
SUMMARY OF PLENARY SESSION #6: INFORMATION COLLECTION, STANDARDS, SHARING, ACCESS, CREDIBILITY AND USE

Moderator: Terrence Shears
Rapporteur: Paul Hagen

1 INTRODUCTION

This panel discussed information management needs and presented ideas on data systems that assist enforcement personnel. In addition, it addressed the management and accessibility of data and information.

2 PRESENTATIONS

Terrence Shears from the Environment Agency for England and Wales and Coordinator of the European Network for the Implementation and Enforcement of Environmental Law (IMPEL) made introductions. He observed that information is the "life blood" of regulatory systems. He also noted that the European Community is taking steps to implement the requirements of the Aarhus Convention.

Ms. Cardenas, who is a Special Assistant to EPA Regional Administrator Greg Cook for Region 6, described EPA's Performance Track Initiative and related Texas state initiatives aimed at promoting the use of environmental management systems. The Performance Track Initiative was described as a voluntary program that encourages companies to develop environmental management systems. The national program is only available to companies that have demonstrated compliance with environmental laws for a period of five years. The program began in 2000 and goes "above and beyond" compliance. EPA's criteria for the program is not rigid. For example, companies need not be ISO 14001 certified to participate.

Texas has also initiated a "Clean Texas Companies" program that also

encourages the use of environmental management systems. Recent changes to the EPA and Texas programs now allow companies that qualify for one program to easily qualify for the other. EPA Region 6 was the first to conclude a Memorandum of Understanding with a State to streamline the application procedures for the Federal program. Texas has also recently adopted regulations that promote the use of environmental management systems.

EPA has also developed a pilot program called "E-Plans" that makes facility information available to emergency response officials over the Internet. Through a dedicated website, local emergency responders can access information on the hazards associated with certain facilities and can be better prepared to respond to emergencies. The program has been modified following the terrorist attacks on the U.S. last year and currently only emergency response teams and not the general public have access to the database of facility information.

Mr. Santosa founded the Indonesian Center for Environmental Law (ICEL) and is currently working on freedom of information initiatives in Indonesia. He noted that information access continues to be quite limited in Indonesia despite legal authorities that require the government to disclose information to the public. The Constitution, General Legislation and Environmental Legislation all provide some mechanisms for the public disclosure of environmental information. Specifically, provisions in the Environmental management Act No. 23/1997 and regulations related to environmental impact assessment establish the public's right to information.

However, there are several barriers to the public availability of environmental information. These include the absence of established information management systems within the government and the lack of information producing activities within government agencies. Indonesian agencies also operate under a culture of secrecy.

Recent efforts to improve the situation include the introduction of the "Freedom of Information Bill." The Bill emphasizes "maximum access with limited exemptions." The proposed legislation is a comprehensive package that emphasizes:

- Right to know;
- Right to inspect;
- Right to obtain;
- Right to be informed; and
- Right to disseminate.

The legislation also calls for penalties to be imposed on persons who intentionally block access to information. The prospect for final adoption of the legislation is unclear.

Other efforts related to expanding information access to include the promotion of information access in various regulatory, legislative and international initiatives. Work is ongoing within the Ministry of Environment on performance indicators. Information access has also figured prominently in NGO papers and advocacy in the run-up to the World Summit on Sustainable Development. Mr. Santosa noted that the challenge of expanding public access to information is made more difficult by the absence of strong public pressure for change.

Mr. Wang described several performance rating and disclosure initiatives undertaken in various countries with the assistance of the World Bank. He reported that the World Bank had determined that indigenous enforcement, incomplete enforcement, informal regulation (often driven by public expectations in the

absence of government regulations) and market responses to environmental news all play a role in the development of successful public disclosure initiatives. External pressure for pollution control can be brought to bear on polluters by the government, the community and markets. All of these pressure points are related and are more effective with robust information disclosure programs.

Information disclosure often enhances the roles markets and the public play in pressuring industry to enhance its environmental performance. He cited the U.S. Toxics Release Inventory (TRI) and the "Scorecard" developed by Environmental Defense (a U.S.-based NGO) as successful performance reporting and disclosure models. These programs are generally viewed as "public-oriented environmental information systems." Together, these programs provide governments, the public and industry with important information on polluting facilities and pollutant releases. Historic data is also provided. The databases provide information on chemical releases but not necessarily risks to the community, but instead leave interpretation to the users of the data.

A second approach to a public disclosure strategy can be described as "performance rating and disclosure". The World Bank had recently assisted Indonesia in the development of such a program based on a color rating systems for the environmental performance of industrial facilities. Facilities with high ratings are selected for public praise and recognition for their superior environmental performance while facilities with low scores would be identified as large polluters as a means of building public pressure on the companies. Early results suggest that polluting facilities are sensitive to this kind of public pressure and have improved their environmental performance.

Mr. Wang also described the China "Green Watch" program which is supported

by the World Bank. The Green Watch program currently involves two pilot programs in two Chinese cities: Hohhot and Zhenjiang. Like the Indonesia program, this initiative seeks to categorize industrial facilities into an environmental performance ranking linked to five separate color categories (Green being the highest environmental performance). These rankings are made public through media releases. The results of the program have been positive and include better communication between the government and the public, commitments by polluters to enhance their environmental performance, and increased public awareness and participation. The Chinese government is considering ways to expand the pilot programs into a broader national initiative.

3 DISCUSSION

The first question posed for discussion: a representative of the U.S. EPA observed that the Agency had encountered problems accessing information available in other countries on environmental matters related to pesticides. She asked if the panelists had encountered similar problems.

Ms. Cardenas noted that until recently, the U.S. had encountered problems in its efforts to obtain data on emission sources in Mexico that were believed to be contributing to air pollution problems in national parks in the border region. Mr. Santosa noted that in his experience, it was often easier to obtain information from governments by going through international institutions that can often obtain a better response to requests for information.

A second question posed asked whether legislation is a pre-requisite to information access. Mr. Santosa noted that legislation requiring public disclosure was one of several important tools required to provide the public with information. In Indonesia, he views the proposed Freedom of Information Bill as an important "first step."

4 CONCLUSION

All speakers agreed that the collection and public dissemination of environmental data can raise public awareness of environmental problems and can serve as an important driver in raising the environmental performance of industries.

INECE can serve a vital role to access the information use and data collection needs of enforcement practitioners and develop knowledge sharing systems that are accessible and credible.