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Institute of
Environmental
Health

CIEH Policy Work

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Review of the Statutory Guidance

Painting the policy backdrop

- the intention for SGVs
- HCVs indicative of minimal / no appreciable risk
- conservative exposure estimates

Review of the Statutory Guidance - 3

The result ?

- SGVs indicative of sites *not* contaminated
- unjustified early determinations
- SGV Taskforce under the Cabinet Office
 - agreement on the problem but not on the solution

Review of the Statutory Guidance - 4

Back to Defra

- "Progress, not perfection"
- The Way Forward, November 2006
- Benchmarks of unacceptable intake
 - "*guideline values which are more realistic and proportionate*"
- Way Forward to go forward, May 2007
- Or not, July 2008

Review of the Statutory Guidance - 5

“Improvements to Contaminated Land Guidance”

- Scientific and legal difficulties “insuperable”
 - essentially about uncertainty
 - in the use of ELCRs for non-threshold substances
 - in statutory guidance
 - “sub-delegation” issue too

Review of the Statutory Guidance - 6

“Guidance on the definition of Contaminated Land”

- *“decisions are likely to be legally robust provided the authority can demonstrate that it acted reasonably”*

but

- SGVs still unfit for purpose
- lack of predictability of outcomes
- lack of consistency in health protection

Review of the Statutory Guidance - 7

“Guidance on making decisions under Part 2A”

- Aimed at senior managers and elected councillors
- *“any decision [should be] based in fact [sic] and taken reasonably.”*
- *“focus activity on the most urgent and serious problems”*
- where *“the benefits and timing...clearly outweigh the costs and risks”*

Review of the Statutory Guidance - 8

- Informal guidance dropped : new Statutory Guidance instead following

"work over the past year to examine the implementation of the current regime and to reflect developments in scientific understanding"

- "Improving Part 2A", 2007
- applications for grants
- FERA project

Review of the Statutory Guidance - 9

- What we expect to see, probably after the summer
 - changes to direct LAs towards high-risk sites and away from lower-risk ones
 - bring social, environmental and economic considerations into determinations
 - show positively there is a problem before moving on
 - demonstrate using Part 2A is a last resort

Review of the Statutory Guidance - 10

- Overall effect would be to raise the bar on what is “contaminated”

but it would bring new complications:

- estimating impacts of remediation
- slowing the process with new steps
- new opportunities for challenge
- less local discretion



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The Competence Framework

- Origins in the ToR of the Conference
 - to advise on training requirements
 - facilitate high standards of practice

Competence Framework - 2

- Work began in Training Working Group in 2005
- First informal consultation in 2006
 - slimmed-down; non-technical content removed
- Trials in Nottingham, Bradford and Manchester in 2007
- Further trials in Lancashire and Cumbria
- “practically completed” at start of 2008

Competence Framework - 3

- But needed to watch out for
 - new undergraduate curriculum
 - offering specialist routes to qualification
 - HSE's "RDNA" model
 - now being promoted by LBRO

Competence Framework - 4

- General competencies back
 - behaviours, IT etc
- Longer than before, or ideal
- Still a self-assessment model
- Technical competencies still based on Working Group