to give evidence via video-conferencing may be considered in future legislative provision.</p>	<p>Ongoing</p>

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<p>7.3.9 Guidance on both Environmental Impact Statements (EIS) and Strategic Environmental Assessment (SEA) should be updated to take greater account of human health issues and to reflect any changes since the existing guidance material was produced. Consideration should be given to assigning the EPA a wider statutory role to strengthen the practical implementation of SEA in a more uniform way.</p>	<p>Further to the Judgment of the Court of Justice of the European Union in Case C-50/09, legislative change with regard to the transposition of the Environmental Impact Assessment (EIA) Directive in Ireland was required and new legislation has been enacted. The EPA is now in the process of updating the Guidance on EIS to reflect the requirements of the 2012 EIA Regulations and recent Court Judgements.</p> <p>In relation to SEA, the EPA undertook a full review of the effectiveness of SEA in Ireland in early 2011, in consultation with the DECLG and other stakeholders. This review looked at ways to strengthen the practical implementation of SEA by all SEA statutory authorities across all relevant sectors.</p> <p>The EPA then worked with the other four statutory SEA authorities (DECLG, DCNR, DAFF and DAHG) to produce an SEA Action Plan in December 2012, building on the findings of the review of the effectiveness of SEA in Ireland. The SEA Action Plan is currently being implemented and includes specific actions on SEA related guidance, training and awareness, data collation and sharing as well as governance.</p>	<p>Complete</p>
<p>7.3.10 Streamlining data collection (for example, water data) and monitoring requires greater coordination across public bodies. It is appropriate that the EPA would take a lead role here in terms of guidance and quality assurance, utilising Memoranda of Understanding (MoU) where appropriate.</p>	<p>The coordination of water data is led by the EDEN (Environmental Data Exchange Network) project. EDEN is a shared service that allows Local and Public Authorities, the EPA and other government bodies to share environmental data amongst each other and to access services and applications provided on a centralised infrastructure.</p> <p>EDEN is now the core tool in the gathering, sharing and reporting of environmental data between public bodies. The EDEN system now has over 3,500 users amongst local authorities, agencies and private sector IPPC licences. It also supports the EPA and by extension, Ireland in achieving European reporting compliance in relation to a range of directives.</p> <p>During 2013, the functionality in EDEN was expanded to provide the following services:</p> <ul style="list-style-type: none"> • An end to end reporting system for Bathing Water information and an update of the Public Bathing Water site “Splash”. • A system for managing and recording inspections of Domestic Waste Water Treatment Systems (Septic Tanks) • The first phase of a system for managing to support the implementation of the Water Framework Directive. • Work was also undertaken as part of an EU Commission led Project (DG Env.) to develop the concept of a new mechanism for environmental reporting (Structured Information Implementation Frameworks (SIIFs)) 	<p>Complete</p>

