



Post Spill Monitoring and Impact Assessment in Marine Waters

The Decision Making and Funding Process for England

Date: June 2013 (Reviewed November 2015*)

This guidance document has been reviewed and accepted as the agreed process for England by representatives of the Department for Environment, Food and Rural Affairs (Defra), the Environment Agency (EA), the Maritime and Coastguard Agency, the Food Standards Agency (FSA) and the Centre for Environment, Fisheries and Aquaculture Science (Cefas). Other government organisations have been consulted in its development as per Annex 1.

Introduction

The Premium (Pollution Response in Emergencies: Marine Impact Assessment and Monitoring) project was initiated to strengthen both the use of applied science and co-ordination of post spill environmental monitoring activities in UK marine waters.

The Premium Partnership represents an ongoing collaboration across all the main UK government stakeholders and is providing a focus through which the necessary improvements to science and organisation are being realised. A key deliverable facilitating this was an overarching set of monitoring guidelines detailing the scientific principles and approaches that should be applied following a marine incident. These guidelines provide the agreed principles and practices under which marine monitoring in UK waters will be conducted (the guidelines can be downloaded at www.cefas.co.uk/premium). In addition, Premium is delivering a mechanism for the co-ordination and management of post spill monitoring activities.

While a primary driver for the Premium partners has been the appropriate application of sound, quality science to post spill monitoring this can only be fully realised if it is part of an effective management and co-ordination process fully integrated with national plans (e.g. the National Contingency Plan). The ultimate effectiveness of the monitoring programme might be determined by how well the current or baseline status of the threatened environment is established so that subsequent damage and recovery can be properly assessed. Therefore, as equally important to deploying the right methodologies is the necessity to deploy them promptly, within hours, before an impact may have occurred.

— * The document was reviewed in November 2015 and found to be ‘fit for purpose’

In order to facilitate the promptness in monitoring initiation the decision making process for the mobilisation of initial sampling and analysis needs to be straight forward with clear responsibilities identified. In addition, it needs to be recognised that any initial mobilisation, sampling or analysis will incur costs and therefore a pre-considered mechanism for funding this initial activity is essential.

A programme of marine monitoring for a significant incident can be extremely complex as it may need to co-ordinate many service contributors and take account of an ever changing scenario. Therefore, under the auspices of the Premium group it is recommended that, for significant incidents, a Premium Monitoring Co-ordination Cell (PMCC) is formed, more often than not on a virtual basis. The role of the PMCC is outlined in this guidance as well as its important links to the standing environment group (SEG) process.

This guidance is the result of a series of workshop/meeting(s) involving the key UK government bodies with responsibilities for i) taking the decision to initiate/continue/cease monitoring activities, and ii) funding monitoring activities. It aims to detail the decision making and funding process with respect to post-spill monitoring and how that process is managed and developed as the incident proceeds. As such it forms a deliverable from the Premium group aimed at clarifying and improving post-spill monitoring processes across the UK. This document forms the agreed guidance for England. Complementary versions have been developed for Wales, N. Ireland and Scotland to reflect any national and organisational differences.

Premium Monitoring Co-ordination Cell (PMCC)

The Premium Monitoring Co-ordination Cell will be the group responsible for the overall conduct and integrated co-ordination of monitoring and impact assessment activities following a marine incident. In this respect it provides a distinct but complementary role to an Environment Group (EG).

Its specific responsibilities will include:

- The initiation and development of a co-ordinated monitoring programme in line with the Premium post-spill monitoring guidelines.
- The formation and management of a 'monitoring team' to undertake the monitoring activities.
- The maintenance of strong communication links to any formed environment group (EG) and other response and advisory cells as necessary including the Scientific Advisory Group for Emergencies (SAGE).
- The management and maintenance of financial and expenditure records pertaining to any initial monitoring activities (including liaison with and payment of any sub-contractors used).

- Overseeing the generation and publication of reports as necessary. These will include i) regular/routine updates for Premium partner organisations and the EG, and ii) interim and final monitoring and impact assessment reports.

The initial PMCC will be formed within minutes/hours of an incident as a result of key individuals being informed through the already established emergency response notification procedures (e.g. POLREPs etc.). The formation of the PMCC will be the responsibility of the pre-identified chair and/or deputy chair. The chair and deputy chair will be drawn from the organisations with primary responsibility for the conduct of marine monitoring in England; Cefas and Environment Agency.

