

# SEPA'S COVID-19 PHILOSOPHY



## What is the background to our regulatory approach during this emergency?

Scotland, along with so many other nations around the world, is facing the biggest public health emergency in living memory.

The Scottish Government has asked all citizens and organisations to play our roles in helping the nation manage through this emergency.

SEPA's statutory purpose is to protect and improve the Scottish environment and human health in ways that, as far as possible, also create social and economic success.

We want to be able to explain how we will pursue our purpose in regulating during this emergency.

**SEPA's focus will be to make our best contribution to helping the nation get through this public health emergency in a way that protects and improves Scotland's environment.**

The approach outlined in this statement will apply until the 30 June 2020. We will review the approach at that time or earlier if there is any significant easing of the public health emergency.

## A recap: what's is SEPA's overall regulatory strategy?

Before we explain how we will regulate during this emergency period, let's restate the fundamental principle in [SEPA's One Planet Prosperity – Our Regulatory Strategy](#). Under this strategy, we aim to:

- have all businesses meet regulatory standards;
- help as many businesses as possible to voluntarily do better than those standards.

This is based on the fact that, whether we are in normal or emergency situations, minimising environmental impact protects the environment and human health **and** makes powerful economic and social sense within the finite resources of the planet.

We will keep these aims to the fore as we help regulated businesses adjust and adapt to these extraordinary circumstances in which everyone's resources and capacities are severely constrained.

## **So, what will SEPA prioritise?**

### **1) Maintaining our flood warning service**

**Rationale:** In normal times, it is critical that we ensure that warnings and alerts are promptly provided to create the best chance of protecting life and property during floods. As the people of Scotland and organisations, such as local councils and 'blue light' services, concentrate their efforts on dealing with the public health emergency, it may be harder than usual to deal with any flooding events. We will, therefore, maintain our high standards in our flood forecasting, including the issuing of warnings and alerts.

### **2) Working closely with those regulated sectors that are most crucial to the functioning of society during this public health emergency.**

**Rationale:** SEPA regulates 33 sectors of the Scottish economy. The Scottish Government has designated 13 Critical National Infrastructure sectors as sectors that are particularly important to keep society functioning in this period. This includes sectors that we regulate, such as those involved in securing food supply, the provision of clean water and the maintenance of critical infrastructure and support services. This includes the waste sector as any reduction in the prompt movement of waste could add an extra public health risk. We will prioritise our regulatory effort and support to these sectors.

### **3) Working as much as possible with all other regulated sectors.**

**Rationale:** It is important that we work with and support all businesses in other regulated sectors and we will do so during this period. Every regulated business will continue to

receive our attention and support; it is just that those in the sectors listed in point 2) *Working closely with those regulated sectors that are most crucial to the functioning of society during this public health emergency* will be prioritised.

## **What do we expect from regulated businesses?**

We know that all the businesses that we regulate are trying to operate in extraordinary circumstances. Some of them may temporarily close operations altogether. At best, they will have reduced workforces that are operating under social distancing guidance. They may experience supply-chain challenges. They may not have access to their normal third-party expertise. And so on.

We have our own sense of the challenges that regulated businesses face. Over the past month, we have moved our workforce to predominately working from home. During this emergency period, there are many normal tasks such as routine site visits and routine sampling that we will be unable to undertake. If we were to send lots of staff out in the field to do these tasks, we would be risking both their health and others in society. We realise these constraints will be affecting all the businesses we regulate.

So, we know that those still operating will be trying to maintain as much of their economic output as possible. Importantly, this will include some businesses that have switched some of their operations to producing products critical to the public health emergency. For example, some brewers and distillers are now producing hand sanitation products.

**During this period, we expect regulated businesses to make their best endeavours to meet their environmental obligations.**

If a regulated business is unable to meet all its obligations under SEPA's licence, permit or other authorisations because of these exceptional circumstances, we expect it to:

- prioritise compliance with conditions that directly protect the environment over those that are indirect controls or more administrative in nature;
- alert us as early as possible if it believes it will be unable to meet any obligations and work closely with us on making choices and finding solutions;

- document choices made and actions taken;
- at the end of the emergency, work with us on lessons learned to improve resilience and environment management in future working.

We expect that much of this situation will be managed by SEPA publishing guidance for entire sectors, often through regulatory position statements that formalise any temporary adjustment to legal requirements.

## **How will we do our work?**

As noted, we are restrained in doing some of our normal key tasks such as routine site visits and monitoring. Nevertheless, we have already started getting our now home-based workforce to adapt and use a different balance of activities to do our job. We will aim to:

- attend significant environmental incidents;
- focus our restricted field work on issues of highest environmental risk;
- maintain our gauging network to support our flood forecasting and warning system;
- use a variety of means of supporting businesses and checking compliance (e.g. phone calls, issuing written advice, conducting webinars and group meetings, increasing our use of remotely managed technology such as using drones, other forms of intelligence gathering, etc.)

In short, we are and we will use every method available to us to play our particular role to help Scotland through this emergency.

## **A clear message to regulated businesses**

These are extraordinary circumstances. Every organisation is trying to work out how to help keep its workforce safe and healthy. Every organisation is trying to work out how to survive and operate under severe constraints. Every organisation is trying to work out how to play its role in getting Scotland through this emergency.

We expect all businesses to make their best endeavours to look after Scotland's environment and meet their environmental obligations.

We anticipate that the vast majority of regulated businesses will live up to this expectation.

**However, any business that does the opposite and deliberately takes the opportunity to cause environmental harm will feel the full force of SEPA's powers.**

In short, during this public health emergency, if you are regulated by SEPA and you:

- try to do the right thing, you will find us helpful and supportive;
- deliberately do the wrong thing, you will get the uncompromising regulator your behaviour deserves.

## What happens when we get through the emergency period?

Throughout this period, we will publish our decisions as regularly and promptly as we can so that our actions are transparent to everyone in Scotland.

We will also liaise as much as possible with as wide a variety of stakeholders so people can help us make good judgements and know as much as possible of what is happening.

At the end of the public health emergency, we will publish a report on the decisions we've made, any observations we can make about environmental outcomes and any initial lessons learned.

We look forward to working with everyone on the challenges we face during this exceptional period.



**Bob Downes**  
Chairman



**Terry A'Hearn**  
Chief Executive