



ADVICE TO COUNCIL: NO. 98-09

Re: Enforcement Issues — Compliance Indicators

The Joint Public Advisory Committee (JPAC) of the Commission for Environmental Cooperation (CEC);

IN ACCORDANCE with its mandate to provide advice to Council;

RESPONDING to a specific request from Council to provide advice on this matter;

DRAWING on the results of productive exchanges between the North American Working Group on Environmental Enforcement and Compliance Cooperation, the JPAC Working Group on Enforcement Issues and JPAC members;

TAKING INTO ACCOUNT the impressive report *entitled Indicators of Effective Environmental Enforcement* produced under the Law and Policy Program:

JPAC recommends, at this time, that further attention be paid to the following matters:

1. Work should focus beyond the traditional industrial sector. For example, state agencies, the municipal sector and the agriculture sector all contribute to environmental pollution at levels which warrant inclusion in any discussion on enforcement, monitoring or compliance indicators.
2. More effort is required to involve provincial and state level governments who all have important legislative and regulatory responsibilities in this area.
3. There is a need to develop a framework of indicators that are compatible within and between our countries.
4. Within the United States, the practice of states to adopt environmental audit privilege laws which can insulate violators from penalties should be regarded as a trend that warrants attention.
5. Given the importance of this Program Area within the CEC, a strong replacement for the Law and Policy Program division head position is required as soon as possible.

APPROVED BY THE JPAC MEMBERS

4 December 1998