The membership of the PMCC will be driven by the nature of the incident, including geographic position, and the nature of the resources that form the focus of the monitoring activity (e.g. fisheries, food, conservation, amenities etc.) and government stakeholder 'evidence needs and statutory requirements' will be the main driver in the design of the monitoring programme (see Annex 1). The membership will also evolve as the group move from considering initial, through ongoing, to cessation of activities.

PMCC Membership (England)

Permanent members

Cefas (Chair)

Environment Agency (Deputy Chair)

NB: The Deputy Chair will assume the role of Chair in the event that the Chair is unavailable. Further internal support from the organisations will also be identified.

Other potential members

Food Standards Agency (where focus of monitoring is food/human health issues)

Marine Management Organisation (where focus is fisheries or to monitor the use of oil spill treatment products)

Inshore Fisheries Conservation Authorities (where focus is fisheries)

Natural England/ JNCC (where focus is conservation issues – especially if marine protected areas (e.g. SPA, SAC, MCZs) are under threat)

Maritime and Coastguard Agency (where focus is effectiveness/impacts of counter pollution and clean-up activity)

DECC (if the incident involves an offshore installation)

Local Government Authority (if focus is contamination of local amenities)

Defra (as government department with overall environmental responsibility)

The initial (0-96 hours) membership of the PMCC will be managed by the PMCC chair in consultation as necessary. As any incident evolves input to the PMCC might be sought from a wide range of potential organisations and individuals including; Public Health England, identified scientific or local experts, industry representatives, suppliers of significant effort into the monitoring programme, RSPB, local wildlife associations etc.

Links with the Environment Group

It will be essential for the PMCC to have strong communication links with any formed Environment Group as the expert environmental advice being generated by the EG will provide key input to the development and evolution of the monitoring programme. The Premium process will act as a fast and effective route through which the EG's recommendations, with respect to monitoring, can be actioned. Furthermore, the EG will need to have prompt and effective feedback from the outputs of the monitoring programme in order to inform and update their advice.

To facilitate this relationship and the flow of advice and information between the groups a Premium liaison officer will form part of the EG membership. It will be their specific role to facilitate the links and flow of information between the groups (a schematic of the group links is shown in Figure 1). The EG chair will be responsible for nominating a liaison officer.

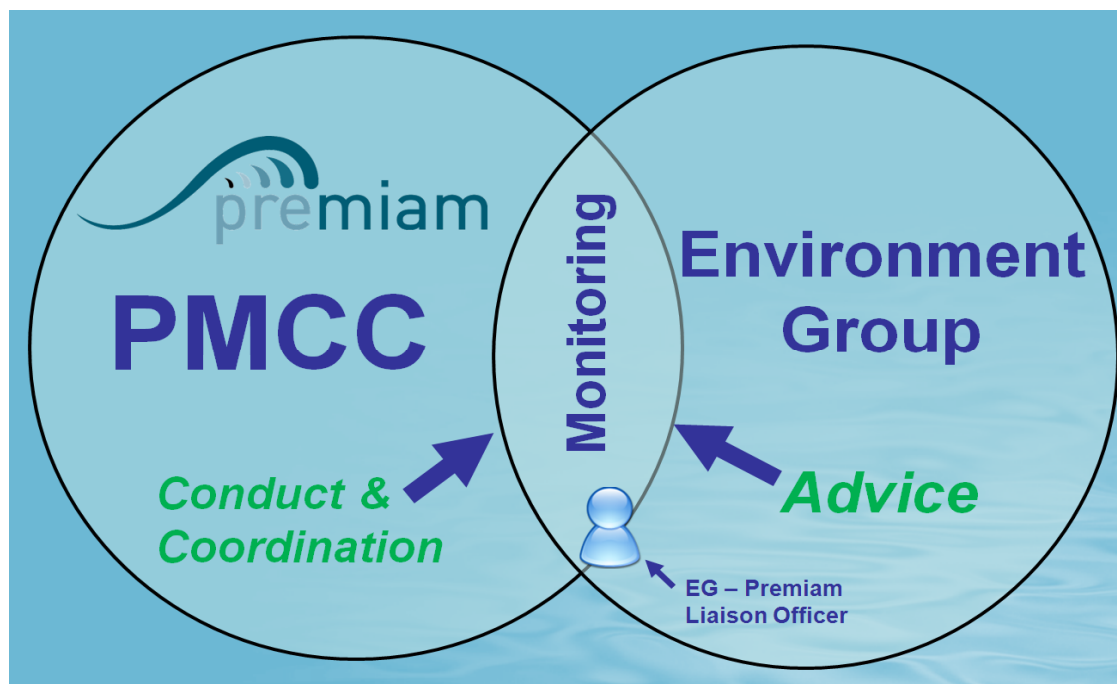


Figure 1. The integrated relationship between the PMCC and EG.

