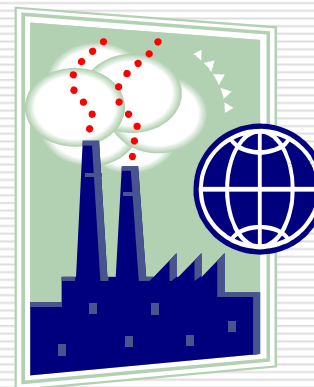


# Expanded Collaboration with other Regions

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Inter-Regional policing of illegal transboundary movements of hazardous waste



# Subjects for my presentation

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- ❑ US enforcement of requirements applicable to transboundary movements of hazardous waste
- ❑ Nature of illegal trade in hazardous waste, and problems and opportunities for enforcement activities
- ❑ Opportunities for inter-regional collaboration, including activities of the INECE Seaport Environmental Security Network
- ❑ Expected cooperation with the Asian Network

# US regulation of transboundary movements of hazardous waste

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- US domestic laws--Resource Conservation and Recovery Act (RCRA), EPA implementing regulations--impose requirements on importers, exporters of hazardous waste.
- US trades in hazardous waste primarily in North America, has bilateral agreements with Canada and Mexico requiring prior notice and consent
- US is OECD member subject to Council Decisions
  - Trades in hazardous waste with other members, including Japan, South Korea (recycling only)
  - Accepts imports from Malaysia, the Philippines under Article 11 agreements (recycling and disposal)
- US signed but did not ratify Basel Convention and become party

# US Control Mechanisms for Special Types of Wastes

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- Exports of whole Spent Lead Acid Batteries (SLABs):
  - shipments legal to various countries, including South Korea, *for recycling*, currently without notice and consent under US law
  - new rule, effective July 2010, requires notice and consent and summary of shipments in annual report
- Exports of Cathode Ray Tubes (CRTs):
  - CRT exports subject to conditional exclusion from regulation as hazardous waste if notice and consent process followed
  - illegal CRT shipments from US to China are problem, and Hong Kong has returned illegal shipments to US

# US Enforcement Program

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- ❑ EPA has Office of Enforcement and Compliance Assurance and ten Regional Offices
- ❑ EPA uses variety of compliance tools and enforcement remedies—civil, administrative, criminal

# US role in international environmental enforcement

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- Co-chairs Enforcement Working Group of North American Commission for Environmental Cooperation (CEC)
- Serves as vice chair of Pollution Crimes Working Group, INTERPOL
- Co-founded International Network for Environmental Compliance and Enforcement (INECE) with Dutch Ministry (VROM)
  - co-chairs international environmental conferences to build capacity of enforcers
  - co-chairs Seaport Environmental Security Network to stop illegal shipments of hazardous waste through ports

# Market in hazardous waste is global, needs inter-regional policing

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- Most hazardous wastes and electronic wastes are discarded, exported from North America, Europe
- Demand created by fast developing economies (China, India, etc.) encourages *recovery of materials* from hazardous waste and used electronic products.
  - Precious metals, other materials for manufacturing are cheaper to recover from wastes than to mine and refine, despite transportation costs.
  - Some materials are recovered from waste shipped to Africa, other hazardous wastes are shipped directly to Asia for recovery.
- Developing areas of world are targets for *dumping wastes and waste residues* lacking recovery value
- Illegal activities frustrate goals of environmental protection, level playing field in competitive trade

# Cross-regional criminal activity in hazardous waste is profitable

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- ❑ INTERPOL report, “Assessing the Links between Organized Crime and Pollution Crimes” (2006): “...an initial evidence base to link pollution crimes with organized crime has been established.”
- ❑ Avoiding expense of environmentally sound management is motive for recent cases involving transboundary shipments such as Probo Koala (Cote d’Ivoire), Pyramid Chemical Co.



