
SUMMARY OF WORKSHOP: DETECTING HIDDEN OPERATIONS OUTSIDE OF LEGAL FRAMEWORKS

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GOALS

Discussions were designed to address the following issues:

- Problems countries experience with hidden operations, e.g. unpermitted, unauthorized wetlands or natural resource destruction, construction without a permit, illegal logging, waste or product import/export. How much is known about the magnitude of these problems given that by definition they are hidden.
- How enforcers have successfully detected hidden operations for these problems and what the key factors were in their success.
- What problems face officials and how might they be overcome with improved:
 - Data analysis.
 - Education of citizenry.
 - New types of inspection and investigation methods.
 - Other.

1 INTRODUCTION

Given the economic incentive to avoid costs of pollution control or pollution prevention it is important to reward those who comply by ensuring that those who try to avoid the regulatory scheme are detected and brought within its requirements. The workshop focused on how environmental compliance and enforcement personnel can effectively detect hidden operations, those operating outside the legal framework such as the sources operating without permits or who remain outside our registries.

2 PAPERS

There were no new papers available for this workshop.

3 DISCUSSION SUMMARY

3.1 Types of Hidden Illegal Operations

Most countries appear to be experiencing similar types of illegal operations that fall outside the purview of the regulatory program. Most prevalent among these hidden ventures include: concealed violations at legally operating facilities, illegal operations that fall entirely

outside the regulatory scope, masking an operation under the guise of a legal operation; i.e., fraud, and other criminal activities that as a consequence cause environmental violations, e.g., illegal drug manufacturing generates hazardous waste.

3.2 Problems in Detecting Illegal Operations

The countries participating in the workshop discussion experienced similar problems in detecting illegal operations. Those problems included:

- knowing where to look;
- the enforcement authorities may have the information, but that information may not be admissible in court (such information could still be used for targeting purposes);
- problems with information exchange between governmental agencies; and
- a lack of training of police officers to detect hidden illegally operating facilities.

3.3 Detection Techniques

Uncovering hidden illegal operations is one of the biggest challenges facing environmental enforcement officials. It requires experimenting with innovative techniques. Some of these approaches have been successful, including:

- mapping sensitive sites with aerial photography in order to develop a database;
- use of environmental criminal intelligence and analyses;
- comparing data from similar time or events; e.g., discharge data of facilities over time by use of composite samplers hidden in manholes;
- looking at chemical signatures, including oil from ships;
- blending traditional criminal investigative techniques with regulatory inspection techniques;
- using microtaggants and DNA analyses of selected endangered species in order to develop a database;
- use of Global Positioning Systems to monitor barge and ship movements in order to determine illegal dumping in harbors and ship channels; and
- use of tips from networks established with other governmental authorities and citizen volunteers.

4 CONCLUSION

Although the workshop topic concerned the detection of hidden illegal operations, most comments and discussion gravitated toward interactions between the police and the administrative agencies and also the desperate need for additional training. It was felt that the law enforcement authorities were not sufficiently trained to recognize environmental violations and provide initial response. There was also a feeling that a greater degree of trust between the police and the administrative authorities was needed in order to enhance cooperation required for uncovering illegal operations.