



Second International Hazardous Waste Inspection Project at Seaports

INECE Seaport Environmental Security Network

FACILITATOR NAME

National Training

LOCATION

DATE

INECE: creating value through compliance

Overview of Presentation

- ❑ International Framework for Controlling Transboundary Movements of Hazardous Wastes
- ❑ Good International Practice for Seaport Inspections
- ❑ Examples of Modus Operandi of Illegal Operators
- ❑ INECE SESN International Hazardous Waste Inspection Project at Seaports
- ❑ INECE SESN Inspection Project Reporting Forms
- ❑ Contact Information

Requirements under the Basel Convention on the Transport of Waste

- ❑ Requires prior informed consent of a State of import and States of transit before an export of waste can take place.
- ❑ Establishes a notification procedure.
- ❑ Requires that wastes are managed in a manner to protect human health and the environment.
- ❑ Restricts exports to a country which is not Party to the Convention.
- ❑ Places a duty on an exporting state to re-import waste in cases where an export has not complied with the Convention.

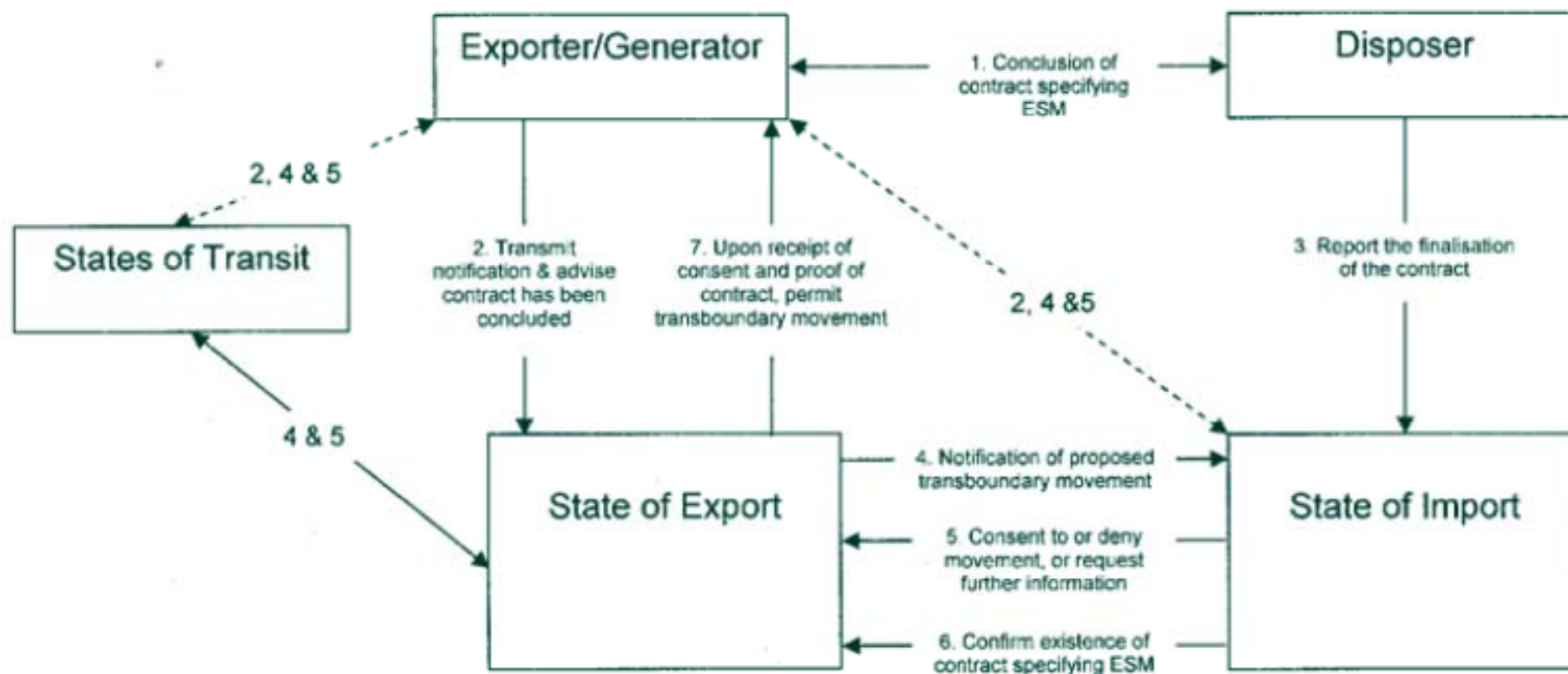
Overview of how the Convention defines “illegal traffic”

