

## Strategic Environmental Assessment Pre-screening statement - Ireland's National Implementation Plan on Persistent Organic Pollutants (POPs), update 2018

### 1. Background

The Persistent Organic Pollutants Regulations 2010 (Statutory Instrument 235 of 2010) designate the Environmental Protection Agency (EPA) as the competent authority for the purposes of Regulation (EC) No. 850/2004 on Persistent Organic Pollutants (EU POPs Regulation). Persistent organic pollutants or POPs are a group of toxic chemicals that can pose a risk to human health and the environment. They can persist in the environment, bioaccumulate in the food chain and can be transported over long distances. Some POPs also fall under other EU Regulations, such as Directive on Environmental Quality Standards (Directive 2008/105/EC) and Biocidal Regulations EU 528/2012 as well as 1998 Aarhus Protocol on POPs (known as CLRTAP POPs Protocol). The Stockholm Convention list of POPs include pesticides (e.g.: DDT, Aldrin), industrial chemicals (e.g. Polychlorinated biphenyls (PCBs)) and unintentional by-products (e.g.: dioxins and furans).

[The Stockholm Convention on Persistent Organic Pollutants \(POPs\)](#) is a global treaty aimed to protect human health and the environment from listed POPs<sup>1</sup>. For a substance to be classified as a POP, it must undergo an assessment to determine that it is *persistent, bioaccumulative, toxic* and can undergo long-range environmental transport. If they are subsequently classified as POPs, they are then listed under the different annexes of the Stockholm Convention. The annexes to the Convention are amended periodically as new chemicals are added to the Convention.

### 2. National Implementation Plan on POPs

Ireland, as a Party to the Convention is required to develop a National Implementation Plan (NIP) to detail how we fulfil our obligations under the Stockholm Convention, Parties to the Convention are required to transmit their National Implementation Plan on POPs within two years of when the Convention entered into force<sup>2</sup>. Furthermore, Article 7 of the Convention require the Parties to update the National Implementation Plan periodically.

The EPA is responsible for preparing Ireland's NIP, and any updates, in consultation with other public authorities such as; Marine Institute, Food Standards Authority of Ireland, Department of Communications, Climate Action and Environment, Department of Agriculture, Food & Marine, Health and Safety Authority, Health Service Executive, Health Products Regulatory Authority and Office of Revenue Commissioners. Also, the plan is required to go out for public consultation. The EPA published Ireland's NIP on POPs in 2012 and is currently carrying out its first review

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<sup>1</sup> Substances listed in relevant Annexes (A, B and/or C) of the Stockholm Convention

<sup>2</sup> Ireland became a party to the Stockholm Convention on 3<sup>rd</sup> November 2010

and update of the Plan, initiated on foot of amendments made to the Annexes of the Convention.

The NIP and NIP update includes Ireland's Action Plan on unintentional POPs which details measures to reduce or eliminate releases of unintentional POPs which result from certain combustion and industrial activities. Measures outlined relate to, for example:

- Establishing, maintaining and improving inventories of unintentional POPs to air, land and water;
- Continued enforcement of existing legislation concerning unintentional POPs;
- Monitoring of POPs in food and the environment;
- Training and awareness;
- Research and development.

Best available technique and best environmental practice ([BAT and BEP](#)) are to be used in accordance with relevant guidelines and guidance produced under the Stockholm Convention. Parties are also required, in accordance with its Action Plan to promote BAT and BEP for new and existing sources within the applicable source categories, including: open burning of waste, residential combustion source and specific chemical processes releasing unintentionally formed POPs.

### **3. Details of the National Implementation Plan update 2018**

The current review and update has been initiated on foot of decisions reached at the 6<sup>th</sup> and 7<sup>th</sup> Conference of Parties (COPs)<sup>3</sup>. These decisions allowed for 4 additional substances<sup>4</sup> to be listed in the relevant annexes to the Convention.

The NIP update 2018<sup>5</sup> includes a progress report on the previous action plan, including the large decrease of PCB stockpile holdings attributed to the continued enforcement and helpdesk assistance provided by EPA and local authorities, the update of the POPs inventory to determine emission estimations for POPs in land, air and water and the production of a risk based code of practice procedure for the assessment of historic unregulated waste disposal or recovery sites. The Farm Hazardous Waste Collection pilot led by the EPA facilitated the collection and safe disposal of approx. 2 tonnes of legacy POPs (such as DDT & lindane) from 2013-2017.

Aside from the addition of the 4 new chemicals, no other substantive changes to the Plan or new measures to manage and control POPs are being introduced.

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<sup>3</sup> 6<sup>th</sup> COP held from 28 April to 10 May 2013 and 7<sup>th</sup> COP held from 4 to 15 May 2015

<sup>4</sup> Hexachlorobutadiene in Annex A without specific exemption, Pentachlorophenol and its salts and esters in Annex A with specific exemptions, Polychlorinated naphthalene in Annex A with specific exemptions and in Annex C and Hexabromocyclododecane in Annex A with specific exemptions

<sup>5</sup> Update on National Implementation Plan for the Stockholm Convention on Persistent Organic Pollutants, 2018

The update is currently at an advanced draft stage following consultations with public authority stakeholders. There are plans for a short public consultation period also. Once finalised, the updated plan will be transmitted by the Department of Communications, Climate Change and Environment to the Secretariat of the Stockholm Convention on POPs.

