

JAGDAG Meeting 21 November 2013 (1100 – 1245) (By Teleconference)

Attendees

Marie-Jo Booth	Energy UK
Howard Brett	Water UK
Matt Craig	Environmental Protection Agency, Ireland
Ian Davey	Environment Agency (Chair)
Olivia Downey	Scottish Environment Protection Agency
Gary Edwards	Environment Agency
Naomi Gornall	Environment Agency
Leslie Heasman	Environmental Services Association (ESA)
John Heathcote	Soil and Groundwater Technology Association (SAGTA)
Fred Parsonage	Defra
Keith Crane	Defra
Helen Wilkinson	Environment Agency
Helen Sharpe	Environment Agency
Phil Chatfield	Welsh Government

Apologies received from

Jonathan Smith	Soil and Groundwater Technology Association (SAGTA)
Stephen Robjohns	Public Health England
Gabriel Nelson	Department for Environment Northern Ireland
Silke Harteman	Northern Ireland Environmental Protection Agency
Amy Parekh-Pross	EPUK (Environmental Protection UK)
Clare Robertson	Environment Agency

Draft notes

	Item	Action
1	Welcome, apologies, introductions	
	John Heathcote attending in place of Jonathan Smith, as the SAGTA representative.	
2	Actions from 22 May 2013 meeting	
	Item 3b (Review of List I/II Substances): ID to circulate a summary of the substances reviewed. Carry forward.	ID
	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
	Actions from 13 September 2013 meeting	
	Item 3a (Paper – Response Summary 09082013_SAGTA comment): ID agreed that the statement in Row 2, Column 2 should be updated as the previous statement was misleading.	Done
	Item 3a: ID to better explain in the consultation response document the reasons as to why many of the consultation responses received were discounted.	ID
	Actions from 02 October 2013 meeting (Joint meeting with Haz Subs Project)	
	Item 2.1: ID to circulate minutes of telecon on 13th September 2013 and results of AMEC work.	ID
	Item 2.1: ID to draft some terms of reference as appropriate and	Agenda

	circulate to the group for comment.	item #4 Done
	Item 2.1: CR to establish how the MPA are most effectively represented on JAGDAG.	CR
	Item 2.1: Water UK should also be attending JAGDAG more regularly. ID/CR to pursue.	ID/CR Done
	Item 2.2: Naturally occurring substances can be hazardous – Minimum Reporting Values project to decide how this decision relates to industry.	Agenda Item #3
	Item 2.2: Establish a screening process to prioritise substances on the existing list. Substances that are immobile in groundwater would have a low priority. Decision still needed on bioavailability. Group to decide how to take this forward.	Agenda Item #3
	Item 2.2: Historically the precautionary approach was used to enable industry to gather environmental evidence on their new active ingredients/products until it could be demonstrated the product is non-hazardous. Links to REACH. Produce an 'at risk' list. ID to coordinate.	Agenda Item #3
	Item 3.1: How information is managed between Critical Friends was discussed and agree that it needed further thought. – CR to progress.	Done
	Item 3.1: Interim positions were discussed. Transitional position maybe via a Regulatory Position Statement. Need to address the interim process within each agency. CR to consider way forward. <i>Update 21/11/2013 GE: Early draft produced. Will need to consult with relevant people. Expected to be finalised early 2014.</i>	See update
	Item 6.2: Joint JAGDAG/GTT group to scope options & feasibility for much shorter (order of magnitude) or grouped list of more confidently P-B-T substances.	Agenda Item #3
	Item 6.2: Ask Admins...de-minimis/prevent questions. CR to include in paper.	Agenda Item #5
	Item 6.2: Firm up options for submission to UKTAG. NG to coordinate.	Agenda Item #5
	Item 6.2: Critical Friends to meet as group early 2014. NG to coordinate.	DONM
3	Draft Consultation Response	
3a	<p><i>Paper: 131120_Briefing for JAGDAG on the practicalities of regulating hazardous substances in groundwater determined with respect to 2006/118/EC, in Scotland (by JH)</i></p> <p>Discussion was held on specific issues identified in paper, including:</p> <ul style="list-style-type: none"> - Large number of substances determined as hazardous - WFD surface water Priority Hazardous Substances list very short - Substances widespread/naturally occurring (e.g. As) <p>Some of these items were discussed at the recent meetings (and decisions made) or are on the agenda for further discussion (see below).</p>	