- ❑ Without **notification** (as defined by the Convention).
- ❑ Without **consent** (as defined by the Convention).
- ❑ With consent obtained from States concerned **through falsification, misrepresentation or fraud**.
- ❑ When the waste is **substantially different from the documentation**.
- ❑ If the shipment results in **deliberate disposal (e.g. dumping)** of hazardous wastes or other wastes.

The Control System for Transboundary Movements under the Basel Convention

- Responsibility to notify
- Prior written consent procedure
- Re-import obligations
- Prohibitions and restrictions
- Notification Document, Movement Document
- Contract between the exporter and the disposer
- Insurance/financial guaranties
- International transport rules and regulations
- Environmentally sound management of wastes

Notification Procedure under the Basel Convention



The Basel Convention established a notification procedure to help ensure that a State has the information it needs to make an informed decision about permitting an import, export or transit shipment.

(Source: Green Customs Guide to Multilateral Environmental Agreements)

Good Practices: Thoroughly Prepare for each Inspection

1. Identify the object of the inspection
2. Identify necessary tasks and skills for conducting the inspection
3. Organize a team with appropriate skill sets and legal authority
4. Prepare any internal and/or external communications
5. Ensure necessary materials are available (reference materials, sampling tools, contact information)

Good Practices: Be Familiar with Each Actor Across the Waste Shipment Chain

- What company or individual produced the waste?
- Who is the agent or dealer of the materials?
- What company was contracted as the hauler/shipper of the waste?
- If intermediary processing occurred, who was responsible?
- Are the materials labeled as being re-usable? If so, who is the re-user?
- Is the material being shipped for final disposal? If so, what company is responsible for legal and safe disposal of the waste?

Good Practices: Using Risk Profiling to Select Shipments for Inspection

Examples of information that can be used for risk profiling:

- ❑ Description of the goods
- ❑ Value in relation to net mass
- ❑ Country of destination
- ❑ Previous illegal activity of the operator
- ❑ Harmonized Commodity Description and Coding System ("HS codes")

Good Practices: Conducting an Administrative Inspection

After a shipment has been selected for investigation, review the shipment's paperwork, which may include:

- Customs Documents
- Transport Documents
- Movement Documents
- Certified copy of Consent Document
- Notification Form
- Safety Data Sheets / Certificates
- Contracts and invoices

Make copies from relevant documents (e.g., invoices, contract, packing list).

Good Practices: Conducting a Physical Inspection

- ❑ A physical inspection or X-ray may be necessary to verify the actual load and the composition of the waste.
- ❑ Ensure officials have the legal authority to open the container.
- ❑ Take photographs or videos of the contents of the container, with a timestamp if feasible.

Good Practices: Conducting a Physical Inspection – Safety Precautions

- ❑ Always use personal safety equipment.
- ❑ Do not open shipping containers suspected of containing hazardous substances.
- ❑ Do not open tanks or drums that may contain hazardous substances.
- ❑ Do not assume that what is marked on the label is what is in the container.
- ❑ Do not enter confined spaces that are suspected to contain hazardous substances.

Good Practices: Other Considerations

- ❑ Is a memorandum of understanding needed to formalize cooperation procedures among national authorities?
- ❑ Are there procedures in place to contact other involved countries in the case that repatriation of waste is needed (e.g., through the Basel Convention focal point)?
- ❑ Do not share confidential data with third parties such as the press or NGOs (e.g., names of inspectors and companies).

