

## 4.2.1 North American Regional Enforcement Issues

### Project Summary

The Enforcement Cooperation program provides ongoing support to the North American Working Group on Enforcement and Compliance Cooperation (EWG) in examining issues related to shared enforcement and compliance challenges. In 2002 there will be two areas examined: i) effective enforcement and enhanced compliance in the area of hazardous waste; and ii) tracking and enforcement issues related to the transboundary movement of mercury for processing or final disposal. For the first area, the EWG will establish a new task force of federal, state and provincial agencies to work on recommendations arising out of its 1999 report: *Tracking and Enforcement of Transborder Hazardous Waste Shipments in North America*, and will provide guidance to project 4.1.2. Environmentally Sound Management of Hazardous Waste. For the second area, the EWG will work with the Sound Management of Chemicals (SMOC) Mercury Task Force.

### Goals and Objectives

This project supports the EWG in carrying out its mandate to enhance cooperation among the Parties in environmental enforcement and compliance. Over the next two years, the project will:

- Support and provide direction to the environmentally sound management of hazardous waste proposal.
- Assist the SMOC Mercury Task Force in implementing Phase II of the North American Regional Action Plan for mercury.

### Rationale

This program area responds directly to the Parties' NAAEC Article 5 obligation of effective enforcement and the Council's NAAEC Article 10(4) obligation to foster technical cooperation to this end. Cooperative work on regulatory enforcement issues is carried out with the collaboration and guidance of the North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG). The EWG was established under Council Resolution 96-06, and is composed of senior-level environmental enforcement officials appointed by the Parties. It is mandated by the Council Resolution to:

- take action to strengthen cooperation among the Parties in environmental enforcement and compliance;
- enhance cooperation among the environmental enforcement agencies in recognition of shared enforcement and compliance challenges;
- facilitate and support cooperative enforcement and compliance initiatives;
- exchange information and experiences with alternative approaches to enforcement and compliance;
- facilitate training opportunities among the three Parties;
- prepare on behalf of the Parties the report on environmental enforcement obligations and activities for the CEC annual report; and
- recommend to CEC program priorities relating to environmental enforcement and compliance.

The EWG also includes in its membership the North American Wildlife Enforcement Group (NAWEG), a regional network of wildlife enforcement officials.

## Progress to Date

Since 1995, the CEC has provided support for meetings and communications among the members of the EWG, NAWEG and related task groups. Meetings of the EWG and NAWEG have been coordinated to also enable their effective participation in the development and delivery of the Enforcement Cooperation program. The networks have spawned a series of additional task groups initiating cooperative work on issues of priority regional concern, including transboundary hazardous waste, environmental management systems (EMSs) and other voluntary approaches to compliance, and enforcement of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

Since 1996, the EWG has identified the need for cooperation in improving the capacity to track and enforce laws regulating the transborder movement of hazardous wastes and CFCs. In 1999, the CEC published a needs assessment report for the tracking and enforcement of transborder hazardous waste shipments in North America as background for a trilateral meeting of hazardous waste enforcement officials. The product was a Regional Action Plan for: exchanging tracking databases and compliance data; enhanced capacity to gather, utilize and exchange intelligence; improved compatibility in tracking systems; conducting training in intelligence-gathering, regional law and policy, safety, emergency response, and spill response; and improved understanding the nature of the regional illegal trade and the key players involved.

With regard to the mandate to enhance cooperation among environmental enforcement agencies, the Enforcement Cooperation program aims to ensure continuity of these cooperative regional enforcement efforts. Both the EWG and NAWEG are becoming widely recognized as model regional enforcement networks. They also provide a ready point of contact for enforcement agencies and entities worldwide,

including Interpol, the World Customs Organization, the International Network on Environmental Compliance and Enforcement (INECE) and other regional enforcement networks. NAWEG provides advice and assistance to the Trilateral Committee for Wildlife and Ecosystem Conservation and Management. As a regional forum, NAWEG has enabled the agencies to identify critical actions needed to improve North American capacity to detect and enforce wildlife laws, including the need for a regional wildlife forensics network.

In February 2002 the Environmental Enforcement Working Group will meet in Montreal to discuss, among other things, national efforts to promote the CEC Environmental Management System Guidance as well as explore further opportunities for comparability and mutual recognition in this area.

## Actions 2002 Overview

Mechanisms will be explored to allow for public involvement in the selection of priority enforcement matters meriting regional attention. In the planning and delivery of specific regional enforcement initiatives, attention will be placed on involving the interested public, including NGOs, industry, academics, and other groups where appropriate.