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	<p>In relation to air monitoring, the Air Quality system used by the EPA has been upgraded, leading to improved real-time data and information on air quality.</p> <p>The newly developed EPA Air Quality Index for Health allows the public to view current air quality in their region and assess its impact on their health. This is a coloured scale divided into 4 bands: Good; Fair; Poor and Very poor, with health advice agreed with the HSE provided for each band. As the air quality information is updated hourly, it is of particular interest to people who are very sensitive to air pollution.</p>	
7.3.11 The EPA should continue to develop its high level support across the organisation in areas such as remote sensing and modelling to support environmental assessment and reporting.	<p>Under the Copernicus* programme the EPA has completed the development of CORINE 2012 which has been submitted to the European Environment Agency for review. CORINE 2012 was developed using new and innovative semi-automated remote sensing technologies. The EPA has also been participating in a National Working Group tasked with developing proposals for a national landcover mapping programme, the aim of this programme is to develop more detailed landcover data for Ireland to improve the capacity for environmental assessment and reporting.</p> <p><i>*Copernicus, previously known as GMES (Global Monitoring for Environment and Security), is the European Programme for the establishment of a European capacity for Earth Observation</i></p> <p>The EPA Air cross Office group is a useful forum for bringing together EPA expertise on air modelling; this will be further expanded in the context of the national Air quality network. In February 2013 the EPA commenced a new 2 year research project on Air Quality Modelling, which is funded under STRIVE.</p>	Complete
7.3.12 An evidence-based and statistically driven review of monitoring networks and EPA laboratory services is needed. While this should lead to more cost effective monitoring and optimising of EPA expertise, it is critical that this does not lead to a diminution in the quality of data collection and analysis.	<p>The Office of Environment Assessment is continuing with its drive to integrate and streamline the water and air laboratory services.</p> <p>The four EPA laboratories completed a two year project (2012-2013) to implement a fully integrated laboratory management system across the air and water laboratories. The laboratories were successfully audited by INAB in December 2013 and January 2014 and have been awarded a single integrated multisite accreditation to ISO17025.</p>	Complete
7.3.13 The EPA's role in biodiversity monitoring should be better co-ordinated with that of the National Parks and Wildlife Service (NPWS).	<p>The EPA maintains regular contact and continues to collaborate with the NPWS on a wide range of tasks (including water, ecology, appropriate assessment and the funding of biodiversity research).</p> <p>Discussions are taking place between the EPA and the NPWS to progress the development of a MOU.</p> <p>The EPA also collaborates with the National Centre for Biodiversity Data in providing important data sets and both have recently commenced work on the development of National Biodiversity Indicators. The EPA is also represented on the Board of the Centre.</p>	Complete

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7.4 ENVIRONMENTAL RESEARCH AND INFORMATION

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.4.1 Ongoing effective dialogue across Government Departments, agencies and local authorities should be strengthened with respect to monitoring, reporting and research coordination and it is important that the EPA is supported fully by other areas of Government in order to fulfil national objectives.</p>	<p>The EPA will continue to engage with a wide range of stakeholders in the areas of monitoring, reporting and research.</p> <p>The EPA’s new research programme, which runs from 2014 to 2020, will support research into the issues that affect us and our environment. The three research pillars (Climate Change; Water; and Sustainable Environment) engage with key government departments and agencies and will evolve to include additional stakeholders as required in the context of new goals and challenges. The EPA will also work closely with other research funders such as SFI to maximise funding of Irish Research. The EPA is represented on the Horizon 2020 high level group which includes participation of organisations in Ireland in or funding research e.g. Dept. of Education, SFI, HRB, Enterprise Ireland. This group oversees Ireland’s engagement with the European Commission €80 billion Research Programme Horizon 2020.</p> <p>In relation to monitoring and reporting, this engagement leads to the development of key national reports, such as the State of the Environment in Ireland report, and monitoring plans and programmes in the areas of air quality and water management. Reporting requirements to the EPA have been made more efficient through the development of EDEN. (See action 7.3.10)</p>	<p>Complete</p>
<p>7.4.2 The EPA should provide a clear process for reviewing research recommendations and effecting their inclusion into wider policy development, with further discussions as necessary with relevant researchers.</p>	<p>The EPA’s new research programme builds upon the success of previous research programmes through which over 800 researchers have delivered high-quality scientific evidence that informs policy, identifies pressures and develops solutions for environmental issues.</p> <p>The EPA and the DECLG are on the Forfas-led Prioritisation Action Group High Level Committee. In addition, the DECLG are important stakeholders on the Research Pillar Co-ordination Groups which helps to ensure that the research is focussed on key policy priorities at National and EU level. The EPA Director General is Chair of the European Commission’s Advisory Committee for Societal Challenge 5 (Climate Action) under Horizon 2020. Also, a number of EPA staff have roles as National Delegate or National Contact Points for Horizon 2020.</p>	<p>Complete</p>

