



RISK MANAGEMENT CIRCULAR

RISK IDENTIFICATION – WASTE DISPOSAL/ MANAGEMENT SERVICES



Further to IPB's risk management circular on Risk Identification, this circular identifies some risks that may be associated with waste disposal/management activities.



HOW TO IDENTIFY SIGNIFICANT RISKS

Risk management and internal control consist of an ongoing process designed to identify and address significant risks involved in achieving your objectives.

Risk is the effect of uncertainty on objectives. Objectives can have different aspects (such as financial, health and safety, and environmental goals) and can apply at different levels (such as strategic, organization-wide, project, product, and process) (ISO 31000:2018).

These objectives will usually be set out in the Corporate Plan, but there may also be specific objectives set out in service delivery plans that are more specific to the services provided.



This risk management circular supports the **SDG #12 'Responsible Consumption and Production'** (primary goal) and **#15 'Life on Land'** (secondary goal).

There may also be national objectives which each local authority will be asked to measure themselves against, e.g. the Climate Action Plan 2019¹, the Waste Action Plan for a Circular Economy², Waste Enforcement Regional Lead Authorities (WERLA) National Waste Priorities³ and the Focus on Local Authority Environmental Enforcement⁴.

Examples of local authority waste objectives include:

- Promote waste minimisation, recovery, reuse and recycling
- Develop a Regional Waste Management Plan
- Manage Environmental pollution/nuisance at waste disposal facilities
- Ensure the Safety, health and wellbeing of employees
- Legal and Regulatory Compliance: Data Protection Impact Assessment (DPIA) for body worn cameras and using drones

Once the objectives are known, then the risk becomes anything that prevents you from achieving them.

Articulating risk can be difficult. We recommend using a simple formula to articulate your risk whereby the source plus the uncertain event leads to a possible consequence. There are three elements in expressing a risk. Risk is expressed with reference to source (cause), risk (uncertain event) and impact (consequence, which can be positive or negative).

In terms of language, we are describing a present condition leading to an uncertain future state that will result in a conditional future outcome. Or, in other words, 'As a result of ... (an existing condition/state of play) ... (an uncertain event) may occur ... which could lead to (effect on objectives)'.

Identifying Risks – Formulating the Wording		
1. Source (cause)	2. Risk (uncertain event)	3. Impact (consequences +/-)
As a result of... (an existing condition/state of play)	...(an uncertain event) may occur...	which would lead to... (effect on objectives).



1 www.gov.ie/en/publication/ccb2e0-the-climate-action-plan-2019

2 www.gov.ie/en/publication/4221c-waste-action-plan-for-a-circular-economy

3 www.werla.ie/waste-priorities

4 www.epa.ie/publications/compliance--enforcement/public-authorities/focus-on-local-authority-environmental-enforcement---activity-report-2019.php



RISKS – WASTE DISPOSAL/MANAGEMENT SERVICES

The 13 categories of risk as set out in the Step by Step Guide to Managing Local Authority Governance, Risk and Compliance should be considered:



Local Authority Risk Category (examples)	Risks (examples)
Environmental	• Release of toxic material, e.g. methane gas • Environmental pollution (overall environmental degradation due to contamination of air, water and soil environment via gaseous emission, particulate matter, ash, leachate, piles of unwanted materials, etc. landfill waste specifically) • Chemicals/volatile organic compounds (VOCs) • Failure to control waste contents • Cross contamination • Non segregation of hazardous waste
Physical, including safety, health and welfare	• Verbal abuse/intimidation in waste enforcement • Fire/explosion • Biological risks – handling waste, breeding ground for disease carriers (rats, flies, mosquitoes, cockroaches, pigs, birds and other disease vectors) • Vehicles • Exposure to odours, dust control • Occupational noise • Machines • Slips, trips, falls – untidy workspace • Musculoskeletal injury – heavy loads/awkward positions/prolonged standing • Employee welfare – hygiene
Technological & legislative/regulatory	Challenges in complying with data protection guidance on the Use of CCTV e.g. body worn cameras, footage captured by drones, footage captured on mobile phones or CCTV footage generally.