Examples of Modus Operandi

1. **Mislabeling** of the hazardous waste as:

- New goods / Raw materials
- Second hand goods
- Non-hazardous materials
- Generic / Non-specific labeling of waste

2. **Hiding** the (hazardous) waste in the back of the container

3. **Falsifying** test certificates or other documents indicating the state of the good / waste

INECE SESN

Second International Hazardous Waste Inspection Project at Seaports

December 2010 – March 2011

Capacity Building for Enforcement Collaboration



INECE seaport environmental security network

Objectives of the Inspection Month



1. Facilitate operational enforcement collaboration among enforcement officers.
2. Promote international good practice for environmental inspections at seaports.
3. Identify obstacles to effective enforcement and the capacity building needs of enforcement officers
4. Raise awareness across the regulated community.

Benefits to Participating Countries

- ❑ Improved coordination between enforcement authorities at ports (domestic and international).
- ❑ Strengthened capacity for prevention and detection of illegal movements of waste.
- ❑ An improved understanding by each country of what is working well in practice, as well as potential gaps in legal and institutional frameworks, physical resources, and skill sets.
- ❑ The opportunity to create an atmosphere of deterrence by publicizing the inspection month following the event.

National Checklist

- ❑ Appoint a primary point of contact who will be charged with communicating with the INECE Secretariat.
- ❑ Log onto Basecamp and become familiar with the resources.
- ❑ Convene a meeting in advance of the project to bring together relevant authorities to:
 - ❑ Review the Inspection Month Operational Guidance.
 - ❑ Review the reporting forms.
 - ❑ Identify targeted waste streams.
 - ❑ Agree on procedures for implementing the Inspections Month domestically.
- ❑ Contact the INECE Secretariat with any questions or concerns.

Basic Methodology for the Inspections Project

1. Countries may convene capacity building exercises prior to the Inspections Project.
2. Port officials will conduct inspections at their own seaports and will share results with INECE SESN using short forms.
3. INECE SESN will provide detailed project methodology and guidance.
4. INECE SESN will provide contacts lists, guidance on take-back procedures and other support during the project.

Selecting an Inspections Approach

Countries may select any combination of the following approaches to prioritize inspections:

- (1) Intelligence-led inspections.
- (2) At-random inspections based on national priorities.
- (3) Direct contact between participating ports (bilateral cooperation).

Using the INECE SESN Reporting Forms

- ❑ The Reporting Forms may not be used in any legal context.
- ❑ The Reporting Forms only will be used by the INECE SESN to target capacity building and design new information resources.
- ❑ Please only include legally permissible information on the forms. Do not share confidential business or enforcement information through the forms.
- ❑ Please do not share the forms with third parties such as the press or NGOs.
- ❑ Completed forms should be sent to sesn@inece.org.

How to Use the INECE Forms

When should I use the form?

*The form should be completed after **each** inspection action at the seaport during the Inspection Month.*

What is an Inspection Action?

An inspection action is an activity covering any number of “checks” of waste shipments during a certain time period (e.g., a half day or whole day).

To whom and when should I submit the form?

The SESN National Coordinator should complete the form and submit it digitally to sesn@inece.org at the end of each inspection action period.

Concluding Remarks

- ❑ If you have questions about inspection approaches, notification protocol, the reporting forms, or any other topics:
 - ❑ Email the INECE SESN at sesn@inece.org.
- ❑ Use the Network!
 - ❑ Contact information for all participating country focal points will be provided for informal coordination purposes.
- ❑ In case of an illegal import of (hazardous) waste, contact the competent authority of the country of dispatch.

SESN Contact Information

- ❑ Bob Heiss, U.S. EPA, SESN Advisory Committee Co-chair, heiss.robert@epa.gov
- ❑ Henk Ruessink, Netherlands VROM, SESN Advisory Committee Co-chair, Henk.Ruessink@minvrom.nl
- ❑ Dinah Brandful, Ghana Customs, Excise, and Preventive Service, SESN Advisory Committee Co-chair, dbrandful@yahoo.com
- ❑ Danielle Grabiell, Project Manager, sesn@inece.org
- ❑ Online: <http://inece.org/seaport/> (public site)
- ❑ Online: <http://inecesecretariat.basecampHQ.com> (closed site for participants)