



# DOE Enforcement Approaches : CC vs SR

Aug 16, 2017

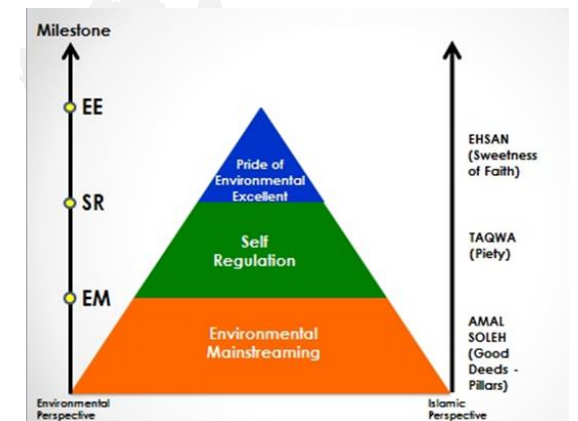
By:

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Director General,

Department of Environment Malaysia

GSR INITIATIVE PROGRAM 2017



# THE CONSTITUTION AND THE ENVIRONMENT

- Neither “Pollution” nor “environment” could be found in the constitution
- The constitution provides Federal Government of Malaysia to enact laws and regulation for the “protection, abatement, control of pollution and enhancement of the environment.....(The Environmental Quality Act 1974-Act 127)
- “Environment” related to “factories”, “machineries” and “health”.

# DEPARTMENT OF ENVIRONMENT

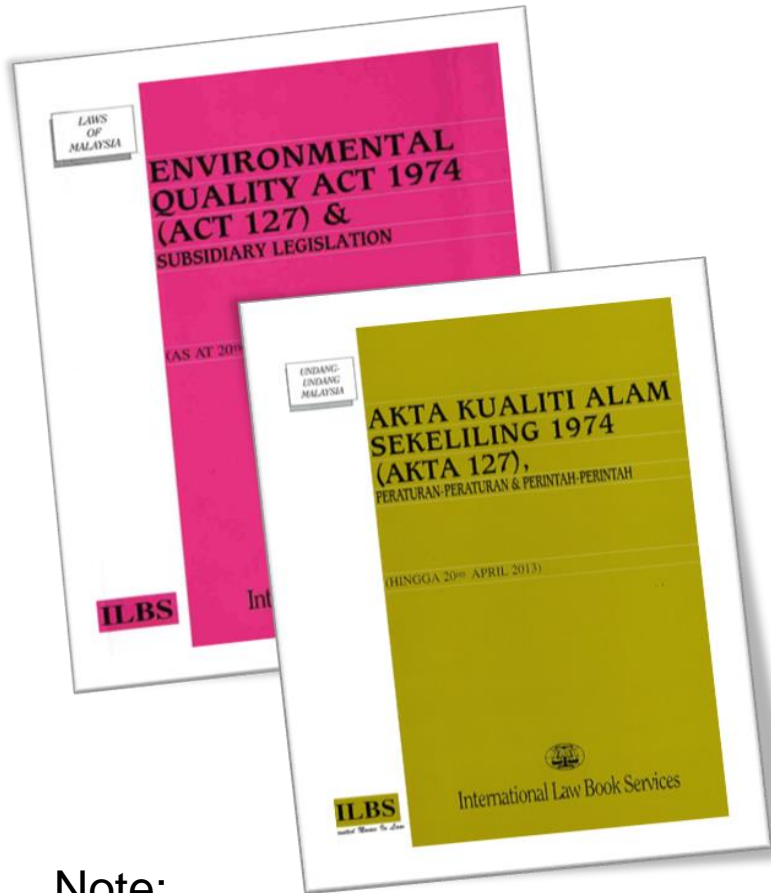
## Vision

Environmental conservation (not preservation) for the well-being of the people-sustainable.

## Mission

To ensure sustainable development in the process of nation building.

D=E (Conservation/Balance/sustainable development)  
D<E (Preservation/Nature Lover)  
D>E (Environmental Degradation/Natural Resources Exploitation)



Note:

D – Economic Development  
E – Environment Protection



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# ENVIRONMENTAL QUALITY ACT 1974

## REGULATIONS

- Environmental Quality (Control Of Emission From Diesel Engines) (Amendment) Regulations 2000 - P.U.(A) 488/2000
- Environmental Quality (Clean Air) (Amendment) Regulations 2000 - P.U.(A) 309/2000
- Environmental Quality (Scheduled Wastes) Regulations 2005 - P.U.(A) 294/2005
- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Regulations 1977 - P.U.(A) 342/77
- Environmental Quality (Prescribed Premises Scheduled Wastes Treatment And Disposal Facilities) (Amendment) Regulations 2006 - P.U.(A) 253/2006
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) (Amendment) Regulations 1980 - P.U.(A) 74/80
- Environmental Quality (Refrigerant Management) (Amendment) Regulations 2004 - P.U.(A) 395/2004
- Environmental Quality (Halon Management) Regulations 1999 - P.U.(A) 452/99
- Environmental Quality (Motor Vehicle Noise) Regulations 1987 - P.U.(A) 244/87
- Environmental Quality (Dioxin And Furan) Regulations 2004 - P.U.(A) 104/2004
- Environmental Quality (Industrial Effluent) Regulations 2009 - P.U.(A) 434/2009
- Environmental Quality (Control Of Petrol And Diesel Properties) Regulations 2007 - P.U.(A) 145/2007

