



Vlaanderen  
is bodembewust

# TOPIC Liability

Workshop Ensor

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# Liability

- **Consultant**

- Consultant sets out the 'decision making framework' – client decides;
- Point of no return, for some components it is clear that these have to be investigated;
- Consultant = certified expert!;
- Set out components to investigate based on historical information and knowledge at that time;
- E.g. asbestos: known issue, but practice still show that it is not being investigated;
- Difference in type of investigation fe due diligence (buyer/seller) vs obligated investigation;
- Sometimes restricted due to lab-analysis.

# Liability

- **Regulator**

- Investigate sites where there was a NFA in the past?
- Strict methodology instead of 'fixed' standard to compare with;
- Leading by example (own investigations);
- Give a signal to the sector that some new components are relevant to investigate (e.g. Ensor congress);
- For some emerging contaminants it is still unclear if investigation is needed (e.g. polybrominated flame retardants -> soil and sediments, even more complex!);
- New principle: make 'evolving' standards (scientific knowledge changes).

# Liability

- **Scientist**
  - 'ethical' liability (share knowledge);
  - Difference public vs corporate scientist.
- **Problem owner**
  - Choice of problem owner to investigate components?
  - Hamper innovation or trigger?
  - Permit defense?

# Financing / responsibility

- **Current principles:**
  - Polluter pays
  - Stewardship principle (owner)

Emerging contaminants -> need for new principle : producer pays?
- **'Tipping point' (at what time is it known for the producer that the component causes harm?);**
- **Instrument that could be used = funding;**
- **Bad practice user;**
- **Who is responsible for diffuse contamination?**