



**Health & Safety
Executive**



**ENVIRONMENT
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THE WORKING RELATIONSHIP BETWEEN HSE AND EA ON NUCLEAR SAFETY AND ENVIRONMENTAL REGULATORY ISSUES - A STATEMENT OF INTENT

Combined Goal

The goals of both HSE and EA are, together, to deliver effective and efficient regulation of the nuclear industry to maintain and improve standards of protection of people and the environment from the potential hazards from ionising radiations, and to ensure that radioactive wastes are appropriately managed in both the short and long term, in accordance with legislation, UK Government policy, and international obligations.

Regulatory Responsibilities

HSE is responsible for regulating nuclear safety, including the safe management, conditioning and storage of radioactive waste on nuclear licensed sites. EA is responsible for regulating the discharges to the environment and disposal of radioactive waste on or from nuclear licensed sites, and the associated organisational management arrangements.

Both regulators will take full account of the others' regulatory responsibilities during any regulatory decision making process. The separate but complementary responsibilities for the protection of the public and the workforce from ionising radiation can be expressed as follows: HSE's responsibilities being centred on the regulation of the source of direct radiation shine from normal operations and of the prevention of accidental releases of radioactivity; and EA's responsibilities being centred on the regulation of routine discharges and disposals.

There may potentially be tensions between environmental and safety objectives which must be managed. When placing requirements on the operators of nuclear licensed sites, HSE and EA therefore need to co-operate to ensure that conflicting requirements are avoided, synergies are exploited, the appropriate balance of precautions is attained, and public confidence in the regulatory system is maintained.

Ways of working

The main working principles between HSE and EA are based on mutual trust and respect, and are guided by the following principles:

- HSE and EA continue to build a structured interaction at all levels, including areas of policy, programming, and operational regulation;
- HSE and EA continue to consult each other at the earliest opportunity, and with the fullest of information, during the process of formal regulatory decision making on matters that may affect the other taking full account of each other's views;
- HSE and EA aim towards issuing joint guidance, where relevant;
- HSE and EA do not issue, vary or revoke any regulatory instruments that may affect the other, without prior consultation with the other, taking full and meaningful account of the other's regulatory locus;
- HSE and EA both have interests in the regulation of any future specialised disposal facility for low and/or intermediate level radioactive wastes and will both closely track/monitor developments for the disposal of high level wastes.

A Memorandum of Understanding (MoU) provides a framework for the ways of working, and the interaction between the two regulators. The MoU is routinely reviewed by the two regulators and updated by mutual agreement.

HSE and EA recognise that the different legislation and Government policies to which they are each subject could result in tension between the environmental and nuclear safety risk management considerations. However, both consider that these tensions can be of constructive effect and can be managed effectively by close working relationships between the two regulators. Indeed the different perspectives of two separate regulators can add value, by ensuring that environmental and nuclear safety considerations are fully, transparently and honestly addressed.

The above working arrangements do not prevent either HSE or EA from exercising its statutory responsibilities. For example, there are circumstances in which either regulator may need to take urgent action: in HSE's case to ensure the prevention of accidents with potentially high consequences; in EA's case to prevent imminent pollution of the environment or harm to human health. Whilst the HSE and EA will always endeavour to consult each other in these circumstances, if that is not possible they will subsequently continue to work together to resolve any continuing implications of such urgent action.

HSE, in addition to nuclear safety legislation, enforces a range of conventional safety legislation, and the EA enforces a range of environmental protection legislation. The two regulators recognise, and will co-operate on, these broader regulatory responsibilities as they affect nuclear sites.

Both HSE and the EA will operate with openness and public accountability, particularly recognising the statutory provisions and expectations of the public.

The above ways of working will deliver the joint goal. They should also provide Ministers, Government Departments, the nuclear industry, the public and other stakeholders, with a consistent and transparent regulatory approach.

Areas of Joint Interest

HSE and EA have the following main areas of joint, but not necessarily equal, interest:

- Siting of any new facility for the disposal of radioactive waste;
- Construction of new facilities on nuclear licensed sites, or modification of existing facilities, which have implications for discharges to the environment or for the disposal of solid radioactive waste;
- Authorisation of radioactive discharges;
- Decommissioning and delicensing of existing facilities, including Quinquennial Reviews;
- HSE's Periodic Safety Reviews;
- EA's Periodic Authorisation Reviews;
- Radioactive waste management (both short and long term);
- Inspections, enforcement and incident investigation on matters which may affect the other regulator.

Joint working

It will be essential for HSE and EA to co-operate closely on strategic and other work planning. This should ensure that each knows of the other's goals, strategies and work programmes so that licensees' programmes can be met without unnecessary delays, that overlapping work can be identified and minimised, and that opportunities for joint working can be explored at an early stage.

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