

# **E-waste: Inter-Agency Enforcement Cooperation under the CEC**

**From capacity building to operational collaboration  
between Canada, Mexico and the United States**

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# Regional enforcement cooperation under the CEC ... from capacity building

**There has been a long history of enforcement collaboration under the CEC:  
1996-2010**

**The Enforcement Working Group (EWG) established by Council Resolution:**

- Addresses both environmental and wildlife enforcement issues
- EWG identified need for improved capacity to track and enforce laws regulating the transboundary movements of environmentally regulated substances and wildlife
- EWG successes have focused on:
  - capacity building
  - electronic regional data exchange
  - sharing best practices & lessons learned
  - building networks and trust





# **... to cooperation leading to domestic enforcement action**

- **2007 was a turning point for the EWG.**
- **The federal environmental enforcement agencies in the three countries committed to sharing real-time compliance information.**
- **The initial focus was on non-compliant commodities.**
- **The collaboration resulted in the:**
  - **development of roles and responsibilities between the agencies**
  - **exchange of information leading to domestic enforcement actions**
  - **policy decision in Mexico to develop domestic air emission regulations for on-road motorcycles**
  - **establishment of a strong network and level of trust**



# ... to enhanced intelligence sharing and an expanded scope

- **2009–2010: EWG developed a five-year vision for trilateral cooperation**
  - **Develop procedures and protocols for exchanging information, data, intelligence.**
    - **Enhance intelligence capacity domestically and as a region**
    - **Conduct targeted trilateral border inspections**
  - **Focus on five areas of environmental regulation:**
    - **ozone-depleting substances**
    - **non-compliant imports**
    - **hazardous waste**
    - **electronic waste**
    - **wildlife species**
- **The five-year EWG vision is reflected in the overall CEC's 2010–2015 Strategic Plan, announced by Ministers at the 2010 Council Session**





# **The 2010 enforcement e-waste ‘kick-off’ project allowed the EWG to get a head-start on implementing the five-year strategy...**

- 1) Document North American regulatory and enforcement landscape**  
**Objective: identify the overlap and synergies within each country’s current regulatory regime to identify opportunities for regional collaboration**
- 2) Address legal context regarding, data, information and intelligence sharing between environmental agencies**
- 3) Explore potential IM/IT solutions for information and intelligence sharing**
- 4) Pilot an interim information and intelligence sharing exchange system**
- 5) Intelligence sharing procedures developed for e-waste will be used to address other areas**





# Intelligence-led enforcement

DISSEMINATION

REQUIREMENT

PRODUCTION

COLLECTIONS

ANALYSIS





# Canada



# **Regulatory Framework**

## **Canadian Waste Management Regime**

- **In Canada, the management and control of hazardous and non-hazardous waste, as well as hazardous recyclable materials is a shared responsibility**
- **The federal government regulates international and inter-provincial/territorial movements**
- **The provincial and territorial governments regulate intra-provincial movements and also establish controls for licensing waste generators, carriers and treatment facilities within their jurisdiction**
- **Municipal governments are responsible for the collection, diversion, and disposal of residential waste**



# Illegal Export of E-waste from Canada: Findings over a six-year period



Year	Reports	Sites/ Containers Inspected	Enforcement Actions
2005	1	5	4
2006	19	74	15
2007	16	94	13
2008	7	100	6
2009	2	248	2
2010	0	13	0



# Some Lessons Learned from Investigations in Canada

**Common findings from investigations include:**

- **Majority of shipments by sea through marine ports**
- **Small portion of the regulated community**
- **Multi-jurisdictional issues (immigration, transport, CBSA)**
- **Misclassified as scrap plastic or metal scrap**
- **Shipped as part of other legal materials**
- **No valid permits**
- **Claim as scrap (non-regulated)**
- **Claim going to destination for re-use**





# **An Example of Successful Trilateral Cooperation**

- **Following the interception of an illegal e-waste shipment by US authorities, EPA sent information to Environment Canada regarding the Canadian company operating in the US that was being charged**
- **Canada conducted background search and found two related companies operating in the US and nine in Mexico**
- **This information was shared with Mexico and US**
- **US successfully prosecuted the US operating companies**
- **Four of the Mexican companies were operating without permits and are currently under investigation**





# Mexico



# E-waste in Mexico

- Mexico generates approximately 180,000 to 257,000 tons of electronic waste per year
- Products included in the national study include computers, cell phones, TVs, PDAs, telephone devices, audio and video devices, monitors, computer peripherals (keyboards, speakers and accessories), copiers, printers, and scanners
- In 2007, Mexico had about 11.2 million computers, 50.6 million mobile phones and 1.7 million PDAs



# **Definition of Special Handling Waste and Hazardous Waste in Mexico**

## **General Law for the Prevention and Integral Management of Waste**

- **Special Handling Waste:** Wastes generated in production processes that do not meet the characteristics to be considered hazardous or solid waste, or are produced by large generators of municipal solid waste
- **Hazardous Waste:** exhibit any of the characteristics of corrosivity, reactivity, explosivity, toxicity, flammability, or contain infectious agents, as well as contaminated packaging, containers and soils that are transferred to other sites in accordance with the General Law



# Regulatory Framework in Mexico

## General Law for the Prevention and Integral Management of Waste

- Federal authority verifies compliance with regulations on hazardous waste and imposes corrective measures, security and sanctions, including for import and export.
- States verify compliance of the legal provisions regarding waste, including applicable special handling, sanctions and security measures





# Current Actions on E-waste in Mexico

- Since entry into force of the Agreement of classification and codification of goods whose import and export is regulated by SEMARNAT, in Mexico there have been no registered imports or exports of electronic waste; only 2.905 tonnes for export and 18,327 tonnes for import of cathode ray tubes, which in Mexico are considered hazardous waste.
- Difficulties with differentiating between secondary raw materials and wastes and the common understanding of terms such as “reuse,” “reconditioning” and “repair.”
- Collaboration with customs authority to correctly identify and classify used electronic equipment and determine when equipment has reached the end-of-life in the harmonized system.



