

PREM 19/1256



NBSM

BT 26/10

CCO

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 From The Secretary of State for Wales

26 October 1984

J. P. Jenkin

RECHEM HAZARDOUS WASTE INCINERATION PLANTS

Thank you for your letter of 3 October about the operation of the Company's three plants for the high temperature incineration of hazardous wastes and the implications of the closure of the Roughmote plant, and suggesting an urgent meeting.

In my absence abroad your Private Office was advised that Wyn Roberts would attend any such meeting for which we agreed that there was a need.

Like George, we are gathering data on the materials being dealt with at Pontypool and perhaps it would be right for us all to get together when this information is to hand.

/ I am copying this letter to the Prime Minister, George Younger and Norman Tebbit.

J. P. Jenkin

The Rt Hon Patrick Jenkin MP
 Secretary of State for the Environment

Govt Mach November 8

Hazardous Waste

26 OCT 1984

11 12 1 2 3



SCOTTISH OFFICE
WHITEHALL, LONDON SW1A 2AU

The Rt Hon Patrick Jenkin MP
Secretary of State for the Environment
Department of the Environment
2 Marsham Street
LONDON
SW1P 3EB

cc No
Nepm
Dmb
22/10

22nd October 1984

Dear Patrick,

RE-CHEM WASTE INCINERATION PLANT

Thank you for your letter of 3 October proposing that you, Nicholas Edwards and I should meet as a matter of urgency to discuss the implications of the closure of the Roughmote Plant of Re-Chem International at Bonnybridge.

I agree that we should meet but I think that it would be advisable for the ground to be prepared first.

A preliminary assessment by my officials makes it clear that there will be problems from the closure - albeit of varying difficulty - for the Scottish industry. This is only a first sighting shot and we expect to get from the local district council, which is the waste disposal authority for the area, within the next two weeks a detailed list of all the materials dealt with by Re-Chem (Bonnybridge) over the last year, showing the producers of the wastes and the tonnages involved. With this information we will be in a better position to assess not only the implications for industry in Scotland, but the likely pressures on other disposal facilities.

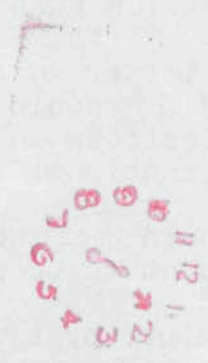
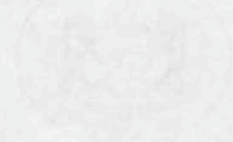
Another argument against precipitate action is that we have had reports that the industries most concerned in Scotland are already discussing among themselves what action they can take, and I would not wish anything done by us to stifle that initiative.

I am copying this letter to the Prime Minister, Nicholas Edwards and Norman Tebbit.

Yours truly,

George

Gert Mach : Location of Hazardous Waste Inspectorate
11/82



22 OCT 1984

[Faint handwritten notes at the bottom of the page, possibly including the name 'Gert Mach']



NBSM
TV

~~copy~~
1508E

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

3 October 1984

Dear George,

RE-CHEM WASTE INCINERATION PLANTS

As you are aware, Re-Chem International Ltd (a wholly owned subsidiary of the British Electric Traction Group) operate three plants for the high-temperature incineration of hazardous wastes at Roughmote in Scotland, Pontypool in Wales and Fawley near Southampton.

Following the company's announcement on 17 September last of their intention to close the Roughmote plant I know that you will share my concern at the implications which this course of action could have on industrial hazardous waste producers in Scotland and Northern England. Even if other plants survive, these producers will be faced with additional haulage of several hundreds of miles to achieve secure disposal for their wastes. I know that Scottish Office have already received comment in this vein from local industries.

The implications are also serious for the Pontypool plant, which would be faced with increased lorry traffic, increased throughput, and inevitably a renewed wave of hostile public and media pressure. My officials are not convinced of BET's resolve to maintain the Pontypool operation in the face of such pressure, and fear an announcement of closure within months.

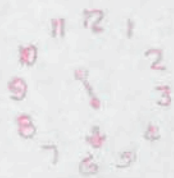
I view this possibility with the gravest concern. The availability of a high-temperature incineration capability for solid hazardous wastes is essential to the national strategy for waste management, and of the five contractual hazardous waste incineration plants in the UK, only Roughmote and Pontypool offer this particular facility. In 1984 they will incinerate, between them, some 14,000 tonnes of UK hazardous waste, for the vast majority of which no environmentally acceptable alternative disposal option exists.

I should be grateful, therefore, if we, together with Nicholas Edwards, could arrange to meet and discuss the implications of this topic as a matter of urgency. I am copying this letter to the Prime Minister and to Norman Tebbit.

