HOW TO...

Be Aware of Your Environmental Legal Responsibilities
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You have legal responsibilities for the impact your business has on the environment.

**Who enforces environmental legislation?**

There are three main environmental regulators in the UK:

- The Environment Agency in England and Wales
- The Northern Ireland Environment Agency
- The Scottish Environment Protection Agency

Your Local Authority is also responsible for regulating some environmental issues such as:

- Air quality
- Statutory nuisance problems such as air pollution, noise, odour and light pollution
- Land contamination
- Environmental health
There is a wide range of environmental legislation that may affect your organisation. These can be broadly broken down into five key areas:

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
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<tbody>
<tr>
<td><strong>Air Emissions</strong></td>
<td>For example dust from earthworks or emissions from plant and equipment</td>
</tr>
<tr>
<td><strong>Land Contamination</strong></td>
<td>For example developing historically contaminated sites</td>
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<tr>
<td><strong>Noise Pollution</strong></td>
<td>For example from operating plant and equipment</td>
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<tr>
<td><strong>Waste Disposal</strong></td>
<td>Such as spoil, offcuts and other building materials</td>
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<tr>
<td><strong>Waste Discharges</strong></td>
<td>For example dewatering excavations and pipe testing</td>
</tr>
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</table>

“Our environmental policies are woven into how we do business.”

Paul Johnson, HSEQT
Director, The Carey Group
Whose Responsibility is it to Manage Environmental Issues?

The site management structure within which your business operates can vary from contract to contract. This can lead to a great deal of confusion about who is responsible for environmental issues. This can include applying for permits and consents, the management of waste and communicating with the environmental regulators.

Where contractual arrangements are complex, do not assume that the main contractor is responsible for everything and holds all liability when things go wrong.

Check to see if your contract describes how environmental issues will be managed. You could still be legally liable even if your contract says that you are not responsible for some aspects of the environmental management of your operation. Your contract does not exempt you from liability. If in doubt, seek professional help.

For example, if your business either directly or indirectly allows a polluting material such as silt to enter surface water, groundwater or even the sea, then your business can be prosecuted. The main contractor could also be prosecuted if they knew that you were causing pollution but did not take any action to stop you.

It is, therefore, essential you are aware of what legal obligations you have relating to the work you are undertaking. You will then be in a much better position to discuss the requirements with your Client.

“

The company is actively committed to the reduction of waste and improved operational efficiency.

”

JP Dunn
Developing an environmental legal register can be quite daunting, but there are some great sources of information which can help. For England and Wales, the Environment Agency website is the best place to start. It provides a comprehensive list of all environmental legislation which can be filtered by ‘type’ of legislation, e.g. Land, Air, Water.

The pages below can be accessed via the following link:
Where To Start?

If you are working in Northern Ireland and Scotland, information is available from ‘Netregs’ via the following link: http://www.netregs.org.uk/. From Netregs you are able to search for legislation both by type and also by sector e.g. construction, as well as sign up for monthly updates on changes to legislation.

“We recognised that if Morrisroe wanted to move forward and effectively compete for more prestigious contracts, ISO 14001 was going to be essential.”

Hakim Nazerali, HSEQ Manager, Morrisroe
The Nitty Gritty

It is one thing knowing the names of the legislation, it is quite another knowing what requirements the legislation places upon your organisation. Whilst NetRegs will provide you with a good oversight as well as providing direction to other sources of information, it is your responsibility to make sure you are clear on what is required. Ignorance is no defence in court so it is essential you know your stuff! Obtain as much information as you can on the subjects that affect your operations, including approved guidance documents or approved codes of practice where they are available as these are often written in a more reader friendly format.

Does my business need a permit or licence?

One of the requirements of legislation is that you may require a permit or licence if your business poses certain types of environmental risk. For example if your business:

- Collects or transports waste on behalf of others, or transports your own construction or demolition waste, you must register as a waste carrier with your environmental regulator.
- Carries out waste activities such as treating, storing or disposing of other people’s waste, you may need an environmental permit or an exemption from your environmental regulator.
- Allows anything other than clean, uncontaminated water from your premises into watercourses or surface water drains, you must have a discharge consent from your environmental regulator.
- Discharges trade effluent into the sewerage system, you must get consent from your water company or water authority.
- Takes water from surface water or groundwater, ie not from the mains supply, you may need an abstraction licence from your environmental regulator.
Keeping up to date

The environmental arena is ever changing so it is imperative that you keep up to date with any new legislation. The best way to do this is by signing up to the NetRegs update service which provides you with a monthly update on changes in legislation.


There is also a ‘future legislation’ tab on the NetRegs homepage which details the most recent changes.

What does ISO 14001 require?

The following are extracts from the standard:

4.3.2 Legal and other requirements

The organisation shall establish, implement and maintain a procedure(s)

a) to identify and have access to the applicable legal requirements and other requirements to which the organisation subscribes related to its environmental aspects, and

b) to determine how these requirements apply to its environmental aspects.

The organisation shall ensure that these applicable legal requirements and other requirements to which the organisation subscribes are taken into account in establishing, implementing and maintaining its environmental management system.

4.5.2 Evaluation of compliance

4.5.2.1 Consistent with its commitment to compliance, the organisation shall establish, implement and maintain a procedure(s) for periodically evaluating compliance with applicable legal requirements.

The organisation shall keep records of the results of the periodic evaluations.

4.5.2.2 The organisation shall evaluate compliance with other requirements to which it subscribes. The organisation may wish to combine this evaluation with the evaluation of legal compliance referred to in 4.5.2.1 or to establish a separate procedure(s).
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Take the next step

If you would like to find out more about how to achieve the ISO 14001 standard then please contact Tracey Stafford on 07703 186974 or email tstafford@construct.org.uk

To find out more about how Exemplas can provide your business with the support it needs to drive performance, call 0845 600 9130 or email businesssupport@exemplas.com

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“...and what does that mean?

Essentially it is necessary to link environmental legislation to the activities your company undertakes. The best way to do this is by linking it your Aspects and Impacts Register. For example:

Aspect: Generation of waste material

Applicable Legislation:

- Controlled Waste Regulations 1992
- Environmental Protection Act 1990
- Hazardous Waste Regulations 2005
- List of Waste Regulations 2005
- Site Waste Management Plan Regulations 2007
- Waste Electrical and Electronic Equipment Regulations 2006
- Waste Regulations 2011

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“This project has been delivered with support from the CITB Growth Fund, which aims to ensure that the construction industry has the right people, with the right skills, in the right place, at the right time and is equipped to meet the future skills demands of the industry.”