# Actions on E-waste in Mexico

**Agreement of classification and codification of goods whose import and export is regulated by the SEMARNAT**

<b>Tariff</b>	<b>Description</b>
<b>7001.00.01</b>	<b>Cullet, glass mass. Only: Cathode ray tubes, their waste and scrap.</b>
<b>9806.00.08</b>	<b>Merchandise destined for such processes as repair, reconditioning, or remanufacturing, when the enterprises possess registration granted in conformance with the policies established by the Secretariat of Economy. Only: Used electrical and electronic assemblies.</b>



# Mexico's cooperation in North America

- Training of customs officers and PROFEPA to identify e-waste shipments at major ports of entry
- PROFEPA requested amendment of the tariff on electronic waste to aid in proper classification and increased control.
- PROFEPA continues to contribute to activities of the EWG to develop procedures to share intelligence on illicit hazardous waste shipments.
- Mexico, in accordance with its international commitments to OECD, Basel Convention, and the La Paz Agreement between Mexico and the United States, works to control possible smuggling of electronic and electrical waste







# United States



# Regulatory Framework in the United States



The Resource Conservation and Recovery Act (RCRA) regulates the handling and disposal of hazardous waste.

CRT Rule: Cathode Ray Tubes are not a regulated hazardous waste if certain safe management conditions are satisfied; intended to promote reuse and recycling of CRTs

## Federal government:

- Responsible for import/export issues
- Notifications for exports are received by HQ: Inspections may be conducted by Regional enforcement officials and State enforcement officials
- Numerous voluntary programs to facilitate sound management of electronic materials

## States:

- May enact programs to manage electronic waste: source reduction, take-back programs, recycling fees, disposal bans, etc.
- 24 states have e-waste legislation



# E-waste Enforcement in the United States



- **12 active criminal enforcement cases**
- **Collaboration with local/state/federal counterparts**
- **Collaboration with INTERPOL**
  - **Environmental Crimes Programme**
  - **E-waste Working Group**



# Example of E-waste Enforcement

- **E-waste recycling facility in Colorado**
  - Facility is suspected of exporting >300 shipments (Feb 2005 to Sept 2008)
  - Over 11,000 tons of waste
  - estimated value of \$1.6 million
- **Intelligence sharing with Canadian officials: Successful targeting of commercial container exports from Canada to identify e-waste shipments**
- **Federal and state officials, Basel Action Network, and former employees also contributed to information gathering**





# Cooperative Activities in North America

## INECE Seaport Network Inspection Project: Summer 2010

Canada, Mexico and the US participated

- Utilized a combination of investigative, regulatory, and enforcement information, to share intelligence with Customs concerning export of CRT waste
- Identified multiple recyclers, brokers, freight forwarders, and consignees involved in the apparent illegal movement of waste CRT to Hong Kong, China, and Vietnam
- Developed overall understanding of illegal e-waste trade
- Implemented methods to facilitate dismantling and disruption of the illegal flow of electronic waste





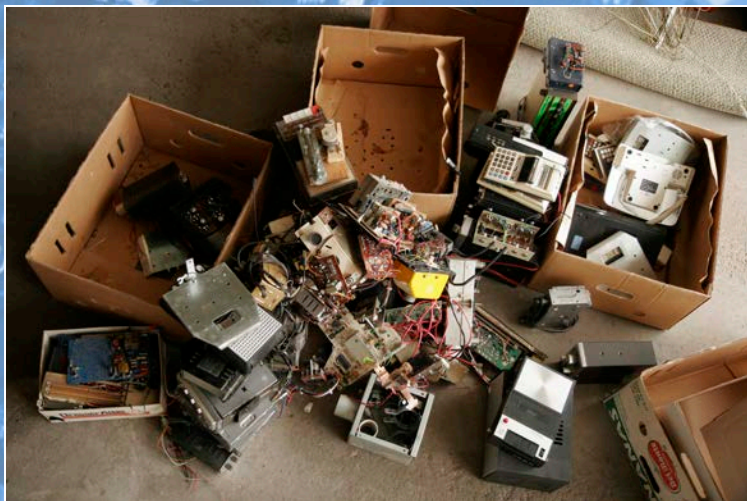
# Lessons Learned from Collaborative Actions

- **Share and share often**
  - **Develop system to communicate**
- **Develop relationships – both domestic and international**
  - **Respect everyone's role; work as a team**
  - **Cooperation between environmental and customs agencies is critical to success**
- **Participate in networks (INTERPOL, INECE, CEC)**
- **Provide adequate and coordinated training of inspectors**
- **Publish your successes – deterrence is our ultimate goal**





# Future E-waste related Activities



**Promote the adoption of environmentally sound management (ESM) principles in small and medium-size e-waste recyclers and refurbishers in North America**

- **Facilities practicing ESM principles provide a legal option for domestic e-waste handling**
- **Projected outcome: Increased compliance with regulatory requirements and reduction of illegal exports**