- Environmental Quality (Control of Lead Concentration In Motor Gasoline) Regulations 1985 - P.U.(A) 269/85
- Environmental Quality (Control Of Emission From Petrol Engines) Regulations 1996 - P.U.(A) 543/96
- Environmental Quality (Control Of Emission From Motorcycles) Regulations 2003 - P.U.(A) 464/2003
- Environmental Quality (Control of Pollution From Solid Waste Transfer Station And Landfill) Regulations 2009 - P.U.(A) 433/2009
- Environmental Quality (Sewage) Regulations 2009 - P.U.(A) 432/2009
- Environmental Quality (Appeal Board) Regulations 2003 - P.U.(A) 115/2003
- Environmental Quality (Licensing) Regulations 1977 - P.U.(A) 198/77

## RULES

- Environmental Quality (Compounding Of Offences) (Open Burning) Rules 2000 - P.U.(A) 310/2000
- Environmental Quality (Compounding Of Offences) (Amendment) Rules 1999 - P.U.(A) 12/99

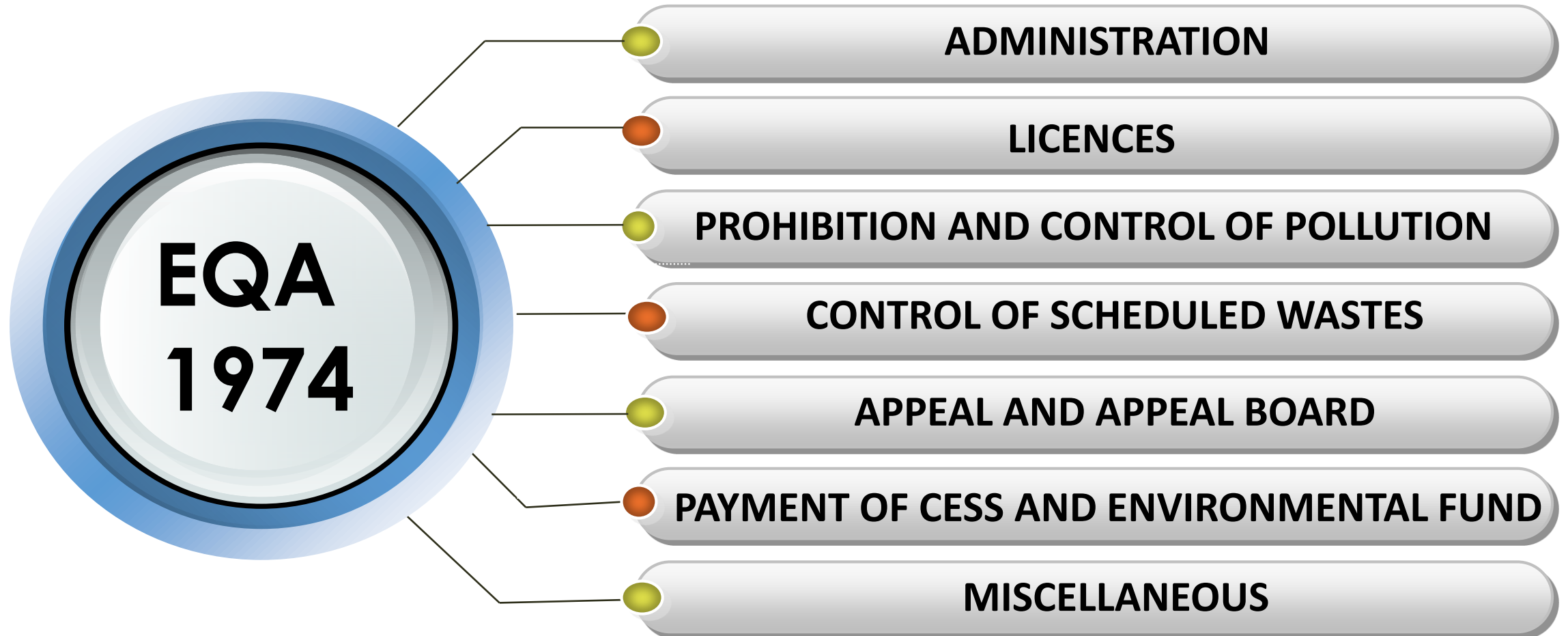
# ENVIRONMENTAL QUALITY ACT 1974

## ORDERS

- Environmental Quality (Prescribed Activities) (Environmental Impact Assessment) Order 2015 - P.U.(A) 195/2015
- Environmental Quality (Prohibition On The Use Of Chlorofluorocarbons And Other Gases As Propellants And Blowing Agents) Order 1993 - P.U.(A) 434/93
- Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment And Disposal Facilities Order) 1989 - P.U.(A) 140/89
- Environmental Quality (Prescribed Conveyance) (Scheduled Wastes) Order 2005 - P.U.(A) 293/2005
- Environmental Quality (Delegation Of Powers On Marine Pollution Control) Order 1994 - P.U.(A) 537/94
- Environmental Quality (Delegation Of Powers Halon Management) Order 2000 - P.U.(A) 490/2000
- Environmental Quality (Delegation Of Powers) (Investigation Of Open Burning) Order 2000 - P.U.(A) 311/2000
- Environmental Quality (Delegation Of Powers) (Perbadanan Putrajaya) Order 2002 - P.U.(A) 233/2002
- Environmental Quality (Delegation Of Powers) Order 2005 - P.U.(A) 365/2005
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) (Amendment) Order 1978 - P.U.(A) 337/78
- Environmental Quality (Prescribed Premises) (Raw Natural Rubber) Order 1978 - P.U.(A) 250/78
- Environmental Quality (Prescribed Premises) (Scheduled Wastes Treatment And Disposal Facilities) (Amendment) Order 2006 - P.U.(A) 252/2006
- Environmental Quality (Prescribed Premises) (Crude Palm Oil) Order 1977 - P.U.(A)199/77

# ENVIRONMENTAL QUALITY ACT 1974

## ARRANGEMENT OF SECTIONS