3b	<p><i>Paper: GWmethod_clarification - Considerations for clarifying methodology for determination of hazardous substances (by ID)</i></p> <p>Discussion held on issues identified in the paper. Further detail is provided below in answer to some of the issues raised.</p>	
3c	<p><i>Pers. Comms. feedback following Critical Friends meeting:</i></p> <p>Following the suggestion at the Critical Friends meeting to reduce the Haz Subs list, issues were raised for further consideration</p> <ul style="list-style-type: none"> - How does this sit legally - Would a reduced list meet the aims of protecting the environment - What sections of the methodology are driving the haz subs determinations - What are the implications for changing the methodology considering it had just gone through a consultation process <p>A snapshot (45 substances) of the draft determinations completed by AMEC was reviewed (i.e. substances with a draft determination but not yet gone out for consultation).</p> <p>Of the 45 reviewed, 30 were determined as hazardous. The sections of the methodology found to drive the determinations were as follows:</p> <ul style="list-style-type: none"> - Precautionary Principle = Approx. 10 - Equivalent level of concern = Approx 19 - PBT (acute aquatic tox data) = a few - TBC <p>It was suggested that before any further review should take place, the key drivers in the methodology should be examined in more detail.</p> <p>ID to clarify with DEFRA which sections of the methodology are based on an interpretation of the regs and therefore are potentially flexible enough to allow the methodology to be reviewed (e.g. precautionary principle/equivalent level of concern). Should aim to meet legal case but not be over-burdensome.</p>	ID
3d	<p>The importance of a prioritisation process was highlighted to ensure that the most significant substances were determined first. In discussion with French counterparts, ID found that they had reviewed 4000 substances¹. ID to ask how many they have determined.</p> <p>JAGDAG to consider developing a prioritisation process and setting up a list of substances for prioritisation:</p> <ol style="list-style-type: none"> 1. List of those to be determined (i.e. to go on the list) 	ID ID/ALL

¹ information on the French assessments can be found at:

http://www.ineris.fr/substances/uploads/content/DRC-12-119082-00395C_Score_ESO_DEB-INERIS_v20120706.xls

Substances marked as 'substance preoccupante' in the final tab of the spreadsheet are the ones of most concern. A decision as to which ones should be 'hazardous' has not yet been made.

	<p>2. List of substances to be removed from the haz subs list</p> <p>3. A “watch” list, of ‘new’ substances</p> <p>It is important to consider how this links with WFD surface water prioritisation process.</p>	
4	JAGDAG Terms of Reference (ToR)	
4a	<p>ALL to review Terms of Reference on website and also draft sent round and send comments to ID.</p> <p>A discussion ensued as to whether membership of JAGDAG should be restricted, to ensure that group was inclusive but still effective in decision making. It was suggested that a minimum number should be allocated to industry to protect their input. ID agreed that it was important to get the balance right and suggested a rough balance between industry and governmental bodies.</p> <p>NG suggested that to support ID (Chair), an Editorial Group (or similar) be set up to take specific work areas forward. ID/ALL to consider further.</p>	<p>ALL</p> <p>ID</p> <p>ID/ALL</p>
5	MRV project update	
5a	<p>A paper to the admins, asking for clarification on the de-minimus/prevent wording in regulations was finalised and was to be presented at a meeting 3 days later. Response expected in due course. NG to provide update once feedback received.</p> <p>Hazardous Substances project team need to firm up options proposed in Critical Friends meeting (i.e. A-E). Meeting planned for early Dec 2013. Feedback expected early Jan 2014 and subject to admins response also.</p>	<p>NG</p> <p>NG</p>
6	AOB	
6a	MJB requested outputs from JAGDAG/MRV project deliver at same time. ID/NG noted this.	ID/NG
6b	Rolling action - Minutes of last meeting to be placed on website once finalised.	ID
6c	Agencies to prepare bullet points of what we can do in supporting the administration of JAGDAG. Feedback to JAGDAG at next meeting on how to move forward.	ID/OD/MC?
7	DONM	
	<ul style="list-style-type: none"> To be confirmed. A teleconference in early February 2014 suggested. A face to face (F2F) meeting suggested once have something concrete to discuss. Critical friends meeting – F2F once Admins have come back with decision on paper. Suggested early Feb again. 	<p>NG/ID</p> <p>ID</p>
	Meeting close	