

Sent via email

Date: 24 June 2020

Coronavirus update for our regulatory stakeholders

On 9 April we wrote to update you on the methods by which we intended to undertake our regulatory duties in light of Government restrictions relating to the coronavirus outbreak. We wrote again with information and advice on our charges and billing on 20 April 2020.

In the intervening period, things have moved on apace and we felt it appropriate to provide you with a further update. Our latest operational update can be found here:
<https://www.gov.uk/government/news/coronavirus-environment-agency-update>.

We are continuing to regulate

Our key priorities remain to protect the health, safety and well-being of our staff, the public and the people we work with; to prevent loss of life and protect the environment; and to keep our critical operations running. Our commitment to protecting people and the environment has not changed whilst dealing with the effects of coronavirus.

We remain fully operational, with the majority of our staff continuing to work from home. Like many of you, we are continuing to manage with a reduction in our resource as a result of coronavirus itself and the impacts the government restrictions have had on our staff.

Our frontline staff remain active on the ground tackling issues such as prosecuting waste criminals, regulating hazardous industrial sites and continuing with 90% of flood risk construction projects. We are supporting the Government's science teams and Local Resilience Forums, with local coordination of the response to Coronavirus.

Social distancing protocols as a result of Coronavirus have meant that we have had to re-evaluate our existing working practices and retrain our staff on the new ways of working. This has been done in line with changes in Government guidance on the gradual easing of 'lockdown'.

We have adapted some of our activities and are now using technology to carry out our role as an effective regulator where face to face visits have been restricted due to government guidelines. An example of how we have carried out a virtual inspection and used remote ways of working is available here: <https://www.gov.uk/government/news/regulating-the-waste-industry-during-the-coronavirus-pandemic>

We are preparing for the next phase

In line with updated Government guidance, we are now taking a cautious and incremental approach to returning our staff to the workplace where it is safe to do so and where home working is not appropriate.

We are taking a phased approach to reintroducing our field based compliance and enforcement activity. We are currently in the first phase of carrying out low risk field based compliance activities that do not involve coming into contact with other people. The next phase which will commence over the coming weeks will be to carry out socially distant site inspections and associated interventions and processes and the collection of evidence. At each phase, our staff will be provided with all the necessary guidance, risk assessments and safe systems of work.

Field based activities will be undertaken in combination with desk-based assessments and other remote interventions that can be continued from home.

For all regulated activities (including those which do not have a permit or licence), we are targeting our compliance and enforcement activities where we consider there is greatest potential to impact on the environment and human health.

We recognise that life post-lockdown presents a unique opportunity to change the way we live and work for the better, and think differently about how we operate. Therefore we are taking this opportunity to review our current ways of working and how we can adapt to this next phase. We have a programme in place to identify lessons and benefits and will implement what is useful while helping the Government ensure we have a clean and resilient recovery.

We are continuing to support you

We recognise the difficulties that those we regulate face as a result of coronavirus. In particular, we recognise that because of the coronavirus outbreak, it may not be possible for those we regulate to comply fully with regulatory requirements for reasons beyond their control. We have therefore published a statement of our regulatory response to the coronavirus outbreak, which you should read if you are concerned about your ability to comply. The statement sets out our approach to regulation and enforcement during the coronavirus outbreak and can be found here:

<https://www.gov.uk/government/publications/environment-agency-regulatory-response-to-coronavirus/environment-agency-regulatory-response-to-coronavirus>.

We have also published some time-limited COVID-19 Regulatory Position statements ("COVID-19 RPSs) in relation to certain regulatory requirements which are available here: <https://www.gov.uk/government/collections/covid-19-regulatory-position-statements>. These COVID-19 RPSs will help minimise risks to the environment and human health where, for reasons beyond someone's control, compliance with certain regulatory requirements may not be possible due to coronavirus. They also cover specific circumstances where we are relaxing normal regulatory requirements to avoid increasing risks to the environment or human health during the particular circumstances of the coronavirus outbreak. Each COVID-19 RPS sets out when it applies and the conditions that must be complied with.

We know many companies have benefitted from these COVID-19 RPSs, and have received favourable feedback on them from a number of sectors.

We have reviewed the ongoing need for eight of our time-limited COVID-19 RPSs which are due to expire in the next few weeks. We have decided to allow three to expire as planned. We will extend the expiry date of the remaining five for a further three months to 30 September. The ongoing need for one further COVID-19 RPS which expires on 31 July is still under review. We will conduct a similar review in August prior to the expiry of the remaining and renewed COVID-19 RPSs. A summary is provided at the end of this letter. You can find the full details on the COVID-19 RPS webpage. It is the responsibility of anyone using a COVID-19 RPS to check when the individual COVID-19 RPS expires.

We have also written to our charge paying customers to explain the payment options that are available at this exceptional time. Information accompanied every invoice that was sent out, and we also sent a letter on the 20 April 2020 which summarised the advice on our charges and billing.

Whilst we're making every effort to maintain our permitting service, it's inevitable that there will be some disruption as we work in unprecedented circumstances. It is taking us longer than normal to determine permit applications in some of our permitted sectors, but we are continuing to adapt our working to reduce these wherever we can and as quickly as possible. We have highlighted contact routes to applicants so they can discuss their applications with us. We are encouraging all customers to submit permit applications to us via email, where they can.

For specific queries please continue to speak to your normal Environment Agency contact, by email if possible.

This remains a difficult and fast-moving situation and we are grateful to our customers and partners for their continued support in helping to meet the challenges we all face.

Yours sincerely,



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Expiring COVID-19 RPS

The following three COVID-19 RPSs will be allowed to expire on the date originally specified:

Ref	Title	Expiry Date
RPS C4	Incinerating specified healthcare wastes at a municipal waste incinerator	30 June 2020
RPS C9	COVID-19 and packaging waste: registering as a packaging producer	8 July 2020
RPS C11	Emissions to air from Large Combustion Plant during black start events	31 July 2020

Extended COVID-19 RPS

The following five COVID-19 RPSs will have their expiry dates extended:

Ref	Title	New Expiry Date
RPS C8	Social distancing when signing and handing over waste transfer and consignment notes in person	30 Sept 2020
RPS C5	PPE waste from home healthcare workers treating patients with COVID-19	30 Sept 2020
RPS C3	Water and Sewerage Company OSM and UWWTR sampling affected by Coronavirus (Covid-19)	30 Sept 2020
RPS C6	Storing treated sewage sludge you cannot move because of COVID-19 restrictions	30 Sept 2020
RPS C10	Reporting for installations, radioactive substances and waste permits	30 Sept 2020

Under review

A decision on whether it is appropriate to extend this COVID-19 RPS will be taken in early July.

RPS 14	COVID-19 and delaying hazardous waste consignee returns	31 July 2020
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