

Speech by Mr. Michael Kitt, T.D.,

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Common Forum on Contaminated Land

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Good morning, ladies and gentlemen. It is a pleasure to be here this morning to welcome the members of the Common Forum on Contaminated Land to your meeting in Dublin.

The work of the Forum is very important. It gives experts from the different Member States an opportunity to openly discuss, from their differing perspectives, policy and legislation on important areas of environmental protection such as the environmental liability directive and the extractive industries directive.

We all share a common goal to protect the environment and build a sustainable future. This will entail good forward planning but also examining the state of the environment currently.

These are very difficult times and people are concerned about their jobs and paying the mortgage. At the same time people are also reassessing lifestyles and asking very real questions about what next and how do we go forward from here.

I believe that the current difficult times present an ideal opportunity to re-appraise, and determine the genuine real priorities.

Can we ignore historic environmental degradation, a lot of which gave rise to the prosperity of recent times?

Can we better preserve places of special interest?

Can we now turn to examine the legacy of the past and start the process of fixing it?

Can we not profit from turning old polluted sites into parks or amenities?

Are there mechanisms for doing this, which are not unduly expensive?

How can we turn the current situation to our advantage?

It is time, indeed for creative thinking and action!

Part of the process of evaluation is of course facing up to problems. Legacy contaminated land is a fact! We can ignore it but it won't go away. The number and extent of contaminated sites varies from country to country, and indeed within countries. In Ireland for instance, because we have no legacy of heavy industrial development and have not experienced serious incidents arising from soil contamination, it has not represented a major problem.

We do however have old mine sites, closed waste disposal sites and a closed steelworks, which are areas of environmental concern. It is therefore, here as elsewhere, important that a policy framework and procedures for assessing and tackling the risks associated with contaminated sites are in place. Co-operation and sharing of both knowledge and experience is a key aspect to all of this.

Considerable work has been undertaken in Ireland to identify older municipal landfills in the context of dealing with legacy issues under the Waste Framework Directive. Similar work has been undertaken to examine what is required to give effect to the

extractive industries directive, and you will be hearing more about this during your meeting.

The EPA has produced a very useful set of guidance to deal with Environmental Risk Assessment for unregulated waste disposal sites as we try to catch up and deal with past activities. This will provide a basis for the regularisation of such sites and the removal of environmental risk. Indeed, I made regulations last December to provide for the management of historic unlicensed municipal waste disposal sites in operation here between 1977 and 1996.

Soil is the key raw material in food production, without which we cannot survive. We must protect our soil, protect our groundwater, protect our air, and ensure the continued sustainability of the productive capacity of the soil. We need to make the right decisions to plot the way forward and to do this we must ensure that all available knowledge and expertise has been availed of and utilised.

The development of the world's economies over the last decade has resulted in increased impacts on our environment, with increased incidents of contamination of our land mass. The Forum

provides an excellent opportunity to openly discuss important aspects of EU policy and legislation intended to address such impacts, such as the Soil Framework Directive which is currently under discussion in Council.

The soil proposal is quite wide ranging and I know that the EU Presidency are actively engaged in trying to achieve consensus. Ireland appreciates the importance of the soil proposal, which will place soil protection on a legal footing. However, it will be very important that any final directive contains actions which can be implemented at Member State level in what are now quite difficult times for us all. As I said earlier creative thinking would help in implementation!

Apart from the ongoing negotiations on soil there are a couple of recently adopted Directives, which I should also mention. The Directive on waste from extractive industries is currently being transposed here in Ireland. This Directive will provide for the environmental regulation of sites such as quarries and mines and prevent damage to our environment. Sites such as mines are currently well regulated under the EPA's IPPC licensing system.

Quarries, however, will also need to be brought into the net for the first time in Ireland.

The first step to comply with the provisions of the Directive is already underway with the completion earlier this year by the EPA and the Department of Communications, Energy and Natural Resources of an inventory of closed mines. I understand that you will be getting a presentation later today on the final report of this study. I hope the work we have done will prove informative to you all.

I would also like to take this opportunity to mention the Environmental Liability Directive, which I know is an agenda item to be discussed tomorrow. Ireland has transposed the Directive by means of the Environmental Liability Regulations 2008, which will come into operation on 1 April next. The Environmental Liability Regulations provide for the prevention and remediation of environmental damage and give real form and substance to the polluter pays principle.

The Regulations seek to promote compliance with good environmental practice by inducing those concerned to adopt

measures and develop practices that minimise the risks of environmental damage and reduce their exposure to financial liabilities. I am hopeful that this will result in a higher degree of environmental protection and minimise the need for enforcement in the future.

In addition, the Directive envisages a clear role for certain citizens and organisations to request the competent authority to take action under the Directive with respect to instances of environmental damage. This active role for such citizens and organisations should further assist in protecting the environment and ensuring that the polluter does pay.

Again, and by way of conclusion, a very warm welcome to you all. May your work and networking go very well. This is the key to doing business and enjoy the hospitality too! I hope your memories from the meeting and our capital city will all be positive! A special thanks also to those who have put in the background work to hosting the meeting.

Thank You.