RISK ARTICULATION

Taking three of the suggested risks above, the risks should be articulated in full. Some examples are provided below:

Significant Risk Identification Worksheet – Example 1

Objective	Environmental pollution/nuisance at waste disposal facilities
Source (Cause)	As a result of (an existing condition/state of play) ... • Handling/storing/segregating/disposing of municipal waste (household and commercial)
Risk (Uncertain Event)	... an uncertain event may occur ... • Environmental degradation due to contamination of air, water and soil environment via gaseous emission, particulate matter, ash, leachate, piles of unwanted materials • Failure to control waste contents • Cross contamination/non segregation of hazardous waste
Impacts (Consequences +/-)	... which would lead to (an effect of your objectives) and are these significant. • Environmental pollution • Environmental nuisance • Claims • Regulatory sanction • Prosecution • Reputational damage
Define your Significant Risk	As a result of handling/storing/segregating/disposing of municipal waste, environmental degradation due to contamination may occur which would lead to several adverse consequences including environmental pollution, environmental nuisance, claims, risk of regulatory sanction, prosecution, and reputational damage.

Significant Risk Identification Worksheet – Example 2

Objective	Safety, Health, and Wellbeing of Employees
Source (Cause)	As a result of (an existing condition/state of play) ... • Handling/storing/segregating/disposing of municipal waste (household and commercial) • Enforcing waste management regulations to mitigate illegal dumping activity
Risk (Uncertain Event)	... an uncertain event may occur ... • Exposure to hazards such as: • Verbal abuse/intimidation • Exposure to biological risks • Vehicle impact • Fire/explosion • Machinery impact • Slips, trips, falls • Musculoskeletal injury • Occupational exposure to odour, dust, noise • Employee welfare – poor hygiene conditions

Significant Risk Identification Worksheet – Example 2

Impacts (Consequences +/-)	... which would lead to (an effect of your objectives) and are these significant. • Employee illness/injury/death • Claims • Regulatory sanction • Prosecution • Reputational damage
Define your Significant Risk	As a result of enforcing waste management regulations to mitigate illegal dumping activity, exposure to hazards such as verbal abuse/intimidation, exposure to biological risks, vehicle impact, fire/explosion etc. may occur which would lead to employee illness/injury/death, claims, regulatory sanction, risk of prosecution, and reputational damage.

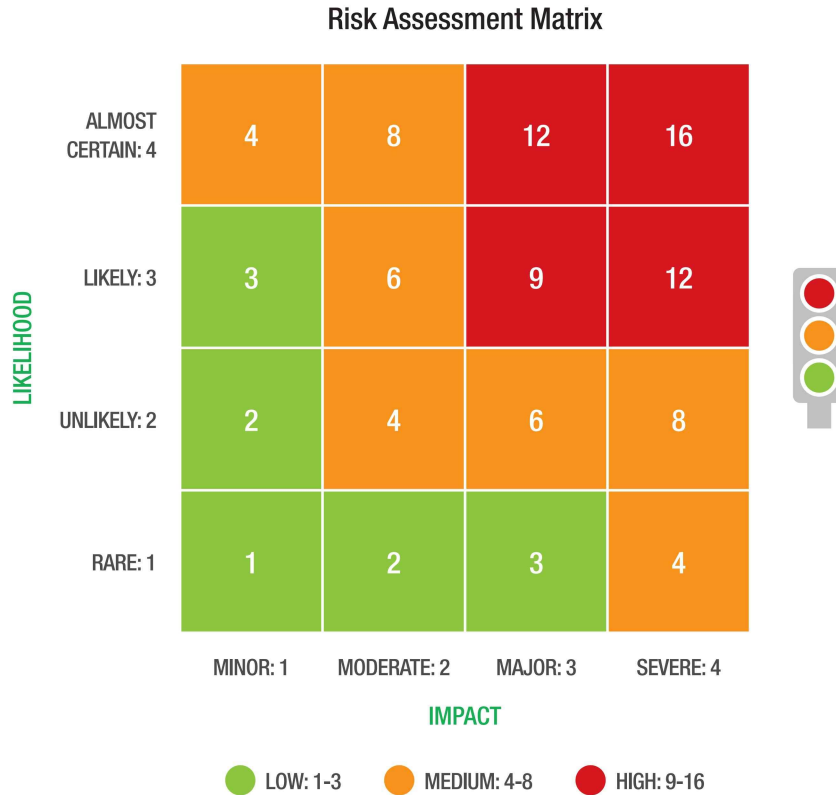
Significant Risk Identification Worksheet – Example 3

