EXECUTIVE TALK

COMMAND AND CONTROL VS SELF REGULATION ENFORCEMENT APPROACH

"Meeting Your Environmental Obligations"

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WHAT IS COMMAND AND CONTROL?

- CAC is sometimes refers to **“Carrot and Stick”** approach

- CAC involves the DOE to:
  - “command” industries in reducing pollution
  - “control” industries to meet emission levels

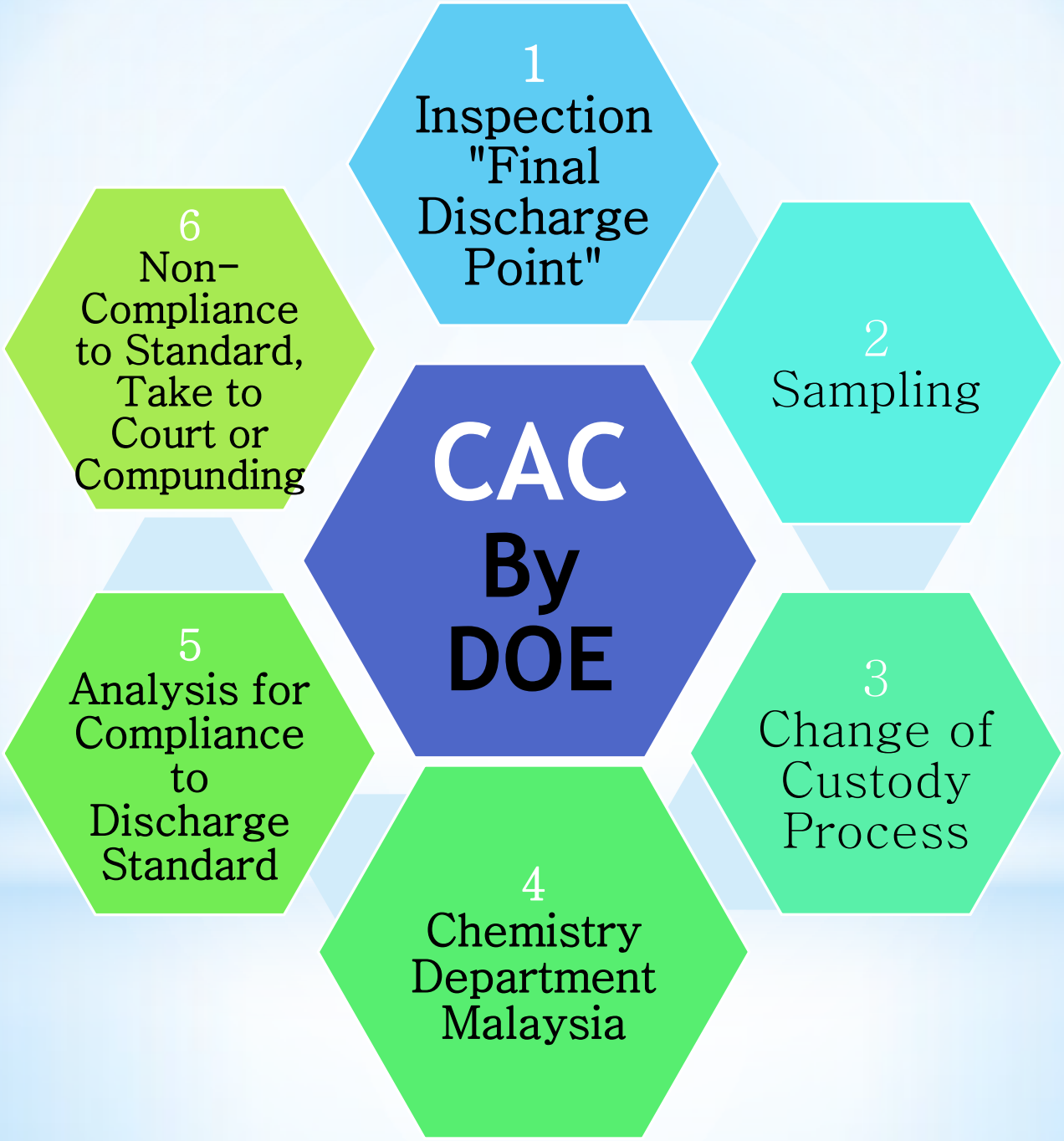
Why CAC approach was introduced in early 1970s?