## Capacity Building

One of the direct benefits of CEC support to the regional enforcement networks has been the immediate enhanced capacity of the Parties' environmental and wildlife enforcement agencies to work cooperatively in meeting the obligation of effective enforcement. The working groups, particularly NAWEG, have spawned a number of joint initiatives directed at enhanced field capacity to track and enforce environmental and wildlife laws. For full description on capacity building efforts see project 4.2.2.

## Expected Results

This part of the Enforcement Cooperation program has two aspects: The first is the promotion of regional enforcement cooperation among enforcement agencies. The project will provide continued support to regional networks in furtherance of their mandates for regional cooperation in effective environmental enforcement. These networks provide the forum to develop a North American perspective on enforcement issues of particular relevance internationally and enable the supervision of the work carried out by the various task forces on regional enforcement issues. The North American Wildlife Enforcement Group (NAWEG) has been recognized as the North American regional link to the Interpol Wildlife Crimes Subgroup. Similar linkages have been

made with the World Customs Organization (WCO). Both the EWG and the NAWEG participate with other enforcement networks, including the International Network on Environmental Compliance and Enforcement (INECE).

The second aspect concentrates on specific regional enforcement issues. The EWG will bring together North American experts on hazardous waste to update the needs assessment on transboundary movement of hazardous waste under project 4.1.2 and will assist the SMOC Mercury Task Force in the implementation of aspects of Phase II of the mercury NARAP.

## 2002

## Estimated Resources Required (C\$)

<b>Action 1: Regional Enforcement Network</b>		<b>45,000</b>
Activity 1: Organize adjunct meetings of EWG to provide guidance on Enforcement Cooperation program	<i>25,000</i>	↓
Activity 2: Organize adjunct meetings of NAWEG to discuss outreach and capacity building activities	<i>5,000</i>	
Activity 3: Foster an interagency exchange of information, regional priority-setting, and strategy for enforcement of and compliance with environmental laws	<i>10,000</i>	
Activity 4: Further outreach to other regional and international networks; EWG outreach to provincial/state agencies; NAWEG outreach to other agencies (marine, parks, including state/provincial agencies) as well as Interpol and World Customs Organization	<i>5,000</i>	
Activity 5: Foster an exchange of information, under the auspices of the EWG, on Parties activities related to follow up and implementation of the EMS Guidance Document, and prepare a report for Council review and follow up, as appropriate		
<b>Action 2: North American Regional Action Plan on Mercury</b>		<b>18,000</b>
Activity 1: Form task force of enforcement experts to advise regarding the transboundary tracking mechanisms for mercury	<i>3,000</i>	↓
Activity 2: Finalize a study in conjunction with SMOC on the tracking and reporting mechanisms for transboundary mercury shipments	<i>10,000</i>	
Activity 3: Undertake a further analysis of gaps and barriers in areas such as adequate reporting systems to track cross border movement of mercury and/or differences in regulatory approaches for mercury disposal	<i>5,000</i>	
<b>Total Resources Required</b>		<b>63,000</b>

## Expected Partners and/or Participants

The project will continue to be delivered in partnership with North American environmental and wildlife agencies. Efforts will be focused on outreach to expand the North American enforcement network to other related agencies, including state- and provincial-level agencies that are exploring their priority issues and needs for ensuring effective enforcement. The CEC will continue to deliver the project in partnership with the North American Wildlife Enforcement Group and the Enforcement Working Group. Partnerships will continue to be explored with other regional enforcement networks and related international organizations, such as INECE and Interpol, and with other relevant individuals and organizations.

## Linkages to other CEC Projects

The work of all CEC projects in the Enforcement Cooperation program is conducted under the guidance of the EWG. There are ongoing linkages with the Phase II Task Force on the North American Regional Action Plan on mercury.

## Actions 2003–2004

### 2003

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#### Action 1: Regional Enforcement Network

Activity 1: Organize adjunct meetings of EWG to provide guidance on Enforcement Cooperation program

Activity 2: Foster an interagency exchange of information, regional priority-setting, and strategy for enforcement of and compliance with environmental laws

Activity 3: Further outreach to other regional and international networks; EWG outreach to provincial/state agencies; NAWEG outreach to other agencies (marine, parks, including state/provincial agencies) as well as Interpol and World Customs Organization

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#### Action 2: North American Regional Action Plan on Mercury

Activity 1: Hold workshop on results of study regarding the transboundary tracking mechanisms for mercury

Activity 2: Prepare report to Council on tracking and reporting mechanisms for transboundary mercury shipments

### 2004

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CEC anticipates continuing work in this area in 2004.