Monitoring Phases

Initial Response Phase (0-96 Hours)

Decision to initiate monitoring activity

In order to facilitate the prompt and effective decision to initiate monitoring (which may need to be taken within minutes to allow baseline samples to be collected or relevant datasets to be identified and accessed) the responsibility for making the initial decision is delegated to the PMCC chair (on behalf of the responsible authorities, e.g. Defra, EA, FSA). In order to ensure that an effective and prompt decision is made it is necessary to invest this responsibility in a previously identified individual. However, in the vast majority of cases it is anticipated that the PMCC chair will be able to make this decision after necessary consultation (e.g. with the EG chair and other government authorities).

Funding

The decision to initiate monitoring activity in the event of an incident can only be taken in the knowledge that appropriate budget will be available to cover necessary start up costs. Therefore, the pre-authorised availability of initial funds has been identified as set out in the table below.

Funder	Mechanism/Fund	Pre-authorised limit
Defra	via Cefas allocated Defra funding	£50,000
Environment Agency	via internal Estuarine & Coastal Monitoring & Assessment Service to support fieldwork and sample analysis (as appropriate)	£50,000
Food Standards Agency	Incident Response (support) Programme Budget	£50,000
Any identified polluter	Maritime and Coastguard Agency to request monitoring support funds from any identified polluter*	-
	Total initial fund	£50-100,000 + (depending on monitoring drivers)

**The polluter will be given the option, at the earliest opportunity, to propose and deliver a monitoring programme. However, monitoring is likely to be initiated before there is confidence that the polluter has this in hand.*

Management and Co-ordination

Initial management and co-ordination will be overseen by the PMCC chair using input and support from other PMCC members as necessary.

Ongoing Phase (96 hours onwards)

Decision to maintain/expand/reduce activity

If an incident requires continuation of monitoring activity beyond the first few days a more consultative procedure for decision making will be initiated. The overall decision making process will continue to be overseen and managed by the PMCC chair but it is anticipated that time will allow full consultation with the other PMCC members, the EG chair and the identified monitoring funders.

Funding

If a decision has been made and supported that requires extended (e.g. weeks) or significantly expanded monitoring activity it is assumed that, in parallel, additional funding sources have been identified as required. Any sources of funding for an extended and/or expanded monitoring and impact assessment programme will be separate to, (or in addition to) those identified as pre-authorised funds to initiate monitoring activities. The potential need for an extended/expanded environmental monitoring programme will be communicated to potential funding authorities by the PMCC chair as early as possible so that potential funding streams can be identified in advance.

It is anticipated that those government departments/agencies already identified as providing funds in the initial monitoring phase (see above) are likely to be contributors to any required funds for any ongoing monitoring phase. In particular, it is probable that Defra will fund ongoing monitoring, however, time will now allow for other funding sources to be sought and identified and these might include other government department/agencies and industry/private bodies. For significantly extended monitoring programmes where a polluter has been identified cost recovery may also be sought by authorities under the 'polluter pays principle' to recover appropriate and proportional costs.

Management and Co-ordination

Overall co-ordination of any extended environmental monitoring programme will continue to be undertaken through the PMCC. However, any ongoing programme will be professionally managed on a project basis with full planning and will include identification and tracking of deliverables to time, quality and budget, in order to meet any specific requirements that identified funders may have.

Where a programme extends/expands to necessitate management as described above a suitably experienced and qualified project manager will be appointed. This will most likely not be the PMCC chair or any existing member of the PMCC (who will not have been

included for their project management skills). When appointed the project manager will automatically become a member of the PMCC. They will be responsible for the maintenance of project plans and the tracking of delivery to time, quality and budget. They will also provide financial updates and information to the PMCC and funders as well as providing projections for potential future spend requirements.

Monitoring Cessation Phase

Decision to cease activity

It is a primary aim of the Premium process to deliver high quality but cost-effective monitoring and impact assessment processes. This can be delivered by ensuring full integration and co-ordination of the activities so that unnecessary activity is cut out, duplication of activity is minimised and quality, through adherence to the Premium guidelines, is maximised.

The decision to cease monitoring activity will be considered and made as part of the PMCC responsibilities (with full consideration of any EG recommendations). In any complex monitoring programme it is likely that cessation of activities will be a phased process but it will be a principle of the PMCC to not extend any monitoring activity beyond that which is necessary. Specific monitoring activities will not be completely ceased until all government stakeholder evidence needs and statutory requirements are fully met (see Annex 1).

