

Oversight Agreement

between

**the Environmental Protection Agency and the
Department of the Environment, Climate Action
and Communications**

and between

**the Environmental Protection Agency and the
Department of Housing, Local Government and
Heritage**

2021-2023

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1. Introduction

In accordance with the *Corporate Governance Standard for the Civil Service*, the Department of the Environment, Climate and Communication (hereinafter referred to as DECC), as parent Department to the Environmental Protection Agency (hereinafter referred to as the Agency), must ensure that there are robust and effective governance arrangements in place in the Agency. To facilitate this oversight role and as required under Section 8.4 of the *Code of Practice for the Governance of State Bodies 2016* (hereinafter referred to as the Code) issued by the Department of Public Expenditure and Reform, this Oversight Agreement (hereinafter referred to as the Agreement) is a written statement between DECC and the Agency defining the Agency's relationship with DECC. This Agreement also recognises that the Department of Housing, Local Government and Heritage (hereinafter referred to as DHLGH)) has responsibility for a number of areas of direct relevance to the Agency's remit, and therefore also defines the Agency's relationship with DHLGH. The relationships between DECC and the Agency, and DHLGH and the Agency are determined primarily by:

- the underpinning legislation establishing the Agency and assigning its statutory functions; and
- the requirements set out in the Code.

Engagement between DECC and the Agency, and DHLGH and the Agency will be based on a common understanding of the objectives of the Agency, having regard to its statutory functions and the actions through which it seeks to achieve its objectives.

2. Legal Framework

The Agency was established in 1993 under the Environmental Protection Agency Act 1992 (No. 7 of 1992), as amended (hereinafter referred to as the 1992 Act). On 1st August 2014, the Radiological Protection Institute of Ireland merged with the Agency.

Main legal Instruments

The main legal instruments pertaining to the Agency are:

- Environmental Protection Agency Act 1992;
- Waste Management Act 1996;
- Protection of the Environment Act 2003;
- Radiological Protection Acts 1991 to 2014;
- amendments to the above Acts; and
- Regulations made under the above Acts and the European Communities Act.

3. Operational Environment of the Agency

The Agency headquarters are based in Wexford and there are Regional Inspectorates in Dublin, Cork, Kilkenny, Castlebar and Monaghan, with smaller Regional Offices in Athlone and Limerick.

The Agency operates as a non-commercial, regulatory body. It has independence in the performance of certain functions as set out in the 1992 Act, and other relevant legislation. It has responsibility for protecting and improving the environment as a valuable asset for the people of Ireland.

In this context, the Agency is committed to protecting people and the environment from the harmful effects of radiation and pollution, and playing key roles in environmental regulation, provision of knowledge and advocacy for the environment.

The Agency is managed by a full time Executive Board (hereinafter referred to as the Board), appointed by Government, consisting of a Director General and five Directors. The Board fulfils both the governance and management roles in the organisation.

Its activities are organised into the following five Offices with each Office reporting to a Director:

- Office of Communications and Corporate Services;
- Office of Environmental Enforcement;
- Office of Environmental Sustainability;
- Office of Evidence and Assessment; and
- Office of Radiation Protection and Environmental Monitoring.

The Agency is assisted by a Government appointed Advisory Committee of twelve members who meet regularly to discuss issues of concern and provide advice to the Board on matters relating to the Agency's functions.

The Agency's current strategic plan identifies five goals:

1. to be a trusted environmental regulator;
2. to be a leader in environmental evidence and knowledge;
3. to be an effective advocate and partner;
4. to respond to key environmental challenges; and
5. to be organisationally excellent.

Through these goals, the Agency is committed to further strengthening and enhancing its core functions - regulation, knowledge and advocacy. The 2020 OECD Review will be used as an input into the new strategy for the EPA during 2021.

Director-General

The Director General is the Chair of the Board. She/he is also the operational Chief Executive of the Agency, serving both governance and management roles, and is responsible for running the Agency.

Executive Board

Under the 1992 Act, the Board has responsibility for the management of the Agency, but for practical purposes it is empowered to delegate responsibility to staff for operational purposes. Section 25(6) of the Act provides that the Agency may perform or exercise any of its functions through or by any Director of the Agency or other person or body who, in either case, has been duly authorised by the Agency in that behalf. The Board fulfils both governance and management roles. Responsibility and accountability for specific outcomes or achievements have been delegated to specific individuals or units.

The Programme Managers in charge of various functions are delegated operational responsibility for carrying out the work of the Agency. Examples of other delegations are Human Resource Management, Financial Management, Freedom of Information, Access to Information on the Environment, and Data Protection decisions.

Organisation for Economic Co-operation and Development (OECD) Review

The OECD published a review of the Agency in 2020. The aim of the review was “to assess and strengthen the EPA’s organisational performance and governance structures.”

While acknowledging that the Agency has built up a reputation as a trusted and respected body, the Review recommended a number of opportunities for the Agency to follow up on to greater strengthen their overall effectiveness. The Agency, in collaboration with the DECC and DHLGH will address the opportunities identified in the review for the Agency to build on its strong reputation and continue to ensure its effectiveness as a modern regulator and employer.

4. Purpose and Responsibilities of the Agency

The work of the Agency can be divided into three main areas:

Regulation: implement effective regulation and environmental compliance systems to deliver good environmental outcomes and target those who don't comply.

Knowledge: provide high-quality, targeted and timely environmental data, information and assessment to inform decision-making at all levels.

Advocacy: work with others to advocate for a clean, productive and well-protected environment and for sustainable environmental behaviour.

The main responsibilities arising within these areas are:

Licensing

- Waste facilities (e.g. landfills, incinerators, waste transfer stations).
- Large-scale industrial activities (e.g. pharmaceutical, cement manufacturing, power plants).
- Intensive agriculture installations (*e.g. pigs, poultry*).
- Contained use and controlled release of Genetically Modified Organisms (GMOs).
- Sources of ionising radiation (e.g. x-ray and radiotherapy equipment, industrial sources).
- Large petrol storage facilities.
- Waste-water discharges.
- Dumping at sea activities.
- CO₂ emissions from large industrial facilities and the aviation sector through the EU Emissions Trading System.

National Environmental Enforcement

- Conduct an annual programme of audits and inspections of EPA-licensed facilities.
- Oversee local authority responsibilities for environmental protection.
- Supervise the supply of drinking water by public water suppliers.
- Work with local authorities and other agencies, including the National Waste Enforcement Steering Committee, to tackle environmental crime by co-ordinating a national enforcement network and targeting offenders.
- Prosecute those who flout environmental law and damage the environment.

Waste Management

- Waste enforcement including national waste enforcement issues, providing and publishing technical guidance and advice, overseeing work on landfill directive obligations, participation on waste-related working groups and liaison with stakeholders and other regulators.
- Develop a National Hazardous Waste Management Plan to prevent and manage hazardous waste.
- Certificates of Authorisation issued under Waste Management (Certification of Historic Unlicensed Waste Disposal and Recovery Activity) Regulations, 2008.
- Process in relation to Article 27 and Article 28 of the European Communities (Waste Directive) Regulations).
- Enforce Regulations such as Waste Electrical and Electronic Equipment, tyres, batteries, Restriction of Hazardous Substances (RoHS) and substances that deplete the ozone layer.
- The collection and publication of national waste statistics to track national performance and to inform policy development.
- Extractive waste management.
- Develop and implement the National Waste Prevention Programme to promote behavioural change in relation to waste, including food waste.
- Develop a statutory Persistent Organics Pollutions (POPs) Management Plan to manage to reduction and elimination of POPs.

Water Management

- Monitor, assess and report on the quality of rivers, lakes, transitional and coastal waters of Ireland and groundwaters, and measurement of water levels and river flows.
- Engage with national and regional, governance and operational structures for the purposes of implementing the Water Framework Directive, and lead national coordination and oversight of the scientific, technical and reporting aspects of the Directive.
- Provide advice and assistance to the Minister for Housing, Local Government and Heritage in the implementation of ministerial functions under the Water Framework Directive.

- Assessment and reporting on Bathing Water Quality.

Climate Science & Climate Action

- Prepare and publish Ireland's greenhouse gas emission inventories and projections for submission to the EU and UN.
- Implement the EU Emissions Trading System for over 100 of the largest installations with greenhouse gas emissions as well as for the aviation sector in Ireland.
- Provide the Secretariat to the Climate Change Advisory Council.
- Provide technical and administrative support to the National Dialogue on Climate Action.
- Participate in and support National, EU and UN Climate Science and Policy development activities.
- Support the operation of the Irish Climate Information Platform.
- Deliver national climate change awareness activities, including as part of National Dialogue on Climate Action, and the Climate Lecture Series, media placements, education and collaboration.
- Support Ireland's contribution to the International Carbon Observation System and operate the EPA Network for Monitoring Atmospheric Composition and Change.

Monitoring, Analysing and Reporting on the Environment

- Independent reporting to inform decision-making by national and local government (e.g. periodic reporting on the State of Ireland's Environment and Indicator Reports).
- Monitor air quality and implementation of the EU Clean Air for Europe (CAFÉ) Directive, the Convention on Long Range Transboundary Air Pollution, and the National Emissions Ceiling Directive (NEC).
- Oversee the implementation of the Environmental Noise Directive in Ireland (transport noise identification and mitigation).

Environmental Research and Development

- Fund environmental research to identify pressures, inform policy and provide solutions in the areas of climate change, water management and sustainability (including waste management).

Strategic Environmental Assessment

- Assess the impact of proposed plans and programmes on the Irish environment (e.g. major development plans).

Radiological Protection

- Monitor radiation levels, assessing exposure of people in Ireland to ionising radiation.
- Assist in developing national plans for emergencies arising from nuclear accidents.
- Monitor developments abroad relating to nuclear installations and radiological safety.
- Provide or oversee the provision of specialist radiation protection services.

Guidance, Accessible Information and Education

- Provide advice and guidance to industry and the public on environmental and radiological protection topics.
- Provide timely and easily accessible environmental information and to encourage public participation in environmental decision-making (e.g. My Local Environment, Radon Maps, Pollutant Release and Transfer Register, LiveGreen, Beaches.ie).
- Advise Government on matters relating to radiological safety and emergency response.

Awareness Raising and Behavioural Change

- Generate greater environmental awareness and influence positive behavioural change by supporting businesses, communities and householders to become more resource-efficient.
- Promote radon testing in homes and workplaces, encouraging remediation where necessary.

5. Compliance with the Code of Practice for the Governance of State Bodies

The Agency is subject to a range of statutory and corporate governance obligations, including the Code. The Agency will ensure that all necessary obligations including those for risk management, internal audit and the Public Spending Code are fully complied with.

The Agency will report compliance with the Code by submitting an agreed governance checklist to DECC annually. In addition, the audited Annual Report and Accounts will be submitted, in accordance with the 1992 Act, to the Minister for Environment, Climate and Communications for presentation to Government and laying before the Houses of the Oireachtas.

In accordance with Appendix A of the Business and Financial Reporting Requirements of the Code, the Annual Report will, inter alia, include:

- a note addressing the Agency's level of compliance with the overall requirements of the Code;
- confirmation of an appropriate assessment of the Agency's risks, including a description of these risks where appropriate, and associated mitigation measures or strategies; and
- confirmation that the Agency is adhering to relevant aspects of the Public Spending Code.

6. Arrangements for Oversight, Reporting and Monitoring

In the exercise of her responsibilities for corporate governance and resourcing of the Agency, the Director General shall at all times keep the Minister for the Environment, Climate and Communications promptly and fully informed of the conduct of business or affairs of the Agency, and of any circumstances material to or likely to be material to the business of the Agency.

Financial reporting will be done through the Annual Report and Accounts, and through any other form agreed by DECC and the Agency. The Annual Report and Accounts are and will continue to be audited by the Officer of the Comptroller and Auditor General.

As provided for in Section 1.9 of the Business and Financial Reporting Requirements of the Code, the Director General will furnish a Chairperson's Comprehensive Report to the Minister for the Environment, Climate and Communications each year in conjunction with the Annual Report and Financial Statements.

The Agency undertakes to provide a report on the attribution of Exchequer and Environment Fund funding and to include an appropriate summary note in the Annual Report and Financial Statements.

The Agency undertakes to provide relevant, timely and appropriately detailed performance information to enable monitoring of this agreement.

The Secretary General of the DECC and the Director General of the EPA will hold an annual meeting to continue to strengthen the relationship between the two organisations, and to discuss current and emerging issues of common concern.

The Secretary General of the DHLGH and the Director General of the EPA will hold an annual meeting to continue to strengthen the relationship between the two organisations, and to discuss current and emerging issues of common concern.

An annual review meeting will be held between relevant Management Board representatives from DECC and DHLGH and representatives of the Agency's Board to continue to strengthen the relationship between the two organisations, to discuss current and emerging issues of common concern, and to provide appropriate performance updates.

The Agency will participate on the Water Policy Advisory Committee and the Water Services Output Monitoring Group, convened and chaired by DHLGH

In accordance with DECC policy on the monitoring of governance arrangements of aegis bodies, the Agency will meet quarterly with relevant DECC officials to provide updates on governance, compliance with the Code, performance delivery and other relevant matters. DECC shall, as necessary, invite DECC to participate in these meetings.

The Agency will meet quarterly with relevant DHLGH officials on water related matters in the context of the Memorandum of Funding agreed between the two organisations.

The Agency will operate a formal risk management policy and maintain a Risk Register. In accordance with Department of Public Expenditure and Reform guidelines, these should be updated on an ongoing basis.

7. Mutual Commitments

All parties agree to:

- adopt a 'no surprises' approach to areas of common concern;
- proactive and timely communications, cooperation and information provision on service delivery and other matters;

- support the effective achievement of agreed targets; and
- the realisation of this agreement.

DECC agrees to:

- timely processing of requests and responses for consent;
- promptly inform the Agency of any material changes or issues that would affect the ability of the Agency to perform and resource its functions;
- ensure that appointments to the Agency are made in accordance with legislative provisions in a timely manner; and
- timely submission of Annual Reports and Accounts to Government and laying before the Houses of the Oireachtas.

DHLGH agrees to:

- timely processing of requests and responses for consent; and
- promptly inform the Agency of any material changes or issues that would affect the ability of the Agency to perform and resource its functions.

The Agency agrees to:

- keep the Minister for the Environment, Climate and Communications informed of the conduct of business affairs of the Agency and of any material circumstances affecting the business of the Agency; and
- acknowledge Government funding in all relevant documentation available to the public, in line with Government branding requirements.

8. Performance Delivery Agreement

The Performance Delivery Agreement, at Appendix 1, is an integral part of this Agreement. It specifies the level of service to be delivered by the Agency and is a key component of the performance management framework of the Agency. The Performance Delivery Agreement will be in place until the end of 2023.

9. Duration of Agreement

This agreement will apply with effect from the date signed hereunder until 31st December 2023. Where amendments become necessary, the Departments and the Agency will engage to agree on amendments.

The undersigned agree to the arrangements as set out in this Agreement:



Mark Griffin, Secretary General, Department of the Environment, Climate and Communications

Date: 05/08/2021



Graham Doyle, Secretary General, Department of Housing, Local Government and Heritage

Date: 6 August 2021



Laura Burke, Director General, Environmental Protection Agency

Date: 30 July 2021