# Opportunities exist to stop illegal shipments across regions

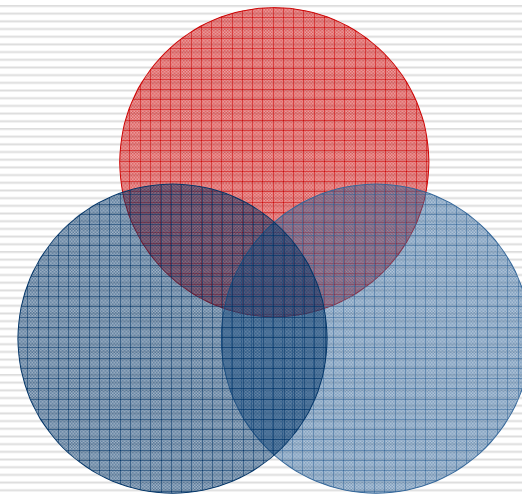
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- ❑ Every illegal shipment involves a sending and a receiving country.
- ❑ Sending country is in best position to stop illegal shipment before export.
- ❑ Transit country, if any, may be able to interdict shipment.
- ❑ Receiving country affords last opportunity to stop illegal import, but needs information, inspection capacity to do so.
- ❑ Typically these key countries are in different regions and must work together to succeed.

# Fighting world environmental crime requires Regional cooperation

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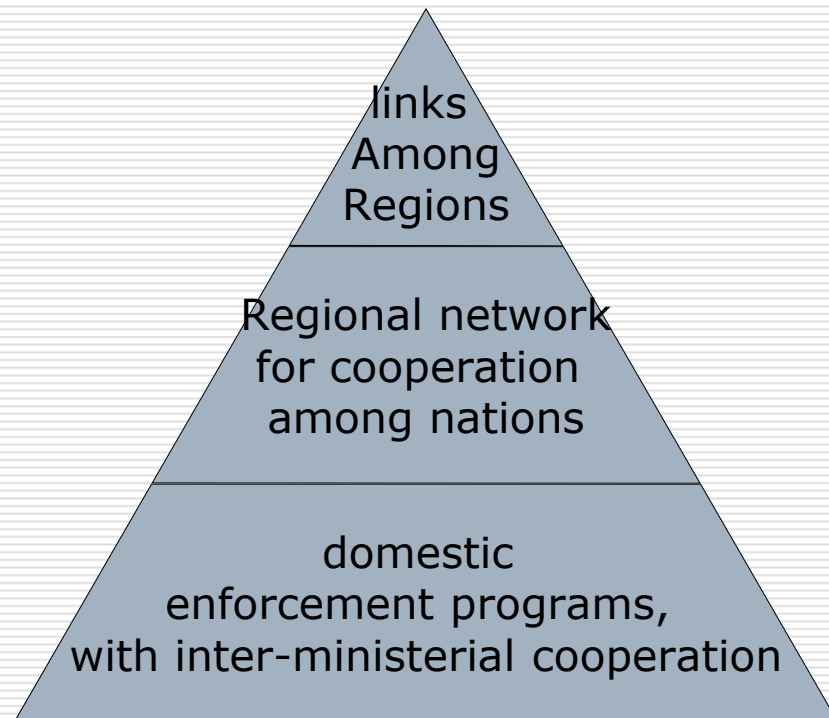
- *Problem:* Criminals seek ports in countries that are most vulnerable.
- *Solution:* Strong domestic programs, Regional networks, links between Regions, can fight crime systematically.



# Effective cooperation requires strong components, links

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- ❑ Strengthening of all parts of pyramid through simultaneous, continuous improvement
- ❑ Elimination of pollution “safe havens” in regions, nations



# Enforcers in each country must work together

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- Promote cooperation among domestic environmental law enforcers to deal with illegal imports/exports
  - customs ministry
  - environmental ministry
  - port authority
  - port police
  - health department
  - navy/coast guard
  - etc.
- Use various tools to enhance cooperation:
  - “meet and greet”
  - contact lists of names, phone/fax/e-mail information
  - informal procedures to handle incidents
  - formal Memorandum of Understanding of ministries to establish means of cooperation, information sharing (NOTE: MOU negotiation course is available)