CAC – **speed up behavioural change** of industries and project proponents to meet environmental obligations.

What are the methods involved in CAC?

1. Laws – quality standards, specific directives, limits and guidelines
2. Contracts and Agreements –

- EIA conditions
- Schedule Waste Licencing Conditions
- Contravention Licence


1
Inspection "Final Discharge Point"
2
Sampling
3
Change of Custody Process
4
Chemistry Department Malaysia
5
Analysis for Compliance to Discharge Standard
6
Non-Compliance to Standard, Take to Court or Compunding
CAC By DOE

What are Strengths and Weaknesses of CAC approach?

A CAC approach in DOE policy is used for several reasons:

- *Strength – CAC can respond more quickly with the force of Law
- *Criticism – Capture a snapshots (not true big picture) of non-compliance in industries operation.

Let us consider Math of Enforcement Visit:

Maths of CAC Enforcement

Q1. How to establish compliance?

A1. Of Course, compliance demonstration solely based on factory inspection

The Facts–Conservative Estimate

Say, number of DOE inspectors = 1000

Say, total number of factories (not including EIA Development Projects) in Malaysia = 10,000

Say, an inspector conducts 1 inspection per day

Say, number of working days = 300 days

Therefore, total annual number of inspections = 1000 x 300 = 300,000

Therefore, it means each (1) factory can be inspected 30 times a year (300,000/10,000)

Snapshot information

Each factory can be inspected 30 times a year!

Even on an overly exaggerated estimate of 30 inspections a year, the information obtained is

A SNAPSHOT INFORMATION ON COMPLIANCE STATUS

Snapshot Information? Why?

30 inspections of a factory a year

Say, an inspection is a full working day affair = 6 h/d

So, total inspection time = 30 x 6 = 180 h/y

Say factory operates only 8 h/d, 200 d/y

Total factory working hours = 8 x 200 = 1600 h/y

So, inspection time/factory operating time = 180/1600 = 11 %

Let's think for a while…

* Inspection time/factory operating time = 180/1600 = 11 %
* Assessment of Compliance status solely based on factory inspections statistically justified?

SELF-REGULATION APPROACH

Self-Regulation is whereby industries or project proponents be the ownership in enforcing environmental laws in meeting environmental obligations

In short, **DIY (DO IT YOURSELF)** in achieving environmental compliance or **Fully Hands On**

Why DOE need to shift from CAC and towards Self-Regulation Approach?

