# Government's readiness to eliminate extensive environmental pollution on land resulting from an accident

**Audit report no. 2-5/04/9 of February 23, 2004**

## Executive summary

The SAO carried out an audit designed to analyse the bottlenecks in the government's efforts to eliminate extensive environmental pollution caused by a railway or road accident. To this end, the activities of the Railway Administration, the Road Administration, the Environmental Inspectorate, the Rescue Board and the rescue services related to the elimination of pollution caused by accidents were examined.

The choice of this issue was motivated by the fact that over the years the amount of dangerous goods transported in Estonia has grown substantially, thus increasing the probability of polluting accidents resulting therefrom. Since an accident involving dangerous substances and oil products may pose a risk to the environment and property and through groundwater pollution also to human health, it is crucial that the government would be able to react quickly in such cases and minimise the damage.

Among other things, the audit is based on the measures set out in the Emergency Preparedness Act and the National Crisis Management Plan for solving emergency situations, which cause considerable damage to the environment.

### Responsibility for elimination is unclear

The obligations relating to the elimination of environmental pollution resulting from accidents have not been determined in detail and the agencies do not know for what the individual authorities are responsible as regards the elimination of pollution.
While the Rescue Board and the rescue services consider that their function is localisation, the Environmental Inspectorate finds that they should also act in eliminatory capacity. Similar misunderstandings relate to the Railway Administration and the Road Administration: the former does not know its obligations in the case of an extensive polluting accident and the latter believes that the rescue services should manage the elimination of pollution.

This gives rise to the danger that none of the entities takes responsibility for the management of pollution elimination in the case of an accident. Misconduct also results from the fact that the entities designated as responsible sometimes lack the competence required for determining the dangerousness of pollution and finding the best method of elimination.

### SAO proposals

- The Minister of Internal Affairs should, in co-operation with the other Ministers, precisely determine the responsibilities and duties of agencies with reference to the accident scenario.

- The Minister of Environment and the Minister of Internal Affairs should, for the purpose of determining the extent and dangerousness of pollution and finding the best method of elimination, ensure that an environmental expert for the government is involved in eliminating the consequences of polluting accidents.

### Responses from the Ministers

The Ministers interpret the problem of departmental responsibility differently.

The Minister of Economic Affairs and Communications agreed to the auditors' conclusions concerning the vagueness of responsibilities and the different interpretation possibilities, pointing out the need for conceptual documents dealing with crisis management as well as for the unification of definitions. A new Rescue Act is one of the solutions suggested by the Minister.

The Minister of Internal Affairs finds that the elimination of environmental pollution on land is governed, regardless of the location of the pollution site, by the principle that the rescue service localises the pollution and the Environmental Inspectorate organises the elimination, assisted, in case of a road

accident, by the Road Administration, or, in case of a railway accident, by the Railway Administration providing their special equipment and know-how. According to the Minister, the rescue service has the obligation to carry out rescue operations – the operations at the accident site, which are strictly necessary to save people and property and protect the environment.

According to the Ministry of Internal Affairs and the Rescue Board, the Environmental Inspectorate must at all times manage the elimination of environmental pollution, regardless of the location, since it is the only competent agency, whose experts are able to make adequate decisions and determine the best method of elimination.

In his letter, the Minister of Environment agreed to the argument that since it is very difficult to distinguish between an emergency and environmental pollution, which does not have a substantial impact on the environment, the same system should apply in both cases. On the other hand, the Minister pointed out that the national crisis management plan provides that only in an emergency the Environmental Inspectorate performs the leading function from the beginning in the case of extensive ambient air pollution and oil pollution, but no emergencies have occurred with regard to land pollution. The Minister maintains that in the future the rescue services should be responsible for pollution elimination as well.

Although both the Minister of Internal Affairs and the Minister of Environment agreed that there is a need to involve an environmental expert, their response does not imply how this would be done.

**Information on a polluting event does not reach entities responsible for elimination**

The legislation and agreements ensure, in all respects, that the Rescue Board will be informed of an event, but the necessary information has not always reached the agencies, which should be responsible for elimination – the local government bodies, the Environmental Inspectorate, the Railway Administration or the Road Administration. One cannot expect the agencies to manage elimination in a rapid manner, if they find out about a polluting event from the media or only days later.

**SAO proposal to the Minister of Internal Affairs**

- To organise the rapid communication of information originating from the alarm or control centre of the Rescue Board, depending on the nature of the accident, to the local government bodies, the Environmental Inspectorate, the Railway Administration or the Road Administration. In order to facilitate rapid and unobstructed transmission of information, the transmission channel should be determined in liaison with the recipient agencies and the channel's reliability should be ensured.

**Responses from the Ministers**

The Minister of Internal Affairs and the Minister of Economic Affairs and Communications agreed that the interagency information exchange arrangements need to be more detailed, but they did not explain which measures are planned to this end.

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