# Sharing information is key to fighting environmental crime

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- INTERPOL:
  - *Ecomessage System* provides for entry into the INTERPOL database where it is cross referenced with other entries, generates feedback, allows reporting country to ask questions/make requests for cooperation, provides basis for trend analysis of criminal activity.
- WCO:
  - *Customs Enforcement Network (CEN)* gathers data and information and acts as central depository for enforcement-related information.
- INECE (International Network for Environmental Compliance and Enforcement):
  - *Discussion Board* sponsored by Seaport Environmental Security Network provides forum to seek and exchange information.

# Customs needs to play at both ends of the transaction

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- WCO Secretary General Mikuriya, discussing the environmental crime initiative, *Operation Demeter* (2009) said:

“...collaboration between customs authorities in exporting countries and those in importing countries is also critical to enforcement trade control at both ends of this operation”.

# Customs needs to extend focus to *exports*, partner with others

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- ❑ Environmental crime in hazardous waste often violates laws of sending, receiving, transit countries.
- ❑ Tariffs, homeland security, smuggling focus customs on *inbound* commerce, but hazardous waste trade needs scrutiny in both directions.
- ❑ Customs will need added resources, training to patrol exports.
- ❑ Customs import *and* export operations need to work with environmental ministries, other enforcers, to be effective at ports against illegal shipments.

# Regions can collaborate in various ways

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- *Cooperate among contacts:*
  - Exchange information about key regional contacts
  - Establish procedures for cooperation for contacts to use
- *Exchange information:*
  - Share means of strengthening domestic enforcement programs including inter-ministerial cooperation
  - Share intelligence, information about illegal shipments, participating parties
- *Build inspection capacity:*
  - Share inspection instructional materials
  - Conduct joint inspection exercises
  - Conduct inspection personnel exchanges
- *Solve problems together:*
  - Study common issues jointly
  - Share lessons learned



# Regions can and should work together to solve common issues

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- ❑ Joint study of issues is efficient, benefits all regions, avoids “re-inventing wheel”
- ❑ *Existing Issues*: enactment of laws, increased focus of customs on exports, role of organized crime, piracy, compliance at ports of transit, identification of new dumping sites, consolidation/concentration of waste management business organizations, etc.
- ❑ *Future Issues*: cyber-hacking of government-to-government electronic transmission of data about transboundary hazardous waste movements, management of newly produced electronic or other wastes, development of alternative distribution routes, etc.

# Inter-Regional cooperation: Basel Convention

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- *Basel Convention's Regional and Coordinating Centers (BCRCs)* provide network of services, facilities
  - Offer regional workshops on prevention, monitoring of illegal traffic
  - Present training seminars for port enforcement officers



# Inter-Regional cooperation: WCO

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- *WCO's Regional Intelligence Liaison Offices (RILOs)* comprise global network
  - Collect, analyze data, disseminate information on trends, routes
  - Use Customs Enforcement Network (CEN), WCO global data information-gathering and intelligence communications system



