



Environment Bill – Second Reading

On the 26th February the Environment Bill passed its second reading. The below is a summary of the main discussions that took place.

New Powers

At the outset of the second reading, the new Environment Secretary George Eustice MP outlined two new powers that have been added to the Bill. These are:

- 1) The new Bill includes a clause that every Secretary of State from future UK governments introducing new legislation will have to include a statement on whether the new Bill has the effect of reducing existing levels of environmental protection
- 2) The Bill creates new powers to implement the Government's manifesto commitment to end the exporting of polluting plastic waste to OECD countries with consultation on specific restrictions, and a biannually "taking stock" of international commitments on the environment

Office of Environmental Protection

- As was the case with the last time the Bill had a second reading in late 2019, the Office for Environmental Protection (OEP) was the focal talking point.
- The main criticism was that the OEP still does not have enough 'teeth' to enforce the Bill. MPs also asked for more details on the legal powers the OEP would have.
- Issues were raised over whether the OEP would be independent. The main reasoning for this was due to the Government setting the budget for the OEP. A number of MPs stated that the threat of budget cuts at the hands of the Government will prevent the OEP from being truly independent. MPs called for a multi-annual budget settlement to prevent this.
- Equally, the Chair of the OEP being decided by a Committee that's members are predominantly from the governing party was cited as being unjust.
- Concerns were raised over clause 40. This clause is said to give the OEP broad prohibitions on the disclosure of information. This would restrict access and go against the Environment Information Regulations of 2004.
- Efra Committee Chair Neil Parish MP reiterated points first put forward during the second reading of the Bill in the last session. This includes the Committee's belief that judicial review is not the most appropriate enforcement mechanism for the OEP as it focuses on process as opposed to outcomes and puts the decision making in the hands of lawyers as opposed to experts. The Committee recommends using a tribunal model which allows environmental specialists to have a role.

Air Quality

- A big discussion point amongst MPs was air quality regulations. A number of MP's urged the Government to commit to the World Health Organisation's (WHO) legally binding air



pollution limits. MPs pushing for this amendment include Shadow Environment Secretary Luke Pollard MP and Efra Committee Chair Neil Parish MP.

- George Eustice MP replied to these interventions by claiming the Government will be doing this by setting targets for PM 2.5. This would however be an independent target and not that of the WHO.

How far reaching is the Environment Bill

- Deidre Brock MP, Efra Spokesperson for the SNP gave an impassioned speech on her concerns on the Environment Bill. She claimed that none of the issues she had raised in the last session of Parliament had been addressed. In particular, Ms Brock raised concerns over the military, national security, tax, spending and the allocation of resources being exempt from the Bill. Ms Brock referred to this as 'the main thrusts of Government policy'.
- Concerns were raised that the Bill and in particular the OEP has no powers or jurisdiction over the private sector.

Standardisation of recyclable materials

- MPs urged the Government to clarify timelines for the standardisation of recyclable materials.
- Mr Eustice noted that this was something that was being consulted on, however, MPs felt concrete timelines were needed sooner rather than later.

Cohesion with existing and anticipated Bills

- A number of MPs called for greater clarity on the cohesion of the Environment Bill and existing Bills – mainly the Agriculture Bill.
- In particular, MPs called for clarity and cohesion for the Environmental Land Management Scheme and the Natural Recovery Scheme

REA next steps

Our policy team have been busy assessing the Bill and having in depth discussions internally and externally on how is best to progress. As it stands, the team think the Bill is sufficient as a high level piece of primary legislation. Although there are areas the team feel could be added to the Bill, it is our belief that lobbying for these changes would be more effective and relevant when the secondary legislation is set out. The REA will be keeping a watching brief.