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	The DECLG will develop a mechanism to improve oversight of the environmental research programme, in cooperation with the EPA and with reference to the recommendations of the National Research Prioritisation Exercise. This will ensure requirements for policy-supporting research are met and contribute to emerging EU strategies in this area (e.g. Horizon 2020 and the Eco-Innovation Action Plan).	
7.4.3 The EPA funded individual PhD scholarship programme should be maintained in order to provide for continued development of young researchers, and national research capacity outside the stricter constraints of the larger, more policy focussed, integrated research programmes.	The EPA aims to maintain this programme, as current economic and budgetary circumstances allow. The 2012 call for research invited proposals leading to scholarships. There were 15 scholarship projects funded following this call. An additional two scholarship awards were made in 2013. A small number of PhDs will be awarded under the 2014 research call towards the end of the year.	Complete
7.4.4 Research funding (currently met by the Environment Fund) should be protected for the maintenance of the EPA research programme. Temptations to divert any environmental research funding to other areas of research, or its management to another agency, should be resisted. It is essential that Ireland maintains the strong and independent environmental research base it has built up over the last 15 years.	<p>The National Research Prioritisation Exercise and the proposed Action Plan for the Green Economy underpin the need for environmental research. Chapter 6 of the first review of the National Research Prioritisation Exercise (published July 2014) highlighted the value of the EPA’s environmental research programme in supporting policy formation.</p> <p>There has been ongoing interaction between the EPA and DECLG and funding was secured in 2013 from the Environment Fund. Feedback to the ForFás PAG group routinely highlights the value of the Environmental Research Programme. There was very strong input from stakeholders in the development of the new EPA Research Strategy via submissions and attendance at the seven workshops held in 2013. The completion of the recent EPA Research Strategy sets out the importance of the links to international funding.</p>	Complete
7.4.5 In order to more fully optimise and achieve greater international impact and overall recognition of the outcomes from its research investment, it would be informative for the EPA to evaluate any obstacles that Irish environmental researchers face in publishing research and recommend methods to overcome these.	The finalised research strategy for the period 2014-2020 was published in 2014. Following stakeholder feedback, the revised strategic approach to dissemination involves the provision of a variety of project reports (including a dedicated e-newsletter) and other material as well as communication modalities that are designed to address these challenges.	Complete

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<p>7.4.6 It is important that research to meet the challenges of climate change continues to be designed in full consultation with other relevant bodies, including those charged with duties for flood management, agriculture and biodiversity.</p>	<p>The Climate Change Research Programme high level co-ordination group, established under the National Climate Change Strategy, chaired by the EPA, includes the major interest groups including DAFM, OPW, DECLG, Met Eireann, Dept of Transport and DCENR. Thematic steering groups within this programme also include representatives of state agencies and Government Departments who fund climate change or related research as well as user groups working at this level.</p> <p>Under the 2014-20 Research Strategy the Climate Change Research Pillar, of the Environmental Research programme, the thematic and high level co-ordination groups, chaired by the EPA, have been retained to meet needs and issues arising from; implementation of climate change policy (in the context of the anticipated Climate Change legislation), emerging challenges and opportunities as well as developments at EU and UN levels. Greater engagement with stakeholders in NGO, Institutional and business communities is also envisaged over the period to 2020.</p>	<p>Complete</p>
<p>7.4.7 A balance between climate change research supporting existing policies and mitigating pressures, and responsive to uncertain climatic effects is required. A significant challenge to the value of environmental research is that projects are usually short-term. Medium to long-term research programmes, that provide spatial data over extended temporal scales, provide an extremely valuable national resource in order to evaluate policies relating to e.g. land-use and climate change. Future climate change research funding should include medium to long-term research projects as appropriate.</p>	<p>The EPA Climate Change research programme (CCRP) is structured according to thematic areas which are designed to maintain balance between these areas. The CCRP has a specific work on observation systems and has a major focus on land use and land use change. Recent calls by the CCRP have included medium to long-term research projects.</p>	<p>Complete</p>
<p>7.4.8 Research reports from the EPA funded programme are available for download from the website. It is desirable that full and summary reports continue to be made available, while ensuring that this facility is supported by good data management and quality assurance protocols.</p>	<p>Improvements have been made in relation to the visibility of research outputs/ findings/reports on the EPA & ERC websites. A searchable database of research funded was developed and made available to the public in 2012 and has had over 4,000 searches since its launch. Dissemination now involves the provision of a variety of project reports (including a dedicated e-newsletter) and other material as well as communication modalities that are designed to address these challenges. The information contained on each of the project folders on the ERC website complies with the INSPIRE Directive's requirements for Geospatial Metadata.</p>	<p>Complete</p>

