



# Accomplishments of the North American Working Group on Environmental Enforcement and Compliance Cooperation



The North American Working Group on Environmental Enforcement and Compliance Cooperation (EWG) has been making steady progress on vital environmental enforcement issues since 1996. Established by Council Resolution 96-06, the EWG is a network of senior environmental enforcement officials from Canada, Mexico, and the United States working collaboratively on enforcement and compliance-related projects of key strategic importance to all three countries. The EWG works at the intersection of trade and environmental law, concentrating on the cross-border trade in environmentally regulated materials, including hazardous waste, ozone-depleting substances, e-waste, non-compliant engines, and protected wildlife species.

With a renewed focus on intelligence-led enforcement and an ongoing commitment to capacity building, the EWG aligns with the institutional vision of the Commission for Environmental Cooperation (CEC) as a catalyst for change, a forum to facilitate regional action, and a producer of concrete results. It is a model of international cooperation and the very successful working relationships that have developed in recent years between the three countries' enforcement agencies have in large measure come about as a direct result of EWG membership and partnership.

## Enhancing Intelligence-led Enforcement in North America

Keeping pace with the cross-border workings of trade-related environmental crime requires that enforcement officers in the three countries exchange intelligence in a timely manner for it to be effective, and they must stay abreast of technological advances used in the intelligence-gathering process. Intelligence-led enforcement is a progressive concept that is quickly gaining importance in the international community and is changing the way transboundary enforcement operations are planned and conducted. It has been the main driver of EWG activities since 2010, underlying each EWG project.

Strengthening intelligence networks in North America has and will give environmental enforcement officers greater knowledge of events likely to occur, in addition to helping them identify risks and enforcement priorities so that they can better allocate resources. As the intelligence function in the enforcement programs of the three countries matured, exchanges and workshops have focused on monitoring and reporting technologies to be more innovative in the use of limited government resources. Sharing of information and experiences relating to next generation technologies

will lead to more effective enforcement throughout North America. Thus the EWG is working to improve coordination among the three countries' environmental enforcement agencies so that they can better identify non-compliant shipments and quicken response times. The intelligence-led approach has underlain several successful EWG projects: a formal mechanism for information- and intelligence-sharing between the three countries, four regulatory reports to be disseminated among enforcement agencies, multiple training courses, workshops and networking opportunities for enforcement officers, and an electronic system for exchanging hazardous waste trade documents. These efforts are detailed in the following sections.

## Information- and Intelligence-sharing Standards and Protocols

The trilateral exchange of enforcement information is vital for the detection of illegal activity and coordinated response among the Parties against those who violate environmental regulations. In 2015, the EWG worked collaboratively with North American environmental authorities to finalize Information- and Intelligence-sharing Protocols and Procedures. These information-sharing protocols standardize the exchange of information and intelligence between enforcement agencies, setting out procedures for exchanging non-sensitive and sensitive and protected information, using the Interpol National Central Bureau Global Secure Network. Having formalized protocols in place will assist the Parties in safeguarding the confidentiality of information, ensuring its proper use, and that it is shared in a timely, effective, and secure manner.

## Documenting the Regulatory and Enforcement Landscape for Environmentally Regulated Substances and Materials

The regulatory landscape for environmentally regulated substances in the three North American countries can be complex and difficult to navigate, with information dispersed across multiple sources. In an effort to consolidate information into a single source, the EWG has created a series of comprehensive documents detailing the laws, regulations, trade patterns and enforcement experiences applicable to particular sectors. Included in the series are the following documents:

- Report on the Regulatory and Enforcement Landscape Governing Hazardous Wastes and Hazardous Recyclable Materials in North America, 2014;

- Report on the Regulatory and Enforcement Landscape Governing Ozone-layer Depleting Substances in North America, 2014;
- Report on the Regulatory and Enforcement Landscape Governing E-Waste in North America, 2014; and
- Report on the Regulatory and Enforcement Landscape Governing Illegal or Non-compliant Engines Coming into North America, 2015.

These documents fill an information gap by providing a “clear and complete picture” of the regulatory landscape in the sectors described. The reports are a comprehensive, go-to resource for information relating to the transboundary and domestic movement of environmentally regulated substances and materials in North America. Through detailed sections on the laws, regulations, policies and administrative provisions governing domestic and transboundary shipments, in addition to the identification of waste streams and illegal waste activity, these reports promote knowledge and understanding of the legal and illegal trade in environmentally regulated materials. Because the information contained in these documents is enforcement-sensitive, their distribution is restricted to enforcement officials.

The EWG also made valuable contributions to the CEC independent report on spent lead-acid batteries (SLABs), released on 15 April 2013. Entitled *Hazardous Trade? An Examination of US-generated Spent Lead-acid Battery Exports and Secondary Lead Recycling in Canada, Mexico, and the United States*, the report documents and analyses the cross-border trade in SLABs and offers recommendations on how better to monitor their movements and handling. EWG members contributed to the report by lending their enforcement expertise, providing input, and verifying certain contents for accuracy.

