
WELCOME AND INTRODUCTION TO THE CONFERENCE

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Ladies and gentlemen, Minister Yingpan Manasikarn, Governor Virachai Naewboonien, Honorable Reuben Olembo, honored speakers, and panelists, on behalf of my co-chair, Mr. Pieter Verkerk and our Executive Planning Committee, it is my privilege to welcome you to the Fourth International Conference on Environmental Compliance and Enforcement.

Six years ago, the first international conference on environmental compliance and enforcement was held in Utrecht, The Netherlands, and was attended by approximately 20 countries. Since that auspicious beginning, conferences have been held in Budapest, Hungary, and in Oaxaca, Mexico - with each conference growing in both size and stature.

Here in Chiang Mai, Thailand, 100 countries and international organizations are represented, making this the largest international environmental enforcement and compliance conference ever.

The tremendous growth we have seen in the participation at these conferences reflects an increased awareness world-wide that environmental pollution affects us all. It affects our economies, our productivity, and our health and overall quality of life. And most of all, it affects these things for generations to come.

Each one of our countries, to varying degrees, has laws which govern sources of pollution. Through the enforcement of these laws, and through finding ways to ensure full compliance with their mandates, we can curb environmental degradation.

That is what brings us here to Thailand for this conference.

Look around you. It is the caliber of the participants and the quality of the dialogue that made the last Conference in Oaxaca stand out in my experience as one of the most inspiring moments in my service as head of environmental enforcement for the U.S. Environmental Protection Agency. This conference gives us all an opportunity to get to know and work with our environmental enforcement colleagues from around the world on what is a great and complex mission - to achieve environmental protection inside and outside of our countries' borders through compliance with our environmental laws. Indeed, we must even look beyond compliance to prevent pollution before it occurs.

In order to accomplish these objectives, we must rely upon many enforcement and compliance related tools. Strong and aggressive enforcement responses are often necessary to punish polluters, prevent future violations, and provide the very means for cleaning up the environment and protecting the health of our people. Compliance also depends on our ability to encourage change in the face of what, to some people, may seem to be competing economic and social goals. It is our task to respond to the demands of the public for environmental protection, environmental justice, and environmental quality, for these go hand in hand with sustainable growth and responsible development. And we must do so with an economy of resources, as our budgets are not limitless.

In the United States, these past two years has been a time of change - within our environmental programs overall, within our enforcement and compliance programs in particular, and within the overall political landscape. And I can say without a doubt that my past 3 years at

Environmental Protection Agency have been the most tumultuous in my 19 years of Federal service. Indeed, for the first time in more than twenty-five years, the previously unquestioned role that the government must play to ensure environmental protection was challenged. Attempts were made to undercut regulatory authority, and to slash Environmental Protection Agency's budget.

This debate continues in our government, even as I speak today. But throughout this debate there has been one resounding constant, from which there cannot be a greater motivation for the work we do - the people of our nations want protection from pollution, and demand enforcement of our environmental laws to ensure that they receive that protection. The American public's expectation of protection from environmental hazards drives our enforcement and compliance program. It gives clarity to our mission. I know that the people of your countries share those views.

And the overwhelming support of our respective populations is our ultimate strength.

We know that environmental enforcement and compliance works. In the United States, the enforcement and compliance program relies upon everything at its disposal to make it work - strong criminal and civil cases, swift administrative actions, policies and programs which provide incentives for companies and government agencies to voluntarily step up to the mark to confront their environmental problems, and assistance for businesses to help them understand the laws and regulations with which they have to comply. These efforts are rooted in the simple principle that polluters must be held accountable for their actions.