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<p>7.4.9 It is important that EPA monitoring data across all sectors is also put in the public domain in a timely manner, as both raw data and in readily accessible summary formats.</p>	<p>A new service called My Local Environment was launched by the EPA in 2014 to provide easy access to information about the environment such as local air and water quality close to where people live, work or play. My Local Environment is accessible via the EPA website and sits with other map tools, such as Splash and EPA Maps, in a suite of services that the EPA is constantly reviewing and improving. This new on-line service improves access to data and also explains the context of the data. The GIS service (Geoportal) pages of the EPA website have been upgraded to add sections explaining the content of data and have added Web Map Services for direct read-only connection to data alongside the existing data download service.</p> <p>Access to data will continue to be improved via Envision, My Local Environment and via data collection and management activities to support the Water Framework Directive and development of the WFD Application (projects for 2014/15). A review of the EPA website was also completed and the findings were used to develop a new EPA website which was launched in April 2013.</p>	<p>Complete</p>
<p>7.4.10 The EPA has a key role in dissemination of environmental information and environmental awareness-raising and education and should continue to development partnerships with the DECLG, the eNGO network, and other public bodies (including local authority Environmental Awareness Officers and Heritage Officers) to ensure that synergies are maximised and that overlaps of initiatives / activities are avoided.</p>	<p>This is being achieved through continued development of partnerships with the DECLG, the eNGO network and other public bodies, e.g. through the work of the Local Authority Prevention Network, the National Waste Prevention Programme, Greening Communities and other networks. The EPA has also developed a series of educational material for primary and second level schools.</p> <p>The EPA launched a mapping tool in 2014, ‘My Local Environment’, for the general public and maintains topical information for this audience in an extensive website section ‘Ireland’s Environment’. Working with the HSE, the EPA has run campaigns about maintaining Septic Tanks and Private Wells with environmental and health messages. The EPA also promotes a suite of educational material developed specifically for primary and second level schools. EPA Twitter followers currently number almost 7,000 and the EPA uses this, and other social media platforms and its website to disseminate environmental information. It also launched an open source Local Authority Prevention Network repository of guidance and prevention/ awareness tools in 2012 for local authorities.</p>	<p>Complete</p>

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7.5: RELATIONSHIP WITH STAKEHOLDERS

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.5.1 The Agency should continue to place an emphasis on formal mechanisms for managing ongoing discussions with all relevant Government Departments. This will ensure that any complex technical issues can be dealt with effectively.</p>	<p>This is being achieved through continued participation in fora such as the Association of Chief Executives of State Agencies (ACESA) and other high level engagements with Government Departments.</p> <p>A Service Level Agreement between the EPA and DECLG is now in place and available on both websites. The EPA has put in place 14 MoU agreements with various Government Departments and organisations that have an involvement in environmental matters.</p>	<p>Complete</p>
<p>7.5.2 It is important that the relationship between water authorities and the Agency be appropriately defined, minimising overlap and duplication, particularly in the area of monitoring.</p>	<p>This will be achieved through the reform of the wider water governance arrangements including the establishment of Irish Water. The EPA has worked closely with the DECLG and the CCMA (local authorities) in reviewing governance structures to deliver the Water Framework Directive. Legislation is currently in preparation to support the revised agreed governance arrangement, including providing for the revised roles for the EPA and local authorities in implementing the Water Framework Directive.</p>	<p>Complete</p>
<p>7.5.3 A MoU should be drawn up between the Agency and the NPWS, to ensure that a unity of purpose and sharing of information is maintained between the two organisations, together with a good working relationship at local and regional level.</p>	<p>EPA maintains regular contact and continues to collaborate with the NPWS on a wide range of tasks (including water, ecology, appropriate assessment and the funding of biodiversity research).</p> <p>Discussions are taking place between the EPA and the NPWS to progress the development of a MOU.</p> <p>The EPA also collaborates with the National Centre for Biodiversity Data in providing important data sets and both have recently commenced work on the development of National Biodiversity Indicators. The EPA is also represented on the Board of the Centre.</p>	<p>Complete</p>
<p>7.5.4 The EPA and the Sustainable Energy Authority of Ireland (SEAI) should, as appropriate, explore opportunities for expanding their collaboration further in the future, particularly in support of the national</p>	<p>The EPA and SEAI review collaboration opportunities on an ongoing basis and will continue to do this as part of actions under the MoU between the two organisations. Initiatives include: joint release of greenhouse inventories, joint seminars, guidance for businesses on green supports and collaboration on Greening Communities activities.</p>	<p>Complete</p>

