



## **Post Spill Monitoring and Impact Assessment in Marine Waters (Interim arrangements for Scotland)**

### **The Decision Making and Funding Process**

Date: March 2012

#### **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 monitoring activities in UK marine waters. Marine Scotland officials have been involved in the process for waters adjacent to Scotland and have contributed to the preparation of this paper.

The project represents an ongoing collaboration across all the main UK government stakeholders including the Devolved Administrations and is providing a focus through which the necessary improvements to science and organisation are being realised. A key deliverable under the project that is facilitating this is 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 <http://cefas.defra.gov.uk/premium/guidelines> ). In addition, the Premium project 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.

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 pre-considered mechanism

for funding this initial activity is essential. In Scotland this is most likely to be lead initially by Marine Scotland.

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 completely virtual basis. The role of the PMCC is outlined in this guidance as well as its important links to the Scottish Standing Environment Group (SEG) process.

This guidance is the result of a series of workshop/meeting(s) involving the key UK government bodies and Devolved Administrations 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.

### **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 Operational Environment Group (OEG).

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' (selected from the Premium network of service providers) to undertake the monitoring activities.
- The maintenance of strong communication links to any formed Operational Environment Group (OEG) and other response cells as necessary.
- The management and maintenance of financial and expenditure records pertaining to any 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 OEG (but not necessarily the media), and ii) interim and final monitoring and impact assessment reports.

The initial PMCC may be formed at the discretion of the Scottish Standing Environment Group 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 chairs and/or deputy chairs and controlled by the SEG. The chairs and deputy chairs will be drawn from the organisations with primary responsibility for overseeing marine monitoring in the UK; Cefas and Environment Agency (England and Wales), Marine Scotland (Scotland) and Northern Irish Environment Agency (Northern Ireland).

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. 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 to ongoing to cessation of activities.

### **PMCC Membership**

#### *Permanent members (Scotland)*

Marine Scotland (MS) (will act as Chair or Deputy Chair)

Scottish Natural Heritage (SNH) (will act as Chair or Deputy Chair)

*NB: It is probable that Marine Scotland and Scottish Natural Heritage will also supply the 'Premiam representative' on the SEG. The PMCC chair will nominate that person in consultation with the appropriate SEG chair.*

#### *Other potential members*

*Marine Scotland Planning and Policy Divisions (as the conduit through which the Scottish Ministers will be informed and to liaise on wider funding within Scotland)*

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

Scottish Environment Protection Agency (SEPA) (where focus is waste management or to monitor inshore areas)

Inshore Fisheries Groups (IFG) (where focus is fisheries)

Joint Nature Conservation Committee (JNCC) (where focus is conservation issues beyond 12 nm – especially if special protected areas (SPAs) are under threat)

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

Department Energy Climate Change (DECC) (if the incident involves an offshore installation)

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

Health Protection Scotland (HPS) (as the agency responsible for public health matters)

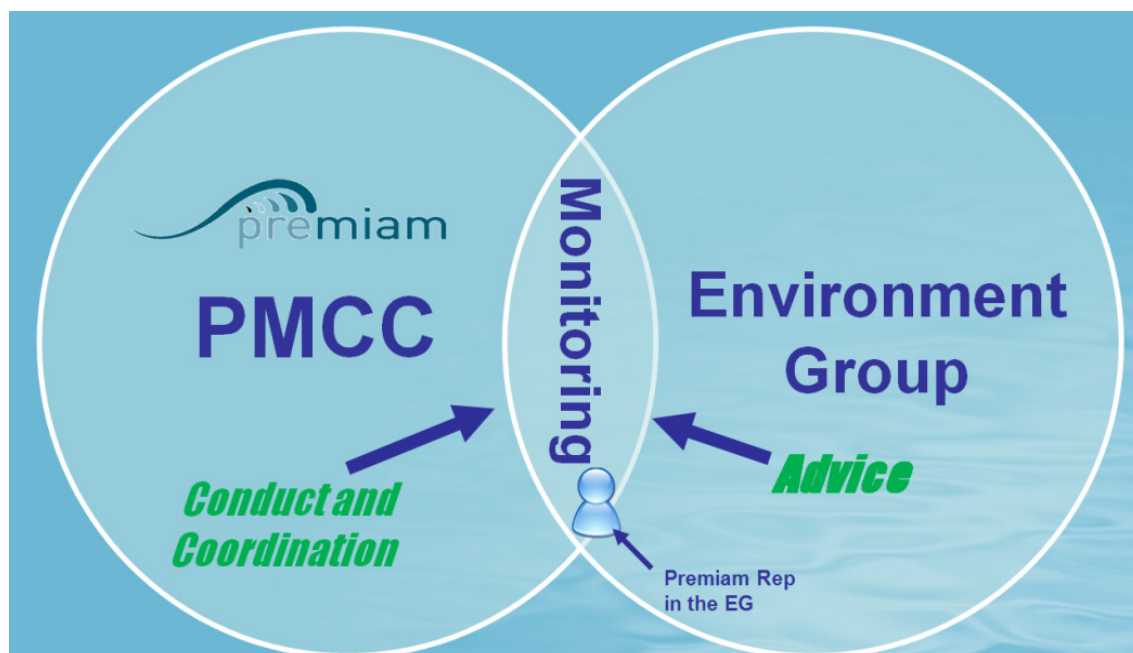
Scottish Government Resilience (responsible for wider response issues and to inform Scottish Ministers)

The initial (0-96 hours) membership of the PMCC will be managed by a chair nominated by the SEG/OEG 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; Health Protection Scotland, identified scientific or local experts, industry representatives, suppliers of significant effort into the monitoring programme, RSPB, local wildlife associations etc.

## **Links with the Operational Environment Group**

It will be essential for the PMCC to have strong communication links with any formed Operational Environment Group. This is because the expert environmental advice being generated by the OEG 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 OEG's recommendations, with respect to monitoring, can be actioned. Furthermore, the OEG 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 representative may form part of the OEG 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).



**Figure 1. The integrated relationship between the PMCC and OEG.**

## **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) the responsibility for making the initial decision will be delegated to the PMCC chair by the SEG/OEG (on behalf of the responsible authorities, e.g. MS, SNH, SEPA, 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 Operational Environment Group (OEG) chair and other government authorities).

#### ***Funding***

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

<b>Funder</b>	<b>Mechanism/Fund</b>	<b>Pre-authorised limit</b>
Marine Scotland	via Scottish Government funds	<i>Under discussion</i>
Scottish Natural Heritage		<i>Under discussion</i>
Food Standards Agency		<i>Under discussion</i>
Scottish Environment Protection Agency		<i>Under discussion</i>
	<b>Total Initial fund required</b>	£50-100,000 to be sought

*Note: Scottish Government Resilience may be added to this table once appropriate discussions have taken place.*

#### *Management and Co-ordination*

Initial management and co-ordination will be overseen by Marine Scotland and 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 can 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 OEG 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 (or in addition to) from 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 Marine Scotland and 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 Marine Scotland/Scottish Government 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 under the 'polluter pays principle'.

### *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.

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 OEG 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.

### *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.

## Annexes

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

#### Marine Scotland

- Evidence relating to the impact of the use of dispersants and other oil spill treatment products.
- Evidence of impact on protected areas and species
- Evidence of impact on amenity and recreation sites
- Evidence of impact on commercial fish stocks
- Evidence of impact on aquaculture
- Evidence of interactions with renewable energy development
- Evidence which will inform any potential enforcement action under the Environmental Damage Regulations

Other agencies/Departments to be added