And examples of our successes in these efforts abound:

- As a result of an enforcement action against General Motors, the automaker has agreed to recall nearly half a million cars which failed to control the pollution from their tailpipes as required by the law. This means the elimination of over 100,000 tons of illegal excess carbon monoxide which would otherwise foul the air.
- Another case was brought against a lead refinery which for over 100 years had dumped lead, arsenic, and other pollutants into the adjoining river, while illegally operating without a permit. As a result of that enforcement action, it is now installing water treatment facilities it never had, acquiring wetlands or wildlife habitat, and doing sampling to ensure that it operates in full compliance with the law.
- Because of other recent actions, a mining company in the State of Michigan will no longer dump high levels of mercury into the Great Lakes, or pollute the air with illegal amounts of sulfur dioxide. Another mining company will begin restoration efforts on fifteen miles of creeks and tributaries of the Ohio River, which had been decimated from the effects of that company's illegal release of abandoned mine wastewater.
- A land developer who had flouted the advice of environmental consultants, and willfully and illegally filled in approximately 70 acres of wetlands for commercial development was convicted as a criminal by a jury of his peers.
- The public's right to know about toxic chemicals being released into its communities was enhanced by the U.S. Environmental Protection Agency's nation-wide Toxic Release Inventory enforcement initiative against 47 companies last June.
- These, and other cases, large and small, led to the reduction of thousands of tons of pollutants being dumped into our rivers and streams, leaked into our soil, and spewed into our air by violators.

- These enforcement successes benefit us all. That is one of the overarching messages from each of our international conferences. Progress and environmental protection in one country benefits each of its neighbors - we are all affected.

But our environmental enforcement and compliance program is not limited to filing suit to compel companies to comply with the law. After all, violations of the law, and illegal pollution, must be stopped immediately when they occur - not just when they are discovered by our Agency. To accomplish this, we must enlist the private sector in the battle to ensure compliance. Incentives to comply, and assistance to do so when needed, are also a part of our effective enforcement and compliance program.

Government cannot achieve these things on its own. Compliance with the laws is the responsibility of all of our citizens and businesses. Both on their own, and in response to strong enforcement actions, many companies are in fact making responsible efforts to comply with the environmental laws. Our enforcement and compliance program seeks to encourage and foster this behavior.

One way we have been doing this is to encourage companies to perform environmental audits of their operations, and to self-report, and self-correct any violations that they discover. We are trying to show the benefits of having a comprehensive environmental management system in place, one that on its own, seeks to detect and correct violations.

Environmental audits, and good management systems, make those businesses partners in protection with the Environmental Protection Agency - though the responsibility for discovering, reporting, and correcting any violations remains squarely with them. In that regard, last December, U.S. Environmental Protection Agency issued a final policy on incentives for self-policing. The policy offers incentives to companies to self-monitor, self-report and self-correct, and to establish comprehensive management systems. Disclosure, correction, and prevention - these are concepts which the policy takes to large and small companies in every state in our country.

We are also about to issue a final policy on compliance incentives for small businesses, and one for small communities. These policies also create incentives for small businesses and small communities to look for, report, and correct any environmental problems they may have. They too must be partners in protection if we are to have an effective, and comprehensive, enforcement and compliance program. Our policy on small communities also encourages those communities to begin to immediately address those environmental problems that pose the greatest risk - to the health of their citizens, and to the environment.

Together, these policies and others recognize that environmental results are best achieved when a company monitors their own pollution practices; and they recognize that environmental results are achieved when those who come forward to correct their violations are treated differently - better - than those who abuse the public trust.

We have also created national compliance assistance centers, which provide companies with information about the applicable environmental laws and regulations. These centers will also have the latest information on pollution prevention techniques, so that companies can move themselves beyond compliance, and into cleaner and more efficient operations.

These new compliance assistance programs, and compliance incentive policies - many of which we have developed and implemented since our last international conference in Oaxaca - do not replace our traditional enforcement program - they add to it.

In everything that we do - whether it is with strong criminal and civil - enforcement actions, or compliance incentives policies - there is another over-riding principle that we follow - we know that the public must always be informed. We have continually stood for the public's right to know about what is in the water that they drink, the food that they eat, and the air that they breathe. We have rejected the concepts of secrecy and immunity. And we have insisted on corporate accountability, and preserved a strong enforcement presence in the process.

We can do all this because our enforcement and compliance program uses a mix of tools to achieve environmental protection through compliance.

Some people think that enforcement and compliance assistance are mutually exclusive. This is not the case! It is not an “either” “or” proposition. It is not “compliance” or “enforcement.” We have many options at our disposal and we can, and must, use them all. The problem of noncompliance has many faces, and there is no single solution, or approach, which can eliminate this problem. Only a combination of approaches will be effective in the long run. We will examine these tools and approaches at this conference.