Funding

Any residual financial issues following cessation of a monitoring programme will be handled by the project manager.

Interim reporting

In the event of a major pollution incident which has had a major adverse impact on sensitive coastal or marine habitats, interim reports will also need to be produced. These will help form the strategy for the longer term management and restoration of these sites.

Final Reporting

Once a monitoring programme has ceased a final monitoring report, covering all issues as required by government stakeholders, will be prepared. Its production will be overseen by the PMCC chair (or delegated as necessary) and its timely delivery tracked by the project manager. As part of this PMCC chair will carry out a post incident review to ensure any learning is embedded into future response activities.

Annex

Annex 1. Evidence Needs and Statutory Requirements for Government Departments/Agencies

Defra

- Overview assessment of risks to and impacts on human health and the environment;
- Assessment should consider potential impacts on the full range of ecosystem goods and services
- In a major incident evidence may need to be updated rapidly, e.g. twice daily in immediate aftermath.

Environment Agency

The EA is the leading public body for protecting and improving the environment in England. As an environmental regulator, with a wide range of roles and responsibilities, it responds to many different types of incident affecting the natural environment, human health or property.

The EA's main priorities, during the response and recovery phases of an incident are to:

- prevent or minimise the impact of the incident;
- investigate the cause of the incident and consider enforcement action, and;
- seek remediation, clean-up or restoration of the environment.

In the event of a pollution incident the EA will seek to prevent/control and monitor the input of pollutants to the environment. In emergencies involving air pollution the EA will co-ordinate a multi-Agency Air Quality Cell to provide interpreted air quality information.

In addition the EA is the competent authority for the Water Framework Directive (WFD) which requires the EA to set out requirements for basic measures to be complied with to prevent and/or reduce impact of accidental pollution and to take all appropriate measures to reduce risk to aquatic ecosystems (rivers, lakes, groundwaters, estuaries and coastal areas). For WFD this extends out to one nautical mile for ecological status and twelve nautical miles for chemical status. SEPA and NIEA are the competent authorities for WFD in Scotland and Northern Ireland.

In the event of major accidental pollution the EA is required to undertake investigative monitoring for WFD to ascertain the magnitude and impacts of the pollution. This will inform the establishment of a programme of measures for the achievement of the environmental objectives and specific measures necessary to remedy the effects of the pollution.

Marine Management Organisation

- Evidence relating to the impact of the use of dispersants and other oil spill treatment products.
- Evidence of impact on commercial fish stocks
- Evidence which will inform any potential enforcement action under the Environmental Damage Regulations

Food Standards Agency

- Evidence relating to actual or potential threats to the safety of food or animal feed that could require intervention to protect consumers.
- Evidence of impact on fish and shell fish farms
- Evidence of impact on seaweed beds harvested for animal feed, fertilizer, human consumption

Natural England

Natural England is the government's advisor on the natural environment and provides practical advice, grounded in science, on how best to safeguard England's natural wealth for the benefit of everyone.

Natural England requires information on:

- Location and sensitivities of designated sites and species
- Potential impacts of marine pollution events
- Priorities for site / species protection
- Suitability of clean up techniques

Maritime and Coastguard Agency

The Maritime and Coastguard Agency (MCA) implements the government's maritime safety policy in the UK and works to prevent the loss of life on the coast and at sea.

The MCA provides a 24-hour maritime search and rescue service around the UK coast and in the international search and rescue region through HM Coastguard and inspect and survey ships to ensure that they are meeting UK and international safety rules. The MCA also provides certification to seafarers, register vessels and respond to pollution from shipping and offshore installations.

Joint Nature Conservation Committee

The Joint Nature Conservation Committee (JNCC) is the statutory advisor to government on nature conservation issues for UK marine areas, outside of territorial waters (12nm), and we work closely with devolved authorities, statutory bodies and stakeholders to ensure that conservation objectives are met at a national and international level.

In the event of a marine pollution event JNCC would require evidence to inform our advice on the following areas:

- Location and sensitivities/vulnerabilities of designated sites and species
- Priorities for site/species protection
- Suitability of response approach
- Impacts of marine pollution events

Footnote:

The original drafting of this document has been conducted in consultation with representatives of the following organisations:

Department for Environment, Food and Rural Affairs (Defra)

Centre for Environment, Fisheries and Aquaculture Science (Cefas)

Environment Agency (EA)

Maritime and Coastguard Agency (MCA)

Food Standards Agency (FSA)

Marine Management Organisation (MMO)

Natural England (NE)

Joint Nature Conservation Committee (JNCC)

Department for Energy and Climate Change (DECC)

Local Government Association (LGA)