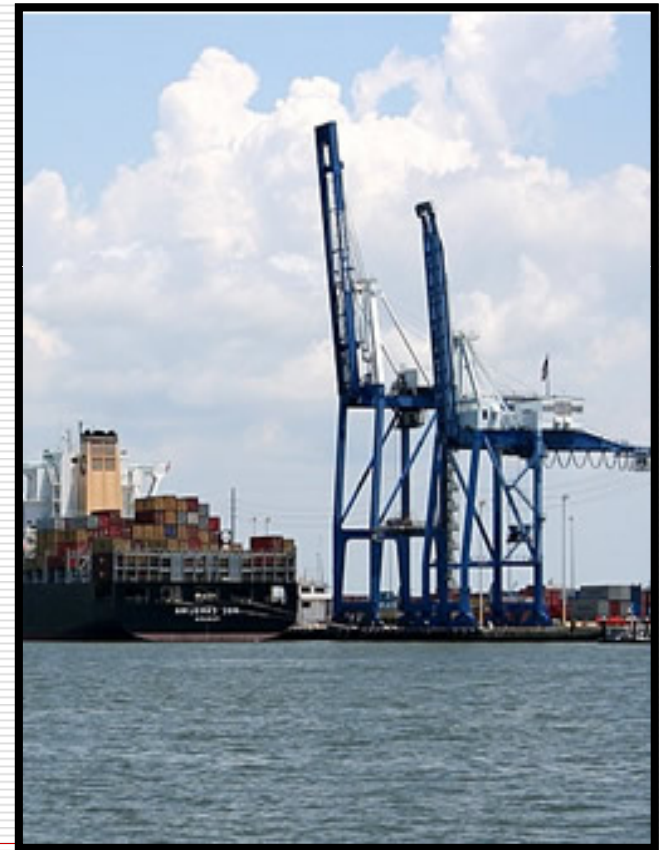
# Inter-Regional cooperation: INECE

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## *Seaport Environmental Security Network (SESN)*

- Seeks to provide tools to stop entry of illegal shipments
  - Increases awareness of problem
  - Promotes capacity building
  - Fosters inspection cooperation
- Conducts workshops (e.g., Ghana, 2009), inspection months
- Provides website, electronic discussion board



# Regional Enforcement Networks as tools for cooperation

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- Regional Networks:
  - Consist of informal partnerships of independent experts
  - May include government officials, inspectors, prosecutors, regulators, parliamentarians, judges, civil society, private sector, other actors
  - Cooperate to advance regulatory and non-regulatory approaches to guide compliance with and enforcement of environmental requirements
- INECE assists Regional Networks, tracks their activities through website ([inece.org](http://inece.org))

# Listing of Regional networks

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## Asia/Pacific

AECEN (Asia)

AELERT (Australasia)

ARPEC (Env.Crime)

## Europe/Central Asia

IMPEL (EU countries)

ECENA (Central Europe)

REPIN (EECCA region)

## Americas

CCAD (Central America)

CEC (North America)

## Africa & Middle East

ANECE (Arab Region)

NECEMA (Maghreb)

Sub-Saharan Africa

# More information about three Regional networks

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- ❑ CEC—North American Commission for Environmental Cooperation
- ❑ AECEN—Asian Environmental Compliance and Enforcement Network
- ❑ IMPEL—European Union Network for the Implementation and Enforcement of Environmental Law

# CEC—North America

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- ❑ Members: Canada, US, Mexico
- ❑ Operates Enforcement Working Group (EWG)
- ❑ EWG projects include electronic transmission of transboundary hazardous waste notification data between governments



# AECEN (NOTE: different from ASEAN)

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- ❑ Founded in 2006 in Manila, moving to Japan
- ❑ Current environmental priorities do not include transboundary movement of wastes
- ❑ Joint activities on transboundary enforcement issues possible in future

# IMPEL-TFS (EU)

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- Seaport I project (2003-04):
  - 6 seaports
  - 20% of inspected shipments illegal
- Seaport II project (2004-06),
  - 25 seaports
  - 51% of inspected shipments illegal
- Enforcement Actions I (2006-08):
  - 25 countries
  - joint inspections, training, exchange programs of front line inspectors
  - 15% of inspected shipments illegal

# Programs for collaboration between Regions

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- ❑ IMPEL-TFS (EU): joint programs with Asia, Africa
- ❑ INECE Seaport Environmental Security Network: inspections month (first half of 2010)
- ❑ World Customs Organization (WCO): Operation Demeter in Europe, Africa, Asia (2009)

# Opportunities for collaboration between US and Asian Network

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- ❑ Common interests exist between US, as major player in CEC, INTERPOL, INECE and INECE Seaport Environmental Security Network, and work of Asian network
- ❑ Used electronics traffic to Asia, Spent Lead Acid Battery exports from US are key areas of mutual interest

# Contact Information

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