

Outcomes from Group Breakout Discussion:

“Common Gaps and Solutions in Environmental Compliance and Enforcement of the Asian Countries”

Chair: Peter King, Head of AECEN Secretariat

Group 1: Ms. Hazrina Salleh, Senior Environmental Officer of Enforcement Division, Department Of Environment, Ministry of Natural Resources and Environment, Malaysia (Rapporteur)

Challenges	Solutions
1. Capacity of investigator/inspector	<ul style="list-style-type: none"> • Continuous training • Staff Internship • SME • Identify basic qualifications for officer to become investigator/inspector
2. Competency of sampling procedures	<ul style="list-style-type: none"> • Establish specific module for industries and officers • Establish specific standard operating procedures for sampling • Share with Taiwan, Malaysia and USEPA about the Environmental Institutes
3. Structure of the permits/licenses	<ul style="list-style-type: none"> • Simplify the structure or implementation of the permits/licenses • Must be clear, specific, quantifiable and standard procedures for officer to take action (Indonesia, Taiwan and Malaysia)
4. Databased and spatial information	<ul style="list-style-type: none"> • Establish integrated information (Web, monitoring station, land use etc.) in order to have a better enforcement programme
5. Technologies and Tools	<ul style="list-style-type: none"> • Pollution maps, emission etc. • Utilised technologies • Move forward with new technologies (e.g. lesson learned about tracking illegal piping from Taiwan)
6. High expectation from industries and public	<ul style="list-style-type: none"> • Provide more transparent information and can be accessed by the public (This can be learnt from Indonesia and Singapore)
7. Lack of Regulations	<ul style="list-style-type: none"> • Updating regulations
8. Understanding of regulations 9. Lack of the awareness (industry)	<ul style="list-style-type: none"> • Continuous learning on regulations • Socialise the regulations to industries/officer/local authority (This sources can be learnt from the USEPA)
10. Monitoring infrastructure	<ul style="list-style-type: none"> • Establishment of meaningful monitoring programme

Group 2: Atty. Michael Drake P. Matias, Chief of Environmental Impact Assessment and Management Division, Environmental Management Bureau, the Philippines (Rapporteur)

Challenges	Solutions
<p>1. Lack of advanced monitoring tools (training and tools)</p>	<ul style="list-style-type: none"> • Continuous emissions monitoring system (CEMS) - Malaysia, Singapore, Taiwan • Infrared camera (FLIR) – USEPA • Effective E-monitoring and E-reporting that can be used in the enforcement of environmental law - Malaysia, Taiwan • CCTV – Singapore • Geospatial monitoring - USEPA
<p>2. Lack of industrial experience for compliance officers</p>	<ul style="list-style-type: none"> • Taiwan EPA Training • Thailand – Established compliance Assistance Centres to provide training for officers • Internship to another country (inter-agency) • Conduct International workshop focusing on industries (e.g. petrochemical industry etc.) – discuss challenges and how to conduct inspection etc.
<p>3. Lack of public awareness of environmental Laws</p>	<ul style="list-style-type: none"> • The Philippines – EEID, which provides environmental education to the public. • Myanmar – Conduct consultations (School activities) • Pakistan – Conduct consultations • Cambodia – Conduct report on engagement of public with respect to the communication in passing the environmental law • Taiwan – Conduct public hearing (Environmental education law requires at least 4 hours for all sectors) • Thailand – Seminar and websites • Singapore – Conduct Industrial seminar and consultation
<p>4. Lack of clear roles and responsibilities for enforcement (at all levels)</p>	<ul style="list-style-type: none"> • Legislation that defines the roles and mandates of all departments • Coordination mechanism (not discussed, TBD)
<p>5. Penalties are too low for violations</p>	<ul style="list-style-type: none"> • Taiwan – Water Pollution Penalty • Sri Lanka – Water Pollution load based fee • USEPA – Fee calculation tool

Group 3: Mr. Sum Sokhamphou, Deputy Director General, General Department of Environmental Protection, Ministry of Environment, Cambodia (Rapporteur)

