

About EIC

1. The Environmental Industries Commission (EIC) is the leading trade association for environmental business. We represent a broad range of companies, from green tech start-ups, to multinational consultancies, to major industrial firms. Our members work in a range of environmental fields, including air quality, waste management, water management, energy efficiency, contaminated land remediation, smart cities and environmental laboratories.
2. EIC is collaborating with a broad group of trade associations, academic organisations, and environmental businesses under the Broadway Initiative. The group jointly produced its [Blueprint for an Environment Act](#) last year, which we broadly support.

EIC Response to Environment Bill Inquiry

3. The aim of the Environment Bill should be at the minimum, to set out a framework of environmental governance that is at least as effective as that provided by our membership of the European Union, and where possible goes further in ways that fit with the UK's specific environmental needs and priorities. The government has repeatedly stated its ambition to leave the environment in a better state for the next generation, and the Environment Bill is an opportunity to set out explicitly how this will be achieved. The draft Bill needs improvement and strengthening if it is to do this effectively.
4. As the representatives of environmental businesses, EIC's aim is to ensure the government implements environmental policy that achieves high environmental standards in a pragmatic way. Most mainstream businesses are supportive of high environmental standards, as the broad business membership of the Broadway Initiative shows, and in many areas business is ahead of government in terms of environmental performance and ambition.
5. The Environment Bill represents a once in a generation opportunity to establish a world-leading framework for environmental governance, setting an ambition for a more sustainable, healthier, and wealthier nation in a way that transcends short-term political cycles.

Environmental principles

6. Setting out environmental principles in a policy statement is a degradation of the protections that currently exist through legally binding EU environmental principles.



7. The principles should be encompassed by overarching goal, set out in the Environment Bill, that mandates that the government leave the environment in a better state than which they found it (or at the very least to non-regression). This will provide a legal basis for the principles themselves, as well as any measurable targets set out in secondary legislation. It would also give legal standing the Withdrawal Agreement's commitment to non-regression. This broad goal also lays the foundation for the Bill to account for the whole scope of the environment with measurable targets (see point 15).
8. The draft clauses also include exclusions which could weaken its efficacy. Clause 1(6)(b) offers a blanket exclusion for "policies relating to public expenditure" - while democratically-accountable choices on public spending are a real context for environmental policy, we need to avoid catch-all exemptions which could be used in ways incompatible with the spirit of the Bill.

The Office for Environmental Protection

9. The Office for Environmental Protection is the government's proposal to replace the enforcement and scrutinising role over environmental policy that is currently provided by the EU. But in its current form proposed in this draft, it fails to achieve this baseline.
10. It is vital the OEP is fully independent from Government. This may be achieved by giving Parliament a role in the setting of its budget, and its appointments. It is important that the OEP does not fall into the same fate of many NDPBs, where they are gradually starved of funding until they effectively lose their independence. A good example of this is the case of Natural England, which has lost over 50% of its budget, and is now, according to its former chair "no longer independent".¹
11. We agree the OEP should hold the government to account in delivering its environmental improvement plans, but the body must also have the remit to undertake proactive inquiries in systemic environmental problems, and make recommendations that the government must respond to.
12. The current enforcement mechanisms proposed in the Bill are inadequate, and fail to match the current EU enforcement powers. We would recommend that the OEP have the ability to issue binding decision notices against public authorities, which could require steps such as the publication of action plans, the implementation of certain policies, or compensation payments.

¹ <https://environment-analyst.com/72460/natural-england-no-longer-independent>





Long-term environmental goals and targets

13. The Environment Bill must make provisions for a framework of broad long-term goals for the environment, set down in primary legislation. These should be backed by clear measurable targets for the environment, to be set down in secondary legislation. These should be directly linked the 25YEP targets (and the targets in daughter documents such as the Air Quality and Resources and Waste Strategies) and the 25YEP Indicators that were published for consultation in January of this year. Environmental improvement plans must link explicitly to these targets, and their success should be measured against them.
14. By providing indications as to the direction of travel for environmental regulations, this will create a greater degree of certainty for the market - businesses will be able to better plan and invest for the long-term. This will provide a boost to the green economy, drive green innovation and boost green exports, alongside the environmental and social benefits that come with setting these targets.

A UK-wide framework

15. Environmental markets and challenges often transcend national boundaries and especially the boundaries between the constituent parts of the UK. Many of our environmental business members have operations across the UK and significant divergence of environmental policy and regulations post-Brexit could pose challenges for such environmental industry in terms of economics of scale and R+D for specific markets.
16. The Bill therefore should ideally set out, a framework whereby the devolved administrations could co-own the OEP in the same way they do for the Climate Change Committee, and encourage dialogue over the development of environmental policy and standards.

Scope

17. The published Environment Bill policy paper refers to the scope of the Bill being governance, air, nature, waste, and water. But this limits the potential scope of the Bill and any secondary legislation that comes out of it. It is important that the Bill set a broad scope encompassing the whole environment. For instance, these five areas do not correlate to the published indicators, neglecting areas of importance such as soils, floods, and landscape protection. EIC advocated in our response to consultation on the Indicators that they failed to include the remediation of land contamination, and the Bill should make allowances for contaminated land clean-up targets to be included.





18. Currently the draft Bill is clear in its assertion that the OEP should not overlap with the role of the CCC, and that it should have no role in enforcing or scrutinising climate policy. This does though lead to the illogical position where the OEP has enforcement powers but the CCC does not. The Government needs to give this more thought.

Further additions to the Bill

19. As part of the yet to be published second part of the Bill, we see value, along with many any other organisations, in exploring the possibility of creating an “environmental duty” for organisations. This would incentivise companies to look at their environmental impact, and devise ways in which they make a positive difference. Many companies are already have internal schemes along these lines, and by setting out a requirement for all companies to do so, this creates a level playing field.
20. We are currently working on our response to the proposal for mandatory biodiversity net gain in developments, a policy EIC is strongly supportive of. However biodiversity net gain is the first step towards the mandating of a principle of full “environmental net gain”. The Environment Bill must include an obligation on government to produce a plan for the staged implementation full environmental net gain in the future.
21. We would also urge that the Bill to make allowances for the setting up of spatial frameworks for the environment, to prioritise place-based improvement.