Objective	Legal and Regulatory Compliance: Data Protection Impact Assessment (DPIA) for body worn cameras, using drones or CCTVs.
Source (Cause)	As a result of (an existing condition/state of play) ... • Relatively new and emerging GDPR regulatory regime • Regulatory powers of sanction and prosecution • Technical protective and preventive measures • Not knowing about new high risk processing projects • Specific CCTV guidance from the Data Protection Commission (DPC) • Failure to consider consultation with the DPC prior project before commencement
Risk (Uncertain Event)	... an uncertain event may occur ... • Data protection impact assessments may not adequately support compliant use of CCTV for new high-risk processing projects • Loss of personal data • Loss of sensitive personal data
Impacts (Consequences +/-)	... which would lead to (an effect on your objectives). • Failure to comply with CCTV guidance • Failure to comply with the GDPR principles to include transparency and lawful basis for processing • Breach of data subject rights • Damage to the data subject • Claims • Regulatory sanction • Prosecution • Reputational damage • Contagion
Define your Significant Risk	Due to the relatively new and emerging GDPR regulatory regime, there is a risk that, despite best efforts on behalf of the local authority, data protection impact Assessments may not adequately support compliant use of CCTV for new high-risk processing projects, for using body worn cameras or using drones which would lead to a significant data breach requiring notification to the Data Protection Commissioner and affected data subjects, leading to an increased likelihood of data protection claims, regulatory sanction, prosecution, damage to stakeholders and to the reputation of the organisation.



RISK ASSESSMENT AND RISK MANAGEMENT

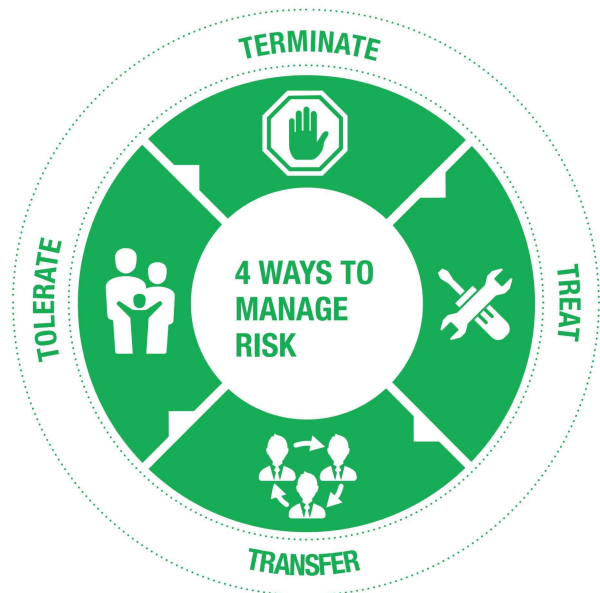
Once the risks have been identified and articulated, they can then be assessed in the usual manner by reference to our risk assessment matrix.



Finally, all risks need to be managed. Managing risk is the process whereby an identified and assessed risk is managed or mitigated by considering appropriate management actions to terminate, transfer, tolerate or treat risk. Having identified and assessed the relevant risks, therefore, the next step is to determine an appropriate plan and/or solution.

For further information on this process, please refer to IPB Insurance's;

1. Step by Step Guide to Managing Local Authority Governance, Risk and Compliance
2. Step by Step Guide to Managing Environmental Risk





INSURANCE

IPB Insurance provides two type of environmental impairment liability (EIL) cover:

- EIL – General Operations
- EIL – Site Specific

EIL – General Operations

This cover was developed to provide you with a wide level of protection in the event of a pollution incident. Public liability insurance only provides cover if the pollution arises from a sudden and unforeseen event and also does not cover contamination of your own property. EIL General Operations (EIL – GO) cover is designed to protect you against the cost of remediating a pollution incident at your own site as well as any third-party litigation following an escape of pollutants. The coverage applies in respect of all locations (other than below) that you own or operate. There is no need to specify or list the range of sites or premises to be insured as coverage operates on a “blanket basis”. However, it excludes coverage in respect of any licenced waste facilities, such as landfills, as “site specific” coverage is required for these locations – see below.

EIL – Site Specific

This cover will provide the same protection as EIL – General Operations cover but is provided on a site-specific basis for licenced waste facilities, such as landfill.



FURTHER INFORMATION

Climate Action Plan 2019

www.gov.ie/en/publication/ccb2e0-the-climate-action-plan-2019

EPA Focus on Local Authority Environmental Enforcement – Activity Report 2019

www.epa.ie/publications/compliance--enforcement/public-authorities/focus-on-local-authority-environmental-enforcement---activity-report-2019.php

IPB Step by Step Guide to Managing Local Authority Governance, Risk and Compliance

IPB Member Risk Area

<https://membersriskarea.ipb.ie>

ISO 31000: 2018 Risk Management – Guidelines

Waste Action Plan for a Circular Economy – Ireland's National Waste Policy 2020-2025

www.gov.ie/en/publication/4221c-waste-action-plan-for-a-circular-economy

Waste Enforcement Regional Lead Authorities (WERLA) National Waste Priorities

www.werla.ie/waste-priorities

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