But we must be clear about it - there is no substitute for the ability of vigorous enforcement to level the playing field for those who comply with the law. Polluters cannot be ceded an advantage in the marketplace. Pollution havens cannot be tolerated either nationally or internationally. There is no substitute for the ability of vigorous enforcement to deter future violations, sending a strong message that polluters will pay—both in cash and in public perception.

The reality is that pollution does not recognize local, state, provincial, or international boundaries, and companies are no longer regional, they are often national and multinational in scope and operation.

But we have limited resources and must find ways to work together, with a focus on risk, and to move swiftly against violators whose behavior shows no regard for the safety of their neighbors and the environment.

We must work directly with other nations - with each other - and our own regional and local governments, to make sure that our resources are directed to where they can be used most effectively. And we must continue to solve problems that cut across boundaries - pollution affects us all, regardless of where we live.

As I said earlier - we cannot do it alone. Environmental protections through enforcement of our laws is the responsibility of us all - whether we are in government or private business - in every one of our nations. The partnerships which must be established are essential to our success. That is one of the prime benefits of this conference - and the opportunities to make these partnerships, and to make them work, must be seized by us all.

The next five days together will provide us with great opportunities to explore many issues surrounding environmental enforcement and compliance.

- Fairness is one such issue - an appropriate enforcement response must achieve results that are fair, not only for the environment but also for those companies who have made the necessary investments to comply in the first place. No one should ever gain an economic advantage by violating the law. And no one should be put at a disadvantage because they have obeyed the law.
- We will also explore how to maximize our enforcement responses through communications and voluntary compliance initiatives, and how to use the various civil and criminal authorities we have to the greatest advantage.
- We will explore how best to monitor compliance and the mix of government inspections, self-monitoring requirements, citizen complaints, and the potential to leverage third party audits.
- We will explore the new economic challenges facing enforcement, and how to finance and organize programs which draw upon the many skills and professional demands of our complex programs.
- We will explore the essential role of the public in compliance and enforcement and new ways to employ communication strategies as an effective tool for enforcement.
- And we will explore how to design requirements that are more easily enforceable.

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- As a community of nations, we will explore how to ensure that success in one country does not result in the transport of waste, banned toxic and hazardous substances across our borders imposing new burdens on countries already struggling to secure a more promising economic future.
 - And importantly, we will consider our capacity building needs -both for those developing and those seeking to enhance their programs. We will try to match the resources and support available internationally, bilaterally and regionally with the needs of our various countries. If we are successful in doing this, then we will have truly left a lasting legacy from these conferences.

We have a rich base of information on which to draw for these discussions. I want to take this opportunity to offer a note of appreciation to our colleagues who took the time out of their busy schedules to put on paper their experiences and the lessons they have learned. We will add to the substantial proceedings volume with additional papers and results from our discussions throughout the conference.

I also want to recognize the support of the cosponsors of the Conference and Executive Planning committee members who supported the development of new technical capacity building documents and those of you who contributed to these, requiring substantial commitments of time and energy. We invite you to review and perhaps add your own experiences before these documents are finalized.

We will now reach a far broader audience on a sustained basis by creating a home page on the internet. It will be keyed off of U.S. Environmental Protection Agency's Enviro\$en\$e and Earth 1 Site, with cross links to information provided by all conference cosponsors. I invite each of you to visit the exhibit area to view the videos, review the materials and try out these sources of information on program capacity building.

Over the past ten years, we have expanded collaboration among Conference sponsors, including colleagues from the United States, The Netherlands, United Nations Environment Program, Environment Canada, the European Union, the Environmental Law Institute, the World Wildlife Fund, the Governments of Hungary, Mexico and Thailand, other members of the Executive Planning Committee from Chile, Costa Rica, Nigeria, South Africa, the United Kingdom, Poland, Malaysia, Indonesia, China and the Philippines, and institutions such as the World and Regional Banks.

All of us have made a commitment to learn from each other. Environmental pollution is both a national and an international problem. Through these conferences, and through continued cooperation, we can ensure that environmental enforcement is both a national and an international solution.

And, in that light, I want to express appreciation on behalf of all of us to our host country for their gracious hospitality, and for providing yet another inspiring location for this conference.