Yours
Patrick

PATRICK JENKIN

3 OCT 1984





CCAO

2 MARSHAM STREET
LONDON SW1P 3EB
01-212 3434

My ref:

Your ref:

13
3 October 1984

Dear Nick,

RE-CHEM HAZARDOUS WASTE INCINERATION PLANTS

As you are aware, Re-Chem International Ltd (a wholly owned subsidiary of the British Electric Traction Group) operate three plants for the high-temperature incineration of hazardous wastes at Roughmute, Pontypool and Fawley, near Southampton. You will have seen the announcement, dated 17 September last, of the company's intention to close their Roughmute plant.

The implications of the closure of Roughmute are serious for industrial hazardous waste producers in Northern England and Scotland, faced with several hundreds of miles additional haulage in order to achieve secure disposal, and I understand that concern has already been expressed to Scottish Office in this vein.

Equally serious, of course, are the implications with respect to the Pontypool plant, which would have to cope with an increased amount of lorry traffic, greater throughput and, inevitably, a new wave of hostile public and media pressure.

Officials in my Department are not convinced of BET's resolve to maintain the Pontypool operation in the face of such hostility, and fear an announcement of its closure within a matter of months.

I view this possibility with the gravest concern. The availability of a high-temperature incineration capability for solid hazardous wastes is essential to the national strategy for waste management, and of the five contractual hazardous waste incineration plants in the UK, only Roughmute and Pontypool offer this particular facility. They will incinerate 14,000 tonnes of UK hazardous waste between them in 1984, for the vast majority of which no environmentally acceptable alternative disposal option exists.

I should be grateful, therefore, if we, together with George Younger, could arrange to meet and discuss the implications of this topic, as a matter of urgency. I am copying this letter to the Prime Minister and to Norman Tebbit.

Yours
Patrick

PATRICK JENKIN

1983 OCT 1984

12 1 2 3 4 5 6 7 8 9 10 11





10 DOWNING STREET

From the Private Secretary

9 November, 1982

LOCATION OF THE PROPOSED HAZARDOUS WASTE INSPECTORATE

The Prime Minister has seen your Secretary of State's minute of 26 October seeking a ruling on the location of the above inspectorate. She has also seen the Secretary of State for the Environment's minute of 1 November and that of the Secretary of State for Wales of 3 November.

The Prime Minister has decided that the inspectorate should be located in the Department of the Environment, with suitable equivalent arrangements being made in Scotland. She believes that as the Secretaries of State with responsibility for the Environment would in either case be the Ministers responsible for the functions concerned, their views on how they wish their responsibilities to be discharged should prevail. She also believes that the work of the new inspectorate is sufficiently akin to that already being done by the Department of the Environment to make it possible for the Department to establish and support the new inspectorate as quickly, cheaply and efficiently as the HSE. She does not believe that the presentational considerations mentioned by your Secretary of State need pose too great a problem: the Gregson Committee did not argue the case for location in the HSE rather than DOE, and will probably be well content if the Government accepts their recommendation that there should be an inspectorate. Nor does the Prime Minister think that there is any real risk of insuperable conflict of functional and health and safety responsibilities in DOE, since the main executive responsibilities for waste control do not lie with the Department.

The Prime Minister has, however, noted the strong interest of HSE in the proper control of hazardous waste, and the need for proper co-ordination, at both national and local levels, on policy for disposal of hazardous wastes and on its proper execution. She hopes that the Secretary of State for the Environment, with the support of your Secretary of State and of the HSE, will ensure that proper machinery is established to secure this, and to ensure that the HSE can make a full contribution to the formulation of the policy on standards and enforcement practice.

RESTRICTED

- 2 -

I am copying this minute to David Edmonds (Department of the Environment), Muir Russell (Scottish Office), Adam Peat (Welsh Office), John Lyon (Northern Ireland Office) (although I do not believe that the Secretary of State for Northern Ireland is involved in this issue), Mary Brown (Lord Privy Seal's Office) and Richard Hatfield (Cabinet Office).

T. FLESHET

J. Barnaby Shaw, Esq.,
Department of Employment,

RESTRICTED



PRIME MINISTER

I have seen the recent minutes to you from Norman Tebbit and Michael Heseltine arguing for the location of the Hazardous Wastes Inspectorate within their respective Departments.

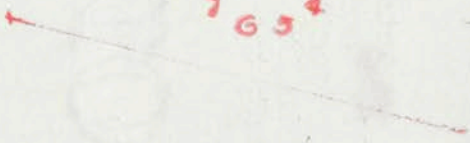
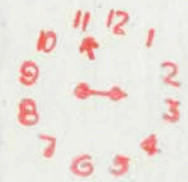
In my view it is important that the Department responsible for environmentally acceptable waste management and for the operations of local authorities should have this Inspectorate within it. For this reason I strongly support Michael's view that the Inspectorate should be located in DOE.

I am sending copies of this minute to Norman Tebbit, Jim Prior, Michael Heseltine, George Younger, Janet Young and Robert Armstrong.

