

JAGDAG Meeting 13 September 2013 (1600 – 1700) (By Teleconference)

Attendees

Ian Davey	Environment Agency (Joint Chair)
Matt Craig	Environmental Protection Agency, Ireland (Joint Chair)
Olivia Downey	Scottish Environment Protection Agency (Tech Sec)
Marie-Jo Booth	Energy UK
Helen Sharp	Environment Agency
Naomi Gornall	Environment Agency
Helen Wilkinson	Environment Agency
Leslie Heasman	Environmental Services Association (ESA)
Fred Parsonage	Defra
Amy Parekh-Pross	EPUK (Environmental Protection UK)

Apologies received from

Phil Chatfield	Welsh Assembly Government
Silke Harteman	Northern Ireland Environmental Protection Agency
Jonathan Smith	Soil and Groundwater Technology Association (SAGTA)
Stephen Robjohns	Public Health England
Howard Brett	Water UK
Edward Lewis	Northern Ireland Environmental Protection Agency
Gary Edwards	Environment Agency

Draft notes

	Item	Action
1	Welcome, apologies, introductions	
	New member of JAGDAG was introduced and welcomed: Amy Parekh-Pross, EPUK (Environmental Protection UK)	
2	Actions from 22 May 13 meeting	
	Ongoing - Notes of meetings to be posted on the JAGDAG web pages once agreed by chair/members.	ID
	Item 3a (New Assessments): ID to circulate the method used by AMEC to assess level of hazard as requested by MJB. Answers were provided to some questions raised following circulation.	DONE
	Item 3b (Review of List I/II Substances): ID to circulate a summary of the substances reviewed. Carry forward.	ID
	Item 3c (Results of consultation on proposed determinations): ID circulated summary of consultation responses.	DONE
	Item 3d (Updated Website): Comments on website requested. No further comments received on website but recognised that further work to be done. Carry Forward.	ALL
	Item 4 (MRV Update): NG to include date on MRV project update.	DONE
3	Draft Consultation Response	
3a	<i>Paper - Response Summary 09082013_SAGTA comment:</i> <ul style="list-style-type: none"> Members invited to discuss issues summarised in above paper. Determinations with no concerns/additional data (Row 1 and 2): 	