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<p>climate change effort.</p>	<p>A Roadshow of joint SEAI/ EPA programme of Business supports was completed nationally in 2012. SEAI & EPA are currently collaborating on Smarter Farming Project and there is also ongoing collaboration on exchange of national climate related reporting data.</p>	
<p>7.5.5 Exchange of information between the local authorities and the EPA appears to be working well. However, while the availability of the raw data from air quality monitoring sites is welcome, it is recommended that these data be further processed, as is done with noise data at the moment, to prepare regularly updated maps of estimated human exposure.</p>	<p>The Air Quality Index for Health, launched in 2013, is a web-based index, developed in conjunction with the Health Service Executive, Met Éireann and the DECLG shows what the current air quality is across Ireland. Results from the EPA’s National Air Monitoring Network are combined with information on the health effects of air pollution and shown on a colour-coded map, updated hourly. People can check current air quality for their region, find out if it might impact on their health and get advice on what they can do to reduce the effect.</p> <p>To coincide with the launch of the Air Quality Index for Health, the EPA also launched a Twitter channel @EPAAirQuality. The public can sign up to this Twitter channel and receive tweets on the status of air quality in their region every day.</p>	<p>Complete</p>
<p>7.5.6 The EPA and local authorities should continue to work closely together to ensure that the inventories of contaminated land are complete and up-to-date and that local and regional development plans identify brownfield sites within their areas and promote the appropriate redevelopment of such sites.</p>	<p>The EPA will continue to perform its legislative tasks in relation to contaminated land issues and to make recommendations in relation to any gaps that it identifies. Please also refer to recommendation 7.6.9</p>	<p>Complete</p>
<p>7.5.7 The EPA should engage directly with ENGOs to review their structured arrangements for engagement, with a view to identifying ways in which outcomes might be improved in a resource efficient manner.</p>	<p>The EPA meets and engages regularly with the Environmental Pillar through biannual meetings and associated follow up. These arrangements are currently working well and are subject to on-going review. The EPA also engages with individual environmental NGOs such as SWAN, An Taisce, Birdwatch Ireland and Coastwatch on areas of joint interest.</p>	<p>Complete</p>
<p>7.5.8 The increased support for relevant television documentaries and other media engagements is a positive move and the continuation of this trend is recommended, as resources allow.</p>	<p>The DECLG and the EPA will continue to support environmental awareness raising activities which have the potential to reach large audiences in the most cost-effective manner, as budgets allow. Recent examples include continued grant support for the RTE series Eco Eye and Science Squad series. The EPA has also sponsored other awareness raising and behavioural change activities which have the potential to reach large audiences including our BeGreen Programmes e.g. Stop Food Waste, Green Homes, Business and Hospitality Initiatives, and the Young Scientist Exhibition. The EPA actively uses social media to promote key messages to and promote environmental awareness.</p>	<p>Complete</p>