#### **4. Strategic Environmental Assessment Directive (2001/42/EC) and SEA Regulations**

The EU Directive on Strategic Environmental Assessment (SEA) applies to certain plans and programmes (as well as any modifications to them) which are:

- prepared and/or adopted by an authority at national, regional or local level or which are prepared by an authority for adoption through a legislative procedure by Parliament or Government, and
- Required by legislative, regulatory or administrative provisions; and
- Prepared for specified sectors (e.g. agriculture, waste management, water management, land use planning) as set out in Article 3 of the Directive and which set the framework for future development consents of projects which themselves would involve Environmental Impact Assessment, or
- Likely to have a significant impact on sites protected under the Habitats Directive and thus warrant an assessment.
- Furthermore, Art. 3 and 4 of the Directive require that Member States shall ensure that plans and programmes, other than those referred to above, which set the framework for future development consent of projects and are likely to have significant environmental effects, are covered by the Directive.

In Ireland, the SEA Directive has been transposed into national legislation through:

- S.I. No. 435 of 2004 (European Communities (Environmental Assessment of Certain Plans and Programmes) Regulations 2004, as amended by S.I. No. 200 of 2011, which applies to sectoral plans; and
- S.I. No. 436 of 2004 (Planning and Development (Strategic Environmental Assessment) Regulations 2004, as amended by S.I. No. 201 of 2011, which applies to land use plans.

When preparing the initial National Implementation Plan on POPs in 2012, the EPA carried out pre-screening which determined that the SEA Directive did not apply to the Plan. The purpose of this document is to determine the need for SEA on the NIP update, 2018.

#### **Pre-screening of Ireland's Update on National Implementation Plan on POPs 2018**

This pre-screening exercise has been undertaken to determine if the National Implementation Plan Update 2018 requires an SEA in accordance with the SEA Directive.

A pre-screening check, using the decision tree, as set out in the EPA Synthesis Report *Development of Strategic Environmental Assessment (SEA) Methodologies for Plans and Programmes in Ireland* (2001), has been applied to the Plan Update. The purpose of this pre-screening check is to determine if the NIP update 2018 meets the criteria stipulated in Article 9 of S.I. 435 of 2004. The decision tree consists of a series of questions based on the status of the plan in question and allows pre-screening of plans and programmes to determine whether they come within the scope of the SEA Directive/Regulations. A decision tree diagram and responses to the administrative questions as they apply to the National Implementation Plan on POPs update 2018 are presented in Table 1 and Appendix 1.

**Table 1 SEA Pre-screening decision tree**

Criteria	Response
1. Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through legislative procedure by Parliament of Government OR Prepared by an authority for adoption through a legislative procedure by Parliament or Government?	Yes, the EPA is a competent authority responsible for the preparation, review and update of the NIP.
2. Is the Plan required by legislative, regulatory or administrative provisions?	Yes, the preparation, review and update of the National Implementation Plan is required under the Stockholm Convention on POPs.
3. Is the sole purpose of the Plan to serve national defence or civil emergency or is it a financial/budget Plan or is it co-financed by SF/RDF?	No.
4. Is the Plan prepared for agriculture, forestry, fisheries, energy, transport, waste management, water management, telecoms, tourism, town and country planning or land use, and does it set a framework for future development consent of projects listed in Annexes I and II to the EIA Directive?	No, the NIP update 2018 is not being prepared specifically for any the specified sectors and it does not provide a framework for development consent for projects listed in Annexes I and II to the EIA Directive.
5. Is the P/P likely to have an effect on a Natura 2000 site which leads to a requirement for Article 6 or 7 assessments?	No, there is no development or consent planned as a result of the NIP update. The NIP update details how Ireland continues to fulfil its obligations under the Stockholm Convention on POPs which has the objective of protecting human health and the environment from POPs.
6. Will the P/P set the framework for future development consent of projects	No, the NIP update 2018 does not provide a framework for development consent for projects.

Criteria	Response
(not limited to projects listed to Annexes in EIA Directive)?	<p>The NIP update 2018 involves the addition of 4 new chemicals to the list of POPs included in the Plan, with the objective of protecting human health and the environment from these POPs.</p> <p>It also includes recent information and research on the assessment of historical and current use of POPs in Ireland, monitoring of POPs in food and the environment, and sets out how Ireland is continuing to meet its obligations under the Stockholm Convention including progress on existing measures to manage and control POPs.</p> <p>Aside from the addition of the 4 new chemicals, no other substantive changes to the Plan or new measures to manage and control POPs are proposed as part of the NIP update 2018.</p> <p>On this basis, it is considered that the NIP update 2018 does not provide a framework for development consent for projects and therefore SEA does not apply.</p>

### **Conclusion following SEA pre-screening check**

The pre-screening check indicates that the required update to the National Implementation Plan does not provide the framework for future development consent of projects. It is therefore determined that the National Implementation Plan on POPs update 2018 does not require SEA.

Appendix I –National Implementation Plan update 2018 - SEA Pre-screening check decision tree