	<ul style="list-style-type: none"> ○ Members agreed that the determinations for those substances listed in Row 2, Column 2 of the above paper should go forward as determined under the consultation. ○ ID agreed that the statement in Row 2, Column 2 should be updated to reflect this agreement as the previous statement was misleading. ● Naturally occurring substances (Row 3): <ul style="list-style-type: none"> ○ This issue was discussed and members agreed that substances that occur naturally can still pose a risk to the env. and therefore determined as hazardous. ○ LH suggested that an interim regulatory position is necessary to aid decision making and it was suggested that this item could be added to the Hazardous Substances (MRV) Project meeting agenda for Oct 2nd. NG agreed to add this to the agenda. ● Interim MRV values/determinations: <ul style="list-style-type: none"> ○ As an aside, MJB raised concerns that interim MRV values were being proposed/used in regulatory decision making outwith the MRV project and that the current position on the use of these values should be clarified. ○ NG agreed to add this as another item on the MRV project meeting agenda on Oct 2nd. ○ ID suggested that any other items for the agenda could be emailed to NG/ID for discussion and agreement. ● Specific substance forms/bioavailability (Row 4/5): <ul style="list-style-type: none"> ○ LH agrees with the statement that the determination should be for a specific form of a substance. ○ ID reiterated JS comments that the determination should be based on the substance forms that are likely to be present in groundwater (GW). ○ LH agreed and suggested that the form assessed may not be the form that is toxic in GW and that agreement is needed on the form that should be assessed. Once agreed and determined, this decision and outcome should be communicated clearly. ○ ID suggested that if the form is not present in GW, is it relevant if the substance is determined hazardous or not. ○ OD suggested a list could be compiled of those forms that are/are not considered a risk to GW. These forms could be prioritised and the position communicated effectively. LH agreed, particularly with regard to metals. ○ MJB raised concerns that this was too simplistic as some forms are more/less mobile in GW depending on the GW properties. ○ ID agreed that the forms that should be considered is part of JAGDAGs remit but the bioavailability/mobility of these substances should be considered under the MRV project. NG to add this to the agenda. ● Precautionary assessments based on lack of data (Row 6): <ul style="list-style-type: none"> ○ LH raised concerns that substances were determined as hazardous as a result of no data being available. This resulted in things being unreasonably classified as 	<p>ID</p> <p>NG</p> <p>NG</p> <p>NG/ID</p> <p>NG</p>
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	<p>hazardous.</p> <ul style="list-style-type: none"> ○ HW agreed. A precautionary approach was used when developing the methodology but it was recognised that it was difficult to anticipate practical concerns until substances were actually being determined. In many cases although there is no data, there can be a scientific judgement but it was noted that getting the right scientific/regulatory balance right and maintaining transparency is complex. ○ MC suggested that communicating a list to interested parties (via the website/other) of the list of substances we intend to determine in future and allowing those parties to submit relevant data may help. The timeline should however, not be open-ended. LH agreed this would be useful. HW stated that it was the intention to have the prioritised list on the website. ○ LH raised concerns about what happens when there is no data at all. ○ OD queried if parallels could be drawn from the grouping of substances (as Priority Hazardous Substances and Priority Substances) under WFD – e.g. what do they do where there is no data? HW said that where there is no surface water data, a substance is not grouped/no standard is developed under WFD. Modelled data is used in some instances but would only be possible for prioritisation of determinations and not for setting standards. ○ HW agreed that giving a review period for the submission of data is useful but timelines can be very restrictive when an immediate regulatory decision is required in the absence of data (e.g. drilling fluids). ○ MC reiterated the recommendation to communicate those substances due for determination, allowing data to be submitted within a specific timeline and that a cut off point is agreed after which time a decision is made. <ul style="list-style-type: none"> ● Determination process: <ul style="list-style-type: none"> ○ LH asked for details as to why many of the submissions received were discounted. ○ ID/NG explained that this was an issue with how the submissions were entered using the system. Several parties started their submission but it was not completed in their first session. Upon going back into the system, their original submissions were re-entered. ○ ID agreed this could be better explained in the consultation responses document. ● MC suggested that the remaining items in the above paper (Rows 7-9) were already discussed as part of the above discussions or would be taken forward in future meetings or under the MRV project. There were no objections to this. <p><i>Paper - DraftResponse 09082018_SAGTA comment:</i></p> <ul style="list-style-type: none"> ● MC asked if there were any comments on the SAGTA comments summarised by JS in the above paper. There were no objections/comments raised by members. 	ID
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4	MRV project update	
4a	<ul style="list-style-type: none"> • NG wished to thank everyone who responded to her request for JAGDAG members to be a “critical friend” as part of the MRV project. She apologised for there being a lack of communication on what was required since then but there has been a slight delay in the timetable for the project. This is as a result of some issues being resolved between the project and UKTAG Groundwater Task Team (GTT), which had slowed progress. • NG will provide an email update soon on the project and in particular the approval route for the project outcomes via UKTAG GTT and the various government admins. • NG requested each critical friend please read this update in advance of the meeting on Oct 2nd and that any agenda items should be emailed to NG. 	<p>NG</p> <p>ALL</p>
5	<p>AOB</p> <ul style="list-style-type: none"> • LH requested that an interim process on how to address substances for which there is no determination should be agreed. MC agreed this can be added to the agenda of the next meeting. • HW reiterated that the main items for the JAGDAG meeting were further discussion on how to deal with determination of metals and the lack of data. NG suggested that only 1 hour of the meeting on Oct 2nd will be for JAGDAG and the remainder (approx. 11am-3pm) will be on the MRV project. Outstanding JAGDAG issues could be followed up by TC after that date. • NG requested feedback from those attending the meeting on Oct 2nd on what time people can arrive at the venue (see below) so a start time could be agreed. • MJB asked for details on how JAGDAG, the MRV project and UKTAG GTT fitted together. NG explained that JAGDAG was a separate group from UKTAG GTT and is kept separate so as to remain neutral so it can focus on the scientific decisions required. UKTAG GTT should consider the regulatory implications of the decision made by JAGDAG. 	<p>ID/NG/MC</p> <p>ALL</p>
6	<p>DONM</p> <p>The next meeting is scheduled for 02 October 2013 Location: De Vere Venues, Colmore Gate, Birmingham Time: To be confirmed by NG/ID (suggested 10am-3pm, not 8am-6pm as per invite)</p>	NG/ID
	Meeting close	