3 November 1982

R N E

NOV 1982



5/12



PRIME MINISTER

GR *Pre type* *minutes attached to* *RTA minute* *WEEKEND BOX* *4*
if DOE is convinced it should stay with that
Hazardous Waste Inspectorate *dph 12. Mr. Heseltine*

Attached are three minutes about the question of the location of the hazardous waste inspectorate proposed by the Gregson Committee and accepted in principle by the Government.

- At Flag A is a minute from the Secretary of State for Employment proposing that the inspectorate should be located in the Health and Safety Executive.
- At Flag B is a minute from the Secretary of State for the Environment proposing that the inspectorate be located in his Department.
- At Flag C is a minute from Sir Robert Armstrong summarising the arguments and coming down on the side of Mr. Heseltine.

The main issues are:

- (i) the resource implications;
- (ii) the possibility of a conflict of interest between DOE's functional responsibilities and its safety responsibilities;
- (iii) the way in which the inspectorate would fit in to existing departmental responsibilities; and
- (iv) the style of the new inspectorate.

Do you agree with:

- (a) the Secretary of State for Employment, or
- (b) the Secretary of State for the Environment and Sir Robert Armstrong?

2 November 1982

J

Prime Minister



LOCATION OF THE HAZARDOUS WASTE INSPECTORATE

Norman Tebbit copied to me his recent but undated minute to you seeking a ruling on the location of this proposed new Inspectorate.

I take a contrary view to his, and think that this Inspectorate, to which we are committed, should be set up in my Department. As you know, I have taken a rigorous view of the workload and staff requirements of my Department, and I do not lightly come to the conclusion that we should expand anywhere. But the basic facts as I see them point strongly to the new unit being here.

It is agreed on all sides that the Government should play a more active and visible role in the business of managing and disposing of hazardous waste, and should do this by appointing a few officers to work in the field. It is also agreed that there is no reason to alter the basic system of controlling waste, which is done by county councils licensing the waste disposal facilities in their areas. What is needed is a general tuning up of that system to reduce environmental hazards, by inspecting its effects on the ground and advising county councils on ways of raising standards nationally (preferably, of course, without increasing their own costs).

In view of this need, on which Gregson, Norman Tebbit and I are in agreement, I was surprised that Gregson recommended locating the Inspectorate in the HSE. A place in DOE would fit in well with my concern for local authority performance and resources across the board. It would, furthermore, fit with the width of responsibility for the environment, in its broadest sense, which both local authorities and I share.

I have no doubt that my Department could quickly establish a distinct unit, in a cost effective way. The prospect is not new. Professional officers here have been visiting authorities and sites for a number of years, and most of the country has been covered in the last 2 years. Formalising and enhancing that advisory role would provide a much sounder basis than any other for the Inspectorate.

Norman Tebbit comments that the parties interested (industry, disposal contractors and local authorities) would prefer the Inspectorate to be in the DOE, and thinks this is suspect. In fact, those views seem to me to represent the confidence of the various organisations in the expertise and approach of this Department. DOE is not party to any transactions in waste; its only role is to see that the business is transacted to the highest attainable standards and in accordance with Government policy.

I accept that the Inspectorate, if in my Department, will have to co-operate closely with the HSE. The protection of the environment and matters of health and safety for people on and around waste disposal sites are very closely linked. But I am sure that the task of raising the efficiency of the control system, and making recommendations for improving it, requires the strongest and closest links with those who have the policy responsibility for local government matters and the environment. I therefore suggest a location in my Department.

I am copying this to the recipients of Norman Tebbit's minute.

1 November 1982

MH

1 NOV 1982

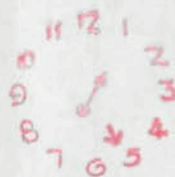


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Ref. A09932

PRIME MINISTER

Location of the Proposed Hazardous Waste Inspectorate

I have seen the recent minutes by the Secretary of State for Employment and the Secretary of State for the Environment, seeking a ruling on whether the hazardous waste inspectorate proposed by the Gregson Committee and accepted in principle by the Government should be located in the Health and Safety Executive (HSE) (as Gregson recommended) or in the Department of the Environment (DOE) (as the Secretary of State for the Environment wants). Whichever way it goes, the Secretary of State for the Environment will be the Minister responsible.

2. The Secretary of State for Employment claims that HSE would be able to do the work more cheaply and efficiently, because they already have suitable specialist staff and a field organisation. I doubt whether there is much force in this argument: DOE already have suitable experts working in this field, and can deploy them on the new work without need for additional staff. As the inspectorate is to be a small central body the existence of HSE's field organisation is not crucial.

