

ENFORCEMENT AND PROSECUTION POLICY.

A RESPONSE BY THE INSTITUTION OF ENVIRONMENTAL SCIENCES

The Institution is fully supportive of the policy proposed and is generally in agreement with the principles set out. The need for consistency and transparency are also recognised as essential characteristics of a national regulatory body. However, consistency should not be carried to the point where a necessary flexibility of approach is impaired, and the expressed intent to exercise discretion and professional judgement is welcomed.

We are in support of the policy of prosecution in cases of serious environmental damage particularly where this arises from wilful action or neglect or from criminal intent. The perception of punitive action in such cases is an effective deterrent as well as a means of recovering some of the costs of remediation. It is important, however, that the benefits of the deterrent are not dissipated through any failure of the prosecution and we would only advocate such action where there was strong supportive evidence.

Whilst prosecution in the more serious and significant cases may be the necessary course, as a generality we consider that enforcement and thereby prevention is the preferred route. Extreme cases of pollution are often a result of neglect, carelessness or lack of proper provision but the results are just as dramatic and possibly irreversible. Avoidance is therefore a far more desirable course and a concentration of resources on inspections and general 'policing' may be worthwhile. Regular checks on the potentially hazardous activities should be extended wherever possible.