Positive Corporate Image

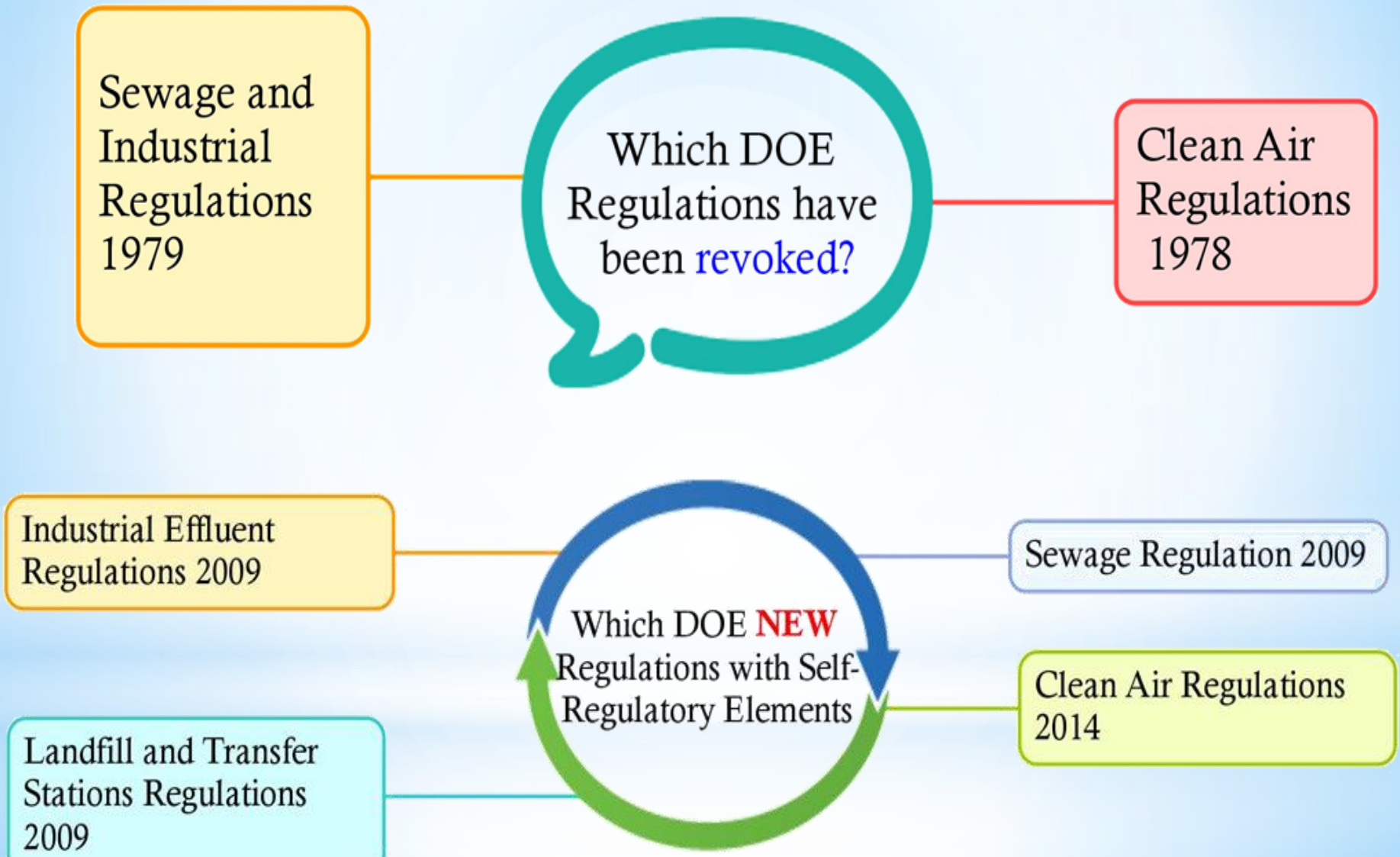
- The image of investors at stake if non-compliance industries taken to court
- Avoid factory or project developers downtime and heavy monetary penalties

Snapshot inspection

- Not Fair and within 365 days per year, overlooking BIG PICTURE for those highly responsible industries who fully hands on.

Positive Culture

- The practice of self-regulation-performance monitoring will mainstreaming self-regulatory performance issues


Sewage and Industrial Regulations 1979
Which DOE Regulations have been revoked?
Clean Air Regulations 1978
Industrial Effluent Regulations 2009
Which DOE NEW Regulations with Self-Regulatory Elements
Sewage Regulation 2009
Clean Air Regulations 2014
Landfill and Transfer Stations Regulations 2009

What Self-Regulatory Elements Advocated by DOE?

How to be certified?

Self-Regulatory Elements in EIA

Self-Regulatory Elements for POME

The self-regulatory elements are similar to the Industrial Effluent

Other Self-Regulatory Elements (CEMS-Continuous Emission Monitoring System)

Other Self-Regulatory Elements (PEMS-Predictive Emission Monitoring System)

Some industries are encourage to use **PEMS** together with CEMS;

- Incineration Plants stacks from Oil & Gas Processing and Refinery
- limitation to Coal Fired Power Plants and Cement Plants.

WRAP UP

- ✓CAC Vs Self-Regulation (strength and Weaknesses)
- ✓DOE Moving Forward
  - * Mainstreaming Self-Regulation
  - * Competent Persons or Qualified Person (as Environmental Practitioners)
  - *Certification Program


thank
you!

Q & A

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