3. The Secretary of State for Employment also argues that it would be difficult to justify departing from Gregson's recommendation that the new inspectorate should be located in HSE. Again I doubt whether there is much force in this argument, given that the Government would be accepting the main recommendation that there should be an inspectorate. The location issue was not argued at all in the report. The fact that the interested parties would prefer a DOE location is not a conclusive argument against it. The potential for clash between DOE's functional responsibilities and the safety responsibilities which it might assume is not great: local waste disposal authorities, not the Department, have the executive and regulatory responsibilities for waste management. The DOE is accustomed to dealing with similar apparent conflicts of interest within its other jurisdictions, and they have not caused difficulties. It must also be said that the new Inspectorate is to have the function



of advising both waste disposal authorities and the HSE on their respective duties, so that a HSE location would not be without potential problems of a similar kind.

4. A positive point in favour of a DOE location is that the Department is already doing similar work to what is proposed for the inspectorate, whereas for the HSE the inspectorate's work would be an advance into a field where although it has powers, it has limited practical experience. Moreover, although location in HSE would enable the inspectorate to fulfil well its co-ordination role, its advisory nature would fit less well with the 'enforcement' emphasis of HSE. This is a practical consideration when it comes to working with the waste disposal authorities and securing their co-operation by persuasion rather than overt regulation; I believe that DOE are better placed to support the inspectorate in this than is the HSE, which has aroused some hostility from local authorities.

5. Perhaps the heart of the matter is that the HSE is likely to take a more vigorous view of what constitute public hazards, and to use powers to oblige local authorities and industry to act upon their view; the DOE will be more inclined to protect local authorities against unreasonable public pressures, and where they require action to operate by suggestion and persuasion rather than by exercising powers.

6. It is agreed by both Secretaries of State that, should the inspectorate be located in HSE, the HSE and Health and Safety Commission should report to the Secretaries of State with responsibility for the Environment, not the Secretary of State for Employment, on its activities. So Ministerial responsibility is not in fact at issue. I believe that the views of the Secretary of State for the Environment, and those of the Secretaries of State for Scotland and for Wales who also favour a DOE location, should be given considerable weight in deciding how their responsibilities should be discharged.

7. I recommend that you should support the Secretary of State for the Environment's case for locating the inspectorate in his Department; --- a suggested line of reply is attached. Wherever the inspectorate is located, it is essential that proper co-ordinating machinery between DOE and HSE is established, and this point seems worth emphasising.

A handwritten signature in dark ink, appearing to read 'RIA' with a long horizontal stroke extending to the right.

ROBERT ARMSTRONG

1 November 1982



DRAFT MINUTE FROM THE PRIVATE SECRETARY, NO 10 TO THE
PRIVATE SECRETARY TO THE SECRETARY OF STATE FOR EMPLOYMENT

Location of the Proposed Hazardous Waste Inspectorate

The Prime Minister has seen your Secretary of State's minute of 26 October seeking a ruling on the location of the above inspectorate. She has also seen the Secretary of State for the Environment's minute of [28 October], 1 November, and that of the Secretary of State for Wales of 3 November.

2. The Prime Minister has decided that the inspectorate should be located in the Department of the Environment, with suitable equivalent arrangements being made in Scotland. She believes that as the Secretaries of State with responsibility for the Environment would in either case be the Ministers responsible for the functions concerned, their views on how they wish their responsibilities to be discharged should prevail. She also believes that the work of the new inspectorate is sufficiently akin to that already being done by the Department of the Environment to make it possible for the Department to establish and support the new inspectorate as quickly, cheaply and efficiently as the HSE. She does not believe that the presentational considerations mentioned by your Secretary of State need pose too great a problem: the Gregson Committee did not argue the case for location in the HSE rather than DOE, and will probably be well content if the Government accepts their recommendation that there should be an inspectorate. Nor does the Prime Minister think that there is any real risk of insuperable conflict of functional and health and safety responsibilities in DOE, since the main executive responsibilities for waste control do not lie with the Department.

3. The Prime Minister has however noted the strong interest of HSE in the proper control of hazardous waste, and the need for proper co-ordination, at both national and local levels, on policy for disposal of hazardous wastes and on its proper execution. She hopes that the Secretary of State for the Environment, with the support of your Secretary of State and of the HSE, will ensure that proper machinery is established to secure this, and to ensure that the HSE can make a full contribution to the formulation of the policy on standards and enforcement practice.



4. I am copying this minute to the Private Secretaries to the Secretaries of State for the Environment, for Scotland, for Wales, for Northern Ireland (although I do not believe that the Secretary of State for Northern Ireland is involved in this issue), the Lord Privy Seal, and to Sir Robert Armstrong.

conqueror



PRIME MINISTER

LOCATION OF THE PROPOSED HAZARDOUS WASTE INSPECTORATE

1 The Report of the sub-committee of the House of Lords Select Committee on Science and Technology on Hazardous Waste Disposal (The Gregson Report: HL273, Session 1980-81) recommended, inter alia, that a Hazardous Waste Inspectorate, of about 5 inspectors, should be set up within the Health and Safety Executive to augment the control of waste disposal authorities. The Government has accepted in principle that an Inspectorate should be set up but there is a difference of view about where it should be located. Michael Heseltine says that the Inspectorate should be located in his department. I think the Gregson Committee was right and am writing to seek your ruling on the matter.