### Capacity Building through Training Courses and Workshops

With its demonstrable impact on capacity building, training has long been an area of concentration for the EWG. EWG-led training activities take place via online platforms and in-person sessions and workshops geared at enforcement officials, inspectors, and the private sector. Its training activities have supported more than 650 environmental, wildlife and customs officials to identify illegal shipments of environmentally regulated materials.

The leading EWG training accomplishment to date is the creation of two online training courses on hazardous waste and ozone-depleting substances launched in 2013 and 2015, respectively. Two modules will be available for each course—Module 1 is oriented toward industry and the general public, while Module 2 is restricted to customs and environmental inspectors at borders and ports of entry. This information is a valuable training resource for customs and border officials, providing instruction on applicable laws and regulations, documentation requirements, and inspection strategies to detect non-compliance. Each online course is available in English, French and Spanish; Module 1 of both courses has also been translated into Mandarin to benefit Chinese manufacturers and exporters of environmentally regulated substances.

In response to the ever-more sophisticated technology used by governments to investigate violations of environmental law, the EWG has focused on incorporating intelligence-led enforcement and electronic investigations into the enforcement operations of the three countries. The EWG regularly coordinates training workshops and informational sessions on selected topics germane to environmental law enforcement. Key examples of such trilateral workshops include the following:

- Workshop on Electronic Investigations for Environmental and Wildlife Law Enforcement Officers (Covert Computers), 26–29 March 2012, Miami, FL;
- Workshop on the use of Electronic Media for Conducting Investigations in Environmental and Wildlife Enforcement, 11–15 March 2013, Minneapolis, MN;
- Workshop on Information- and Intelligence-sharing on the Traffic of Protected Marine Species, 25–27 June 2013, Vancouver, BC;
- Technological Advancements in Environmental Enforcement: Workshop for Enforcement Officials, 24–26 June 2014, Denver, CO; and
- Workshop on the Use of Electronic Media for Conducting Investigations in Environmental and Wildlife Enforcement, 21–25 September 2015, Chicago, IL, and 26–30 October 2015, Mexico, D.F.

These workshops covered relevant topics such as covert Internet investigations, electronic and digital recovery tools, sharing enforcement-sensitive information with Interpol and other governments, the i2 Intelligence Analysis Platform, and computer forensics training. These workshops had the added benefit of allowing officials from the three countries to work together, face-to-face, thus developing the key contacts and relationships that are pivotal to a continuous enforcement dialogue, further collaboration, and joint operations.

### Notice and Consent Electronic Data Exchange of Hazardous Waste

The EWG spearheaded a timely and highly successful trilateral initiative to modernize the exchange of hazardous waste trade data at North American ports of entry and exit. This project resulted in a new electronic system for the transmission of notice and consent documents accompanying transboundary shipments of hazardous waste and hazardous recyclable materials. The electronic exchange software, which became operational in 2012, utilizes a node-to-node electronic platform that connects officials from Environment Canada, the US Environmental Protection Agency, and the Secretariat of Environment and Natural Resources (*Secretaría de Medio Ambiente y Recursos Naturales*) responsible for authorizing cross-border shipments. Electronic transmission means that each country's customs and environmental enforcement agencies have access to real-time notice and consent data involving hazardous waste shipments—a landmark development with tangible benefits for enforcement agencies and industry. Prior to this project, the three countries exchanged notice and consent documents using a paper-based system that was cumbersome, delay-prone, and outmoded.

In addition to allowing expeditious transactions and reducing data-entry backlogs, the real-time nature of the electronic system has improved the enforcement agencies' ability to monitor compliance, resulting in quicker enforcement response times.

### The EWG Going Forward

The dynamics of globalization and increasing international trade create a challenge for environmental enforcement agencies as ever-increasing volumes of regulated materials are transported across borders. Despite a proliferation of environmental regulations, a lucrative contraband trade persists in hazardous waste, ozone-depleting substances, e-waste, non-compliant engine imports, and protected wildlife. Without adequate environmental enforcement—which includes cross-border information- and intelligence-sharing and joint enforcement operations—this illicit trade will continue to grow and thrive, to the detriment of the shared North American environment.

The EWG fills a critical niche in cross-border enforcement by providing a unique forum to bring together senior environmental officials with unparalleled insights into the challenges and opportunities faced by enforcement agencies in Canada, Mexico and the United States. Through its capacity-building initiatives and its enhancement of the use of intelligence-led enforcement, intended to facilitate the exchange of information and intelligence, the EWG is a necessary vehicle for environmental enforcement in North America. It has been instrumental in building a fruitful, collaborative relationship between agencies to help each country prevent, detect, and deter transboundary violations of environmental law.

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#### About the CEC

The Commission for Environmental Cooperation (CEC) was established by the governments of Canada, Mexico and the United States through the North American Agreement on Environmental Cooperation, the environmental side agreement to NAFTA. An intergovernmental organization, the CEC is composed of a Council of cabinet-level environmental officials from the three countries, a Joint Public Advisory Committee and a Secretariat that provides operational support for cooperative work between the three countries. The organization brings together citizens and experts from governments, nongovernmental organizations, scientists, researchers and businesses to seek solutions to protect North America's shared environment while supporting sustainable economic development.