Common Findings	
Challenges	Solutions
1. Regulatory reform 2. Lack of Capacity 3. Monitoring (EIA, Waste Management) 4. Awareness 5. Transparency	<ul style="list-style-type: none"> Regional Workshop Exchange of peer reviews/Training of trainers (Government) Role of Central Government to train local government officers Network - Mutual assistance and collective Review to improve/help specific country Use Website for Compliance Reporting

Possible Twinning Assistance between countries	
Challenges	Solutions
1. Maldives <ul style="list-style-type: none"> Territorial Islands Proper Regulation (Waste Disposal) 	<ul style="list-style-type: none"> Regulatory reform and monitoring (Singapore/Sri Lanka)
2. Mongolia <ul style="list-style-type: none"> Political Stability Lack Capacity Mentality Change (Public + Private; Water/Liquid Waste) 	<ul style="list-style-type: none"> Training (Both government, private and community) - Tax Policy
3. Sri Lanka <ul style="list-style-type: none"> Ambient Air (Lack Facilities) Limited Capacity 	<ul style="list-style-type: none"> Singapore/Vietnam
4. Taiwan <ul style="list-style-type: none"> Limited Budget Limited Capacity Public Trust 	<ul style="list-style-type: none"> Use Technology Training Inspector Development Material Disclosure (USEPA)
5. Vietnam <ul style="list-style-type: none"> Limited Participation (EIA) Limited Efficient Penalty (too low) Transboundary Issue 	<ul style="list-style-type: none"> Law reform and cooperation to develop (Cambodia)
6. Cambodia <ul style="list-style-type: none"> Standard/Regulations Capacity Building remains limited Awareness Land use 	<ul style="list-style-type: none"> More regulations Training Promotion PPP (Malaysia/Singapore/Thailand/Indonesia)

Group 4: Mr. Matthew Baird, Environmental Counsel (Rapporteur)

Challenges	Solutions
<p>1. Affordable Technology - Small/medium technology - Transfer of Technology</p>	<ul style="list-style-type: none"> • Polluter pay • The need to investigate the technology transfers and using facilities/mechanisms that are available e.g. Best Available Technology • Identification and knowledge sharing in sectors
<p>2. Capacity of individual Inspectors</p>	<ul style="list-style-type: none"> • India – 2010 training program for 500 law enforcer • Exchange on job training sending people across different organizations as well as In-country training • Including the use of electronic data or any technologies available
<p>3. Political will</p>	<ul style="list-style-type: none"> • Creating public pressure – India (Right to information Act 2006) – Pakistan • Long term – Sharing case studies on consequences of serious pollution cases (e.g. EIA Compendium on AECEN website) • Aim on prevention – case studies of prevention
<p>4. Private sector participation</p>	<ul style="list-style-type: none"> • Sri Lanka – The use of soft loan scheme for SME to ensure they can assist with compliance. • India - 3rd party inspections/assessment • Japan – Local tripartite agreement • Indonesia – Established the PROPER System, the color code scheme which should apply across the region so that people and companies know how the companies are performing in terms of compliance
<p>5. Community participation</p>	<ul style="list-style-type: none"> • USEPA – Share monitoring with community • Accessing community learners
<p>6. Standards</p> <ul style="list-style-type: none"> • Revision of existing standards and adoption of new standards • Technology to meet standards • New standards for industries and sectors • Ambient standards (how to find correlation between ambient and emission) 	<ul style="list-style-type: none"> • Setting new standards for existing industries/sectors • Cumulative impact assessment • Explain the adoption of minimum pollution standards to make it more clear • Strong monitoring systems • Look at the sub-regional approach (e.g. Mekong countries or ASEAN countries etc.)

7. Effective judiciary and training	<ul style="list-style-type: none">• India – Established Green Tribunal training of judges in district and local level• Indonesia – Certification of environmental judges
8. Devolution of responsibilities from national enforcement and compliance units and sub-national units	<ul style="list-style-type: none">• Identify areas for devolution• Sri Lanka – National Institute for training of regional officers, investigators• Indonesia – EIA units are certified and accredited by national government• Japan – Pollution Control started at local level• Taiwan – National training• Pakistan – District levels• Conduct Twinning Approaches between cities