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Nature of Submission: Private Citizen
Address: Waterford City
Date: 17 May 2010

The legislative framework governing the EPA :

Legislation should be expanded/ altered to allow the EPA to institute legal proceedings against persons in breach of local/ national/ European/ international legislation or directives. This would be in contrast to local authorities who often have more pressing concerns. This allows for dedicated experienced individuals with pertinent qualifications in environmental disciplines and who dedicate their professional lives to the protection of the environment. It is not dissimilar to the concept of “centres of excellence” in the medical profession whereby those doctors who practice a certain procedure on a regular basis can streamline the process with better outcomes in a more time efficient and financially favourable manner.

EPA track record in ensuring compliance

While I have no professional experience in this regard it was clear from RTE’s Primetime Program Monday 17th May 2010 that the agency seems powerless to enforce compliance when it comes to tyre disposal in a legal manner. It was demonstrated from this program that the powers were vested in the local authorities to initiate legal proceedings. Many local authorities were lax in this regard, with some city councils actually breaking the law themselves!! When legal proceedings were initiated for serious breaches of environmental legislation/ directives, the courts were imposing lenient sentences. I believe that the EPA should be charged with the investigation and initiation of legal proceedings to ensure that those who contravene the legislation are dealt with in a fair and firm manner. The judiciary should have access to the expertise of the agency to understand the consequences of the breaches of legislation and the potential effects on the environment so that they can be guided in the severity of their sentences. Perhaps legislation should outline mandatory sentences for violations of particular laws or perhaps a central environmental court/ judge should be established to deal with environmental legislation in a consistent, fair and efficient manner.

Evaluation of resource allocation in light of current and future obligations

New revenue could be generated by the EPA through the enactment of legislation whereby the Criminal Assets Bureau or a similar organisation working on behalf of the agency could seize the assets of criminals who contravened environmental legislation or profited from same. These illegal assets as a result of operating illegal disposal companies etc should be diverted to the EPA for future enforcement and investigations. Legal costs associated with successful prosecutions, private revenues generated by illegal activities, costs required to rectify environmental damage and fines imposed by the courts should be pursued by a dedicated unit similar to the criminal assets bureau and the funds directed to the EPA. It ensures the tax payer is not at a loss due to ill-gotten assets and sends a message to those who break the law that the cost of prosecution will be greater than the profits made by breaking the law.