... 2 A report by officials for the Departments involved under Chairmanship of the Management and Personnel Office is attached, and the MPO's verdict arrived at solely on machinery of government grounds - and then only on a fine balance of the arguments and acknowledging that either arrangement could be made to work well - is in favour of the DoE.

3 The HSE have no particular axe to grind, but they do point out that their existing specialist staff and field organisation would enable them to carry out the task more cheaply and more efficiently than the DoE. They would not require any additional resources and could establish the unit very rapidly: and broad political considerations made me think that it is right that they should be asked to take this on, as the Gregson Report recommends.



4 There are more important considerations at stake than administrative tidiness. For a start we have the considered recommendation of Gregson, so that a location in DoE calls for more defence and explanation than would a simple acceptance of the recommended location. The fact that the interested concerns (industry disposal contractors and local authorities) would prefer the Inspectorate to be in the DoE is hardly an argument the Government can advance in defence of such a position; it would smack too much of allowing the poacher to choose the gamekeeper. Moreover, the very fact that the DoE has already responsibilities in this field points to the Inspectorate not being located there. There is always criticism when functional oversight and oversight of health and safety are put under the same roof: and I am bound to add that, if we do decide to put this unit in the DoE, then we must be prepared for an inquiry into any future incident to recommend, as Gregson did, that the two functions be separated.

5 I am sending copies of this minute (without the attached report which I believe their Departments already have) to Jim Prior, Michael Heseltine, George Younger, Nicholas Edwards, Janet Young and Robert Armstrong.

NT

NT
October 1982

LOCATION OF THE PROPOSED HAZARDOUS WASTE INSPECTORATE

Report of an ad hoc Working Group of Officials

BACKGROUND

1 The Report of a sub-committee of the House of Lords Select Committee on Science and Technology on Hazardous Waste Disposal (the Gregson Report) (HL 273, Session 1980/4) recommended, inter alia, the establishment of an Hazardous Waste Inspectorate of about 5 inspectors. It would coordinate existing functions within Government and would advise the Health and Safety Executive and the Waste Disposal Authorities (WDAs) on their regulatory duties, and would report to Parliament (para. 141). This recommendation has been accepted in principle by Ministers. The Gregson Report recommended that this Inspectorate should be located within the Health and Safety Executive, in order to avoid conflict with or duplication of the work of HSE's Factories and Alkali Inspectorates.

2 The Secretary of State for Employment (who has general responsibility for the Health and Safety Commission and its Executive) and the HSE endorse this recommendation. The Secretary of State for the Environment, however, considers that the new Inspectorate would be better located organizationally within the Land Wastes Division of his Department. He is supported by the Scottish and Welsh Secretaries of State. Officials concerned, under the chairmanship of the Management and Personnel Office, were asked to examine and report back to the Ministers of the 4 Departments on the facts and the pros and cons of each proposed arrangements.

PRESENT ARRANGEMENTS

3 The Secretaries of State for the Environment, for Scotland and for Wales have general responsibility for waste management. The Department of the Environment's Land Wastes Division visits WDAs in England and monitors and advises upon their operations. It also gives policy and technical advice through circulars, and papers on waste management, and liaises with the professional and organizational associations concerned.

4 Statutory functions are discharged by 165 Waste Disposal Authorities (WDAs). In England these are the county (including metropolitan county) councils and in Scotland and Wales they are the district councils. In addition to their executive function of disposing of household waste, WDAs have a regulatory function in relation to waste generally, including

hazardous waste. Under the Control of Pollution Act 1974 they license sites for waste disposal and enforce the licence conditions. They also control movement of particularly hazardous waste.

5 The water authorities (river purification boards in Scotland) advise on the protection of water resources against pollution from waste disposal sites. They have certain powers to object to waste disposal arrangements that might jeopardize water supplies; such objections are referred to the Secretary of State for the Environment for final resolution

6 Under the Health and Safety at Work, etc. Act 1974, the Health and Safety Executive (HSE) has responsibility for ensuring the health and safety of persons at work and for controlling hazards to the public arising out of work activities. HSE's chief interests in the disposal of hazardous waste relate to the danger to workers involved in the disposal operations and to the public affected by them; and to the work of the Alkali and Clean Air Inspectorate (ACAI) which regulates airborne emissions from scheduled works and advises local authorities generally on the control of emission to the air. HSE also advises WDAs, when requested to do so, on decisions affecting the licensing of waste disposal sites.

7 The Secretary of State for Wales is responsible for waste management in Wales, and maintains a close relationship with Welsh WDAs through the Welsh Office Environmental Engineering Division, but generally relies upon the DOE's Land Wastes Division to formulate advice for WDAs. The Secretary of State for Scotland exercises his responsibilities through the Scottish Development Department, the relationships with local authorities in Scotland therefore being conducted from a Scottish base. SDD's HM Industrial Pollution Inspectorate (HMIPI) carry out the equivalent functions to those of HSE's ACAI in England and Wales, acting on an agency basis for HSE; other HSE functions are organized on a GB basis.