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7.6: LEGISLATIVE FRAMEWORK

REVIEW RECOMMENDATIONS	IMPLEMENTATION ACTIONS UNDERTAKEN	STATUS
<p>7.6.1 The legislation governing the EPA, water-related legislation and nature protection legislation should be consolidated and should be subject to periodic review. The IPPC and waste licensing regulations should be consolidated at an early opportunity.</p>	<p>New updated and consolidated regulations were introduced for licensing both Industrial Emissions Directive (IED) activities and Integrated Pollution Control (IPC) activities in 2013: <i>Environmental Protection Agency (Industrial Emissions) (Licensing) Regulations 2013 (S.I. No. 137 of 2013) – made 23 April 2013</i> <i>Environmental Protection Agency (Integrated Pollution Control) (Licensing) Regulations 2013 (S.I. 283 of 2013) – made 24 July 2013</i></p> <p>The transposition of the Industrial Emissions Directive (2010/75/EC) into Irish law in April 2013 afforded the Department the opportunity to separate out what were formerly classed under the Environmental Protection Agency Act 1992 as Integrated Pollution Prevention Control (IPPC) activities into either Industrial Emissions Directive (IED) activities (formerly IPPC Directive activities) or Integrated Pollution Control (IPC) activities (non-IPPC Directive activities that were included from the outset in the First Schedule to the EPA Act 1992). In the case of the IED activities the new regulations are a restatement of the existing IPPC licensing regulations with necessary additions / amendments for transposition purposes and to take account of other developments in recent years. In the case of the IPC activities, the new regulations are a restatement of the existing IPPC licensing regulations with necessary additions / amendments to take account of other developments in recent years. The existing IPPC licensing regulations have been revoked.</p> <p>An unofficial consolidated version of the Environmental Protection Agency Act is available on the DECLG’s website.</p>	<p>Complete</p>
<p>7.6.2 Sections 52(1) and (2) of the 1992 Act should be revised and updated in light of the EPA’s expanded remit and the principles underlying contemporary environmental regulation and should include specific references to the EPA’s responsibilities in respect of water protection, climate change and its contribution to the conservation of biodiversity and to environmental sustainability.</p>	<p>This is being examined and acted on, as appropriate, on a case by case basis as need arises. (See 7.6.1). Under the Radiological Protection (Miscellaneous Provisions) Act 2014, the functions formerly performed by the Radiological Protection Institute of Ireland (RPII) will be performed by the EPA from 1 August 2014.</p>	<p>Ongoing</p>

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<p>7.6.3 The EPA’s absolute statutory immunity should be revised.</p>	<p>A number of other state agencies currently have statutory immunity including the Health and Safety Authority and the National Assets Management Agency, which was provided for under legislation as recently as 2009. It will be particularly important to examine the potential impact of any change in this provision on the ability of the EPA effectively to discharge its statutory functions.</p>	<p>Ongoing</p>
<p>7.6.4 The EPA should be subject to the Ombudsman’s jurisdiction in respect of alleged maladministration. Appropriate resources must be made available to the Office of the Ombudsman to enable it to deal effectively with any significant increase in its workload that may arise.</p>	<p>In respect of the EPA falling within the remit of the Ombudsman’s jurisdiction, the EPA Review Group recommended that it should do so in respect of issues of maladministration only. In the context of the drafting of the Ombudsman (Amendment) Act 2012, the DECLG engaged extensively with the Department of Public Expenditure and Reform and the Office of the Attorney General on this issue in order to achieve an acceptable legislative wording to enable administrative procedures fall within the legislation but excluding the quasi-judicial functions of the EPA. A satisfactory form of wording was not finalised and the EPA remains an exempt Agency for the purposes of the Act.</p>	<p>Ongoing</p>
<p>7.6.5 The rules governing legal costs in certain environmental litigation (section 50B Planning and Development Act 2000, as amended) should be kept under review. Concerns about access to environmental justice should be examined in the context of a wider review of environmental governance.</p>	<p>It is noted that the rules governing legal costs under Section 50B of the Planning and Development Acts as amended now apply i.e. that each party bears its own costs in judicial review proceedings of any decision/action/failure to take action to a law pursuant to a law of the State that gives effect to the EIA Directive, SEA Directive and the IPPC Directive. As case law on the 2011 cost rules evolves, the rules are kept under review, in conjunction with relevant case law from the CJEU (Courts of Justice, European Union). Any proposed amendments will be subject to a broad public consultation process, as appropriate.</p>	<p>Ongoing</p>
<p>7.6.6 The interaction between planning and pollution control should be addressed by the joint An Bord Pleanála / EPA Working Group in conjunction with the DECLG and the Office of the Attorney General.</p>	<p>Further to the Judgment of the Court of Justice of the European Union in Case C-50/09, legislative change with regard to the transposition of the Environmental Impact Assessment (EIA) Directive in Ireland was required. The 2012 EIA Regulations (IPPC and Waste) have increased requirements for consultation between the Planning Authorities and the EPA. The DECLG, EPA and An Bord Pleanála have actively worked together with the goal of providing a system that satisfies the requirements of the EIA Directive, is transparent and also avoids duplication of decision making. The EPA will continue to collaborate effectively with all the relevant regulatory bodies who are involved in the EIA process.</p>	<p>Complete</p>
<p>7.6.7 A generic whistleblower protection law should be introduced.</p>	<p>This is a commitment in the Programme for Government and The Protected Disclosures Act was published in July 2014 and establishes a detailed and comprehensive legislative framework protecting whistleblowers in all sectors of the economy. In addition, the EPA has its own internal Whistleblowers Policy.</p>	<p>Complete</p>

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<p>7.6.8 Robust systems should be put in place to monitor and enforce the financial requirements of licences on an ongoing basis.</p>	<p>The EPA conducted a review of the current arrangements, in particular the application of existing powers, in consultation with the DECLG. A new EPA Strategy for addressing Financial Provision and Environmental Liabilities Risk Assessment was developed in 2013. The overall aim is to put in place an increased number of financial instruments covering environmental liabilities at licensed sites.</p>	<p>Complete</p>
<p>7.6.9 Current legislation relating to contaminated land should be reviewed to develop a coherent, dedicated legal regime to address the various challenges that arise in this context, including guaranteeing that site operators make provision to meet any liabilities arising from their activities. Regulatory bodies should also ensure that sufficient controls are in place to avoid and militate against such situations arising.</p>	<p>The EPA reviewed the current arrangements in consultation with DECLG. In July 2013 the EPA published Guidance on the Management of Contaminated Land and Groundwater at EPA Licensed Sites.</p> <p>The guidance is available on the EPA website and a webinar was held in November 2013 to provide an overview of the guidance. Following a public consultation in 2013, updated Guidance on Assessing and Costing Environmental Liabilities was published by the EPA in 2014.</p> <p>The EPA is also engaging with the DECLG to develop legislative proposals in relation to the discharge of environmental obligations in cases of company liquidations.</p>	<p>Ongoing</p>
<p>7.6.10 Consideration should be given to making provision for amendments to IPPC and waste licences in certain limited circumstances (beyond clerical and technical amendments) without the necessity for a full licence review.</p>	<p>The DECLG has initiated an examination of this proposal in conjunction with the EPA, It is a difficult area to find a balance as to where to draw the line in respect to an amendment or a review, without making the process arbitrary. All licences and reviews require a sound legislative basis. Any proposals in this regard will be communicated to stakeholders prior to implementation.</p>	<p>Ongoing</p>
<p>7.6.11 Consideration should be given to providing for appeals in relation to air pollution licences to be made to the EPA rather than An Bord Pleanála.</p>	<p>This matter is being addressed as part of the Environment (Miscellaneous Provisions) Bill that is due for publication shortly and enactment in 2014.</p>	<p>Ongoing</p>