

Report of the 6th Advisory Committee of the Environmental Protection Agency to the Minister for the Environment, Community and Local Government

January 2016

INTRODUCTION

The 6th Advisory Committee of the Environmental Protection Agency (EPA) was appointed by the Minister for the Environment, Community and Local Government (the Minister) on 18 February 2013 for a three-year term. The committee's membership is included in the Appendix. The committee met on twelve occasions, including its final meeting on 10 December 2015. As has been the practice with previous Advisory Committees, the 6th Advisory Committee has prepared a report on its activities for submission to the Minister. This report sets out the main issues considered by the committee and includes recommendations made relating to the Agency's functions, as well as recommendations that may be of assistance to the work of future Advisory Committees.

BACKGROUND

Sections 27 and 28 of the Environmental Protection Agency Act 1992 (EPA Act) provide for the establishment of an Advisory Committee which is chaired by the Director General of the EPA and includes eleven other members. Seven members are appointed by the Minister from nominations received from a number of prescribed organisations under section 27(5) of the EPA Act, with the remaining four members appointed directly by the Minister.¹ The Advisory Committee has a range of duties under the EPA Act, in particular making recommendations to the EPA, or the Minister, relating to the Agency's functions.

The value of the Advisory Committee lies primarily in the diversity of views and the depth of expertise and experience in a wide range of environmental matters that its members offer. The Advisory Committee is an important resource for the Agency, particularly in relation to emerging issues and matters of scientific and public concern more generally. It also serves to provide an informed, independent perspective on the Agency's activities and is a useful "sounding board" for new ideas.

From the outset, and at each subsequent meeting, the Chair of the Advisory Committee, Laura Burke (Director General of the EPA), invited committee members to suggest topics for discussion at future meetings. This approach ensured that committee members had a strong input in determining the agenda for meetings and that any issues of interest to the committee were discussed.

¹ The Environmental Protection Agency (Advisory Committee) Regulations 2012 (SI No 405 of 2012) sets down the bodies prescribed for the purposes of section 27(5) of the EPA Act 1992.

OVERVIEW OF 6th ADVISORY COMMITTEE'S ACTIVITIES

Briefings

Over the course of its twelve meetings, the Advisory Committee received detailed briefings on the following topics:

- The operation of the EPA;
- Overview of EPA work programmes;
- Environmental Impact Assessment;
- EPA communications strategy;
- Strategic Environmental Assessment;
- EPA research programme;
- Activities of the Office of Environmental Enforcement, including risk-based enforcement and enforcement challenges;
- Establishment of Irish Water;
- Freedom of Information / Access to Information on the Environment;
- Septic tanks and domestic waste water treatment systems;
- *Towards a Resource Efficient Ireland*;
- Water Framework Directive;
- *My Local Environment* web portal;
- Intergovernmental Panel on Climate Change (IPCC) 5th Assessment Report;
- Air quality and health impacts;
- Recent advances in atmospheric composition, air pollution and climate change;
- Office of Radiological Protection;
- Education for Sustainable Development;
- EPA enforcement activities
- Draft EPA Strategic Plan 2016-2020.

These briefings generally took the form of oral presentations accompanied by high quality papers and other materials. Briefings on particular topics were followed by detailed discussion by the Advisory Committee. This approach enabled committee members to engage in well-informed, high level discussion and exchange of views with the relevant EPA staff and to provide feedback and suggestions directly to the EPA.

Updates

In addition to briefings on particular topics, Advisory Committee meetings included regular updates on the following issues:

- EPA's budgetary situation, staffing matters and current challenges;
- Merger of EPA with the Radiological Protection Institute of Ireland (RPII);
- Kerdiffstown Landfill Remediation Project;
- EPA research programme; and

- Progress with implementation of the recommendations of the EPA Review Group which reported to the Minister for Environment, Community and Local Government in May 2011.

Meeting locations

The Advisory Committee met at a number of different locations, including EPA Headquarters at Johnstown Castle, Wexford and the EPA Regional Inspectorate at Richview, Clonskeagh Road, Dublin 14. Following the meeting held on 20 June 2013, members of the Advisory Committee undertook a guided tour of the EPA Laboratories at Richview. The Advisory Committee meeting held on 4 September 2014 was hosted by NUI Galway and included a briefing on research activity at the Ryan Institute, NUI Galway. The meeting held on 18 June 2015 also took place in Galway and coincided with the EPA's National Water Conference 2015.

Recommendations

During its term of office, the Advisory Committee made a number of specific recommendations to the EPA as follows:

1. The content of the *My Local Environment* web portal should include Health Atlas Ireland and Seveso sites in future versions;
2. Greater use could be made of citizen science as a means of obtaining air quality data across the country;
3. The State of the Environment report to be published in 2016 should include material on the theme "Education for Sustainable Development";
4. More detailed sectoral compliance reports should be published in the context of licensing and enforcement, including air emissions from industrial facilities;
5. The forthcoming EPA Strategic Plan should include: health and the environment; measurable targets and their impacts; the use of citizen science / engagement; the important role of biodiversity; and an economic analysis of the Agency's work.

Further detail is to be found in the minutes of the Advisory Committee's meetings available here: www.epa.ie/pubs/reports/other/corporate/advcomm/

SPECIFIC ISSUES CONSIDERED

1. Public awareness of Advisory Committee

At an early stage in its terms of office, the Advisory Committee considered how it might raise its profile to better ensure public awareness of its existence and its particular statutory functions. In the interests of transparency, and with a view to publicising the committee's work, a decision was taken to publish the approved minutes of Advisory Committee meetings on the EPA website. Previous Advisory Committee's had not published minutes of their meetings, so this is a very positive development. This report to the Minister on the 6th Advisory Committee's activities will be published on the Advisory Committee's webpage in due course.