THE OBJECTIVES OF THE GREGSON RECOMMENDATIONS

8 The Gregson Report identified a lack of coherence in the approach of WDAs to standards of enforcement and licensing decisions and in the use made of the legislative framework. The Committee therefore wanted a coordinating body to provide expertise and advice to WDAs; and to allay

Public anxieties and provide a second opinion on WDAs' own disposal sites for hazardous waste. The Hazardous Wastes Inspectorate is intended to fulfill that role, to encourage adequate and consistent standards of control throughout the country. It would pay particular attention to co-disposal of hazardous and general wastes - a practice which the Report recommended could be more widely adopted by WDAs.

ARGUMENTS FOR AND AGAINST LOCATION IN THE LAND WASTES DIVISION OF THE DEPARTMENT OF THE ENVIRONMENT

9 The main arguments advanced by DOE in favour of location in that Department are:

- a. DOE is responsible for waste management generally and has a comprehensive knowledge of waste management systems. All concerned acknowledge that there is real advantage in managing hazardous wastes within the same framework as other wastes. Moreover, the waste management systems have to look beyond regulation of immediate hazards to the long term effects of waste upon the environment - clearly part of DOE's functions.
- b. The main executive organizations concerned with waste disposal are WDAs, and the burden of the Gregson Report's recommendations is that the WDAs need to adopt a more coherent and stringent approach to the discharge of their duties as regards hazardous waste. The immediate object of attention is site management and WDAs' controls over sites, not the industrial processes which generate hazardous waste. This is essentially a matter concerning the efficiency of local authorities, their management and control systems; and also involves the extent and use of local authority resources. Both are central to the responsibilities of DOE.
- c. The Inspectorate will also take an interest in industry's in-house disposal facilities, which take a large proportion of industrial waste, and are subject to licensing. Thus a wide circle of contacts with industrial and other organizations will be needed, which DOE has.
- d. In practice DOE's Land Wastes Division has good working relations with the English WDAs, based on advice and

persuasion. The Land Wastes Division already inspects and advises upon WDAs' operations and their waste disposal plans; for all practical purposes locating the new inspectorate within the same organization would be an enhancement of an existing function using existing expertises. To maximise the benefit from introducing an advisory inspectorate with a rather 'higher profile' in securing consistency in standards of licensing and enforcement, this good relationship should be exploited to get WDAs' cooperation.

- e. There is a substantial amount of EC business concerned with hazardous waste, which is conducted through DGXI. DOE is in the lead in the discussions with this Directorate; and would expect the new Inspectorate to get involved and act as a channel for WDA views and vice versa. HSE's main involvement is with DGV which deals inter alia with hazardous substances but in other contexts. OECD is also studying hazardous waste, and DOE provides the liaison with the Organisation.
- f. The Water Division of DOE is the main channel of contact to the Water Authorities in England in relation to their interest in control of hazardous waste disposal, and liaises very closely with the Land Wastes Division.
- g. The main practitioners (industry disposal contractors and local authorities) are (unusually) agreed in wanting the Inspectorate located within DOE.
- h. DOE sponsors a substantial research programme; to do this effectively it needs field contacts.

10 Possible disadvantages (other than to HSE) of a DOE location that have been mentioned are:

- a. "agency capture". Precisely because it has close and continuing relations with local authorities generally and WDAs in particular, DOE may be perceived as being in a 'cosy' relationship which militates against proper controls and enforcement. A major part of the Gregson recommendations was aimed at allaying public anxieties about hazardous wastes: locating the inspectorate in DOE may

detract from the 'public relations' value. The very fact that the waste producers (industry) and waste controllers (local authorities) favour a DOE location could be suspicious; though it has also been argued that it merely reflects a respect for the professional competence of DOE officials.

- b. The Secretary of State for the Environment has an appellate function in respect of the issue of licences for waste disposal sites. There may be some presentational difficulties about locating in one Department the responsibility for advising WDAs' licensing decisions. (But in practice different personnel would always be involved.)

ARGUMENTS FOR AND AGAINST LOCATION IN THE HEALTH AND SAFETY EXECUTIVE

11 The main arguments advanced by HSE in favour of the responsibilities of the Environment Secretary being discharged by them are:

- a. HSE has a general concern in the control of hazards arising from work activities including hazardous waste. It therefore has considerable expertise to offer generally, and on particular hazards associated with some waste products; and early knowledge (which is then shared with DOE) of processes and substances that are likely to cause hazard both in the immediate term and through longer term effects on the environment.
- b. HSE have a large and flexible organization, comprising both HQ expertise and a flexible nationwide area structure equating to the organization of WDAs, a network of National Industry Groups some of which are concerned with hazardous wastes, and a considerable pool of locally-based expertise to draw upon in the Factory Inspectorate, Alkali and Clean Air Inspectorate, Mines and Quarries Inspectorate and elsewhere. This field force provides a resource to supplement HQ expertise as required. Moreover, it is a GB-based organization, facilitating national coordination.

c. HSE has direct enforcement responsibilities undertaken by the Factory Inspectorate relating to the safety of workers on waste disposal sites, and of the public affected by activities at such sites. It also, through the Alkali and Clean Air Inspectorate, has responsibility for control of airborne wastes in some sites and advising local authorities generally on air pollution; this relationship is a useful precedent for how the new Inspectorate should operate, and the work of the two Inspectorates should naturally come together. The general enforcement powers and duties of the HSE should in any case provide a useful back-up to the advisory role of the Hazardous Wastes Inspectorate in stimulating local authorities.

d. HSE provides a considerable amount of advice and consultancy to WDAs, but on request only, concerning ^{hazardous} waste disposal, site licensing and control of hazardous wastes generally. In particular, when things go wrong, HSE tends to get lumbered - by the public who know about HSE and expect it to take responsibility, and by WDAs needing help. Locating the new Inspectorate in HSE would ^{in their view} permit better oversight and co-ordination and should help to prevent things going wrong.

e. because of its broad-based enforcement and advisory functions, HSE is better placed to co-ordinate all the policies and decisions affecting waste control and disposal. It can therefore ensure the consistency in approach that Gregson wanted and avoid overlaps and conflicts.

- f. HSE is patently independent in its dealings with local authorities, is better placed to bring gentle pressure to bear on them, and in particular to offer an independent view on management of WDAs' own hazardous waste disposal sites, and is associated in the public mind with control of hazards. It is therefore able to do what Gregson wanted in allaying public concern.
- g. Gregson recommended that the Inspectorate should be located in HSE.

12 The main disadvantage of locating the Inspectorate in HSE that has been mentioned is the quasi 'industrial relations' one that both industry and local authorities prefer a DOE location, are suspicious of what HSE might try to make them do, and are therefore possibly less likely to cooperate with an advisory Inspectorate.

SCOTLAND AND WALES

13 The pro and con arguments in relation to Wales are the same as for England. In Wales, the Local Government and Environmental Engineering Divisions of the Welsh Office exercise similar powers in relation to waste disposal problems in Wales that DOE's Land Waste and Water Divisions exercise in England, and the Welsh Office would prefer the new Inspectorate to be located within DOE where they would draw upon their advice. Like DOE, they see the main role of the Inspectorate as a local government and environmental one. In Scotland they are also much the same and SDD has, as regards waste disposal, a relationship with local authorities comparable to that of DOE in England. Despite recommendation 25 of the Gregson Report, Scottish Ministers have decided that waste disposal is to remain the responsibility of the Districts. Further HMIPI could have a part to play whichever way the decision goes as on the one hand they are advisers to the Secretary of State, and on the other the enforcement agency for HSE for the Alkali Act.

THE ALTERNATIVE ORGANIZATIONS

14 If established in DOE, the new organization would report to the Secretary of State for the Environment, through the Director, Land Wastes Division, and the Under Secretary Air, Noise and Wastes Directorate; and to the Secretary of State for Wales. It would absorb existing inspection and advisory functions relating to the waste disposal

practices of local authorities discharged by the Industrial Wastes section, leaving more time for the section to deal with the general policy relating to the disposal of hazardous waste, including the preparation of Waste Management Papers. The new unit would probably comprise an SPSO/superintending grade officer supported by a PSO/PPTO, with administrative support. In Scotland one or two technical members of SDD's Industrial Pollution Inspectorate and Civil Engineering and Water Services Division would be appointed to undertake similar work on a part-time basis (equivalent to about half a post), drawing upon, and contributing to, the UK pool of expertise on the subject.

15 If the Inspectorate were established within HSE, it would probably come under the umbrella of the Alkali and Clean Air Inspectorate, or possibly comprise a separate Inspectorate reporting direct to the Director General. Costing has been produced on the basis that the Inspectorate would be headed by a Senior Chemical Inspector, supported by an Alkali Inspector, again with administrative support. (These gradings are equivalent to those proposed by DOE.) In Scotland the functions of the ACAI are carried out by HM Industrial Pollution Inspectorate on an agency basis for HSE. In the opinion of the Scottish Office, it would be preferable for HMIPI to act as HSE's agents for the new hazardous waste function also, if it were decided that the Inspectorate should be located in HSE.

AGREED POINTS

16 There is a considerable amount of common ground. It is agreed that the Ministers with responsibility for the environment should be responsible for the Inspectorate's work in both cases: HSE would report on hazardous waste disposal (as on air pollution matters) to the Secretaries of State for the Environment, for Scotland and for Wales. It is also agreed that the Inspectorate should produce a report to Ministers and Parliament, as recommended by Gregson.

17 Secondly, the numbers, grading and general expertise required for the new Inspectorate are agreed. Both Departments agree that it will be necessary for the unit to have access to experts in a wide range of different fields, and are confident that they can provide this reasonably quickly. Both are also confident that they will each be able to staff the unit with appropriately qualified individuals - whose general

approach and qualities will be as important as their specialist qualifications - and that the necessary posts can be found from within existing staff ceilings. Consultations between the 2 organizations about the staff appointments could take place under either arrangement.

18 Thirdly, both organizations agree that for England and Wales the Inspectorate should desirably be located with HSE's Alkali and Clean Air Inspectorate in Romney House.

19 It is agreed that the unit will need to be supported by an appropriate consultative structure. DOE would use or adapt their Working Group on Waste Management to cover the need for consultation with representatives of industry, local authority and other interests. HSE's existing consultative machinery would probably be adequate to provide an HSE-based Inspectorate with outside advice.

20 Finally, it is agreed that proper and workable coordination and liaison arrangements are needed between the environment Departments and HSE. DOE would not favour a formal committee and would rather wish to see formal liaison arrangements between nominated officers in DOE, HSE and other Departments; HSE would see more point in a coordinating committee, which should meet regularly. Some machinery is considered essential to overcome the disadvantages, to whichever organization does not take responsibility for the Inspectorate, of not having direct policy control over its activities.

THE MAIN POINTS OF DIFFERENCE

21 DOE and HSE envisage slightly different emphases in the role of the Inspectorate, and this lies at the root of the difference in view as to where it should be located. DOE see the Inspectorate as concentrating on local authority operations - monitoring how they control hazardous waste disposal and the effects of those controls, commenting to WDAs on how to bring their operations up to scratch, and advising them on the organizational and management structures they need to do the work properly. The Inspectorate would also have an important public relations and representational role. HSE see more scope for coordination functions pulling together the approaches of WDA's and HSE's own regulatory work in relation to control of hazardous waste, licensing decisions and site management, with the Inspectorate acting as a central policy 'brain'.

disseminating coordinated advice on standards and enforcement and getting back practical wisdom to inform the central advice. Both approaches have their roots in the Gregson recommendations; neither should exclude the other. This emphasises the importance of proper coordination between DOE and HSE headquarters.

21 This difference of emphasis also affects what each organization feels that it would lose by not having managerial responsibility for the Inspectorate. Each would regret the distancing of the Inspectorate's work from its other activities, the loss of direct input to its overall policy formulation from the Inspectorate, and the possibility of conflicting priorities in the direction of the Inspectorate's work (i.e. both DOE and HSE want to control those priorities). DOE thinks that the Inspectorate would lose if their work were not set in an overall local government context backed by people with experience of local government. HSE thinks that by not having direct control of the Inspectorate it would lose the opportunity to coordinate diverse enforcement standards on hazardous waste disposal sites, to respond to public concern with a unified approach to hazardous wastes, and to lessen present ad hocery in approach. But neither organization would suffer a mortal blow if the other took responsibility for the Inspectorate.

MPO ASSESSMENT

22 On balance, the machinery of government arguments - based on the similarities of functions performed, expertise available, existing working relationships and effects of locating the new Inspectorate on other parts of the organizations concerned and their work - point towards locating the Inspectorate alongside the Land Wastes Division of DOE. The need for special and separate Scottish arrangements reinforces this. The arguments are however very finely balanced, and no doubt either arrangement could be made to work well. Both DOE and HSE are concerned already in advising WDAs on the discharge of their waste disposal responsibilities; but DOE does so on a more systematic basis, HSE does so on request. In effect the work of the Inspectorate would be for DOE an upgrading of an existing function, whereas for HSE it would mean some extension of role (though one which would not, it must be said, be out of line with its other functions). Given that a major objective in setting up the new Inspectorate is to work on WDAs, their standards and their waste disposal site management, as well as their relationship with, and

responsibilities towards, private disposal contractors and producers, DOE with its general responsibilities for local authorities seems a more appropriate home. Both organizations have existing relevant expertises on tap (though HSE has more) ^{people with relevant experience} and can accommodate the work quickly and with minimum additional staff.

24 But there are coordination problems at local and national level which have to be faced, and which will not be mitigated if the Inspectorate is located in DOE. A lot of effective ad hoc liaison apparently takes place at local levels and between professionals in DOE and HSE headquarters, but there are still delays and lapses. There is a strong case for more systematic arrangements - whether through a formal coordinating committee (including Scottish and Welsh representation), or through nominated liaison points to bolster more informal contacts, should perhaps be decided in the light of experience. But if Ministers decide that the Inspectorate should be located in DOE, it seems desirable that it should be given the specific function of coordinating with HSE on the national policy on enforcement standards and practice - as envisaged by Gregson.

MPO
MG Division
27 August 1982