2. An external Chair for the Advisory Committee?

The EPA Review Group recommended that provision should be made for the appointment of an external chair for the Advisory Committee (Recommendation 7.2.6). In July 2014, the Department of the Environment, Community and Local Government (the Department) contacted the EPA seeking its views, and the views of the Advisory Committee, on this recommendation. The issue was discussed in detail by the Advisory Committee at its meeting on 4 September 2014. There was a constructive discussion and exchange of views, with strong views expressed both for and against the idea of instituting an external chair.

In the end, the Advisory Committee concluded that, on balance, an external chair would not benefit the committee at the present point in time and that a better approach would be to revisit the role and purpose of the Advisory Committee. This was considered particularly important given that the legislation governing the Advisory Committee is now over 20 years old. It was agreed that the committee would assess how it currently operates, including how to optimise the committee's work and the formal facilitation of advice to the Agency and the Minister. In her capacity as Chair of the Advisory Committee, Laura Burke communicated the committee's views to the Department by letter dated 24 September 2014.

3. Role and Purpose of the Advisory Committee

The Advisory Committee's role and purpose was the subject of discussions at the meetings held on 11 December 2014 and 20 March 2015. The following points were agreed:

- Individual committee members could take the lead on specific issues of interest to the committee;
- Any recommendations made by the committee to be recorded formally in the meeting minutes;
- Committee's minutes to be posted to EPA website;
- The committee to be consulted on the EPA's annual work programme and on draft standards, guidelines and codes of practice as they are developed;

- Committee members to be included on the EPA's circulation lists.

4. EPA's statutory immunity under section 15 of the EPA Act

In October 2015, the Department invited the EPA to provide its views on an examination of section 15 of the EPA Act. Section 15 provides the EPA with immunity from civil action in respect of failure to discharge its statutory functions. The EPA made a submission to the Department on 15 October 2015 giving its views on section 15. The Department's invitation to the EPA to provide its view also suggested that consideration be given to seeking the views of the Advisory Committee on this issue. Members of the Advisory Committee were invited by EPA to give their observations on the EPA's submission and / or the wider immunity issue. Views received were passed to the Department for its consideration.

RECOMMENDATIONS REGARDING INCOMING ADVISORY COMMITTEE

1. Committee membership:

- The EPA Review highlighted the importance of having a diverse group of experts on the Advisory Committee given the committee's fundamental role in advising the Agency and the Minister. It is acknowledged that the current legislation facilitates the appointment of a wide range of stakeholders to the Advisory Committee. It is recommended that this diversity of expertise is also reflected in the membership of the incoming Advisory Committee.
- Prior to the appointment of the current Advisory Committee, the Department advertised for expressions of interest from the public for the four Ministerial appointments to the committee. It is recommended that this approach is also adopted for the appointment process for the incoming Advisory Committee.

2. It is recommended that the incoming Advisory Committee:

- Considers devoting its first meeting to an induction session, to include a presentation on the role and responsibilities of the Advisory Committee, followed by a presentation by each committee member on their background and particular area of experience / expertise;
- Considers including information on each committee member's background and expertise on the Advisory Committee's webpage;
- Considers developing a work programme at an early stage in its term of office;
- Explores the opportunities presented by the use of technology in order to facilitate members' attendance at meetings. It is acknowledged that there is a particular value in Advisory Committee members attending EPA conferences

and other events so as to keep themselves informed of new developments and emerging issues and challenges for the EPA;

- Considers putting in place, in the early stage of its term of office, a clear process for advising and providing recommendations to the Agency and / or the Minister on specific issues;
- Is given the opportunity to advise on the implementation of the EPA Strategic Plan 2016-2020, and associated priorities for EPA work programmes, on an ongoing basis;
- Performs a “horizon scanning” exercise to identify and explore new and emerging issues in members’ areas of expertise and practice which may have an impact on the EPA into the future.

CONCLUDING REMARKS

One of the most important functions of the Advisory Committee is to facilitate a critical but constructive exchange of views and to act as an expert “sounding board” for the EPA. The 6th Advisory Committee believes that it fulfilled its functions as set out in the EPA Act and delivered a valuable advisory role during its term of office. The Advisory Committee made a series of recommendations and suggestions to the EPA across a range of areas of activity and played an important role in the development of the EPA Strategic Plan 2016-2020.

Appendix

6th Advisory Committee of the Environmental Protection Agency

Members

Ms Laura Burke	Chairperson of the Committee and Director-General EPA
Dr John Cuddihy	(nominated by the Directors of Public Health of the Health Service Executive)
Ms Deirdre Lyons	(nominated by the Industrial Development Agency)
Mr David Ball	(nominated by the Irish Environmental Network)
Cllr. John Sheahan	(nominated by the Association of County and City Councils)
Dr Sharon McGuinness	(nominated by the Health & Safety Authority of Ireland)
Prof Colin O'Dowd	(nominated by the Royal Irish Academy)
Mr Pat Farrell	(nominated by the Irish Farmers Association)
Mr Martin Hogan	(nominated by the Minister)
Ms Elaine Nevin	(nominated by the Minister)
Dr Áine Ryall	(nominated by the Minister)
Ms Elizabeth Delahunty	(nominated by the Minister)

Schedule of Meetings

The 6th Advisory Committee met on twelve occasions as follows:

5 April 2013
20 June 2013
6 September 2013
5 December 2013
6 March 2014
5 June 2014
4 September 2014
11 December 2014
20 March 2015
18 June 2015
17 September 2015
10 December 2015

Minutes of Meetings

Approved minutes of Advisory Committee meetings are available via this link:

www.epa.ie/pubs/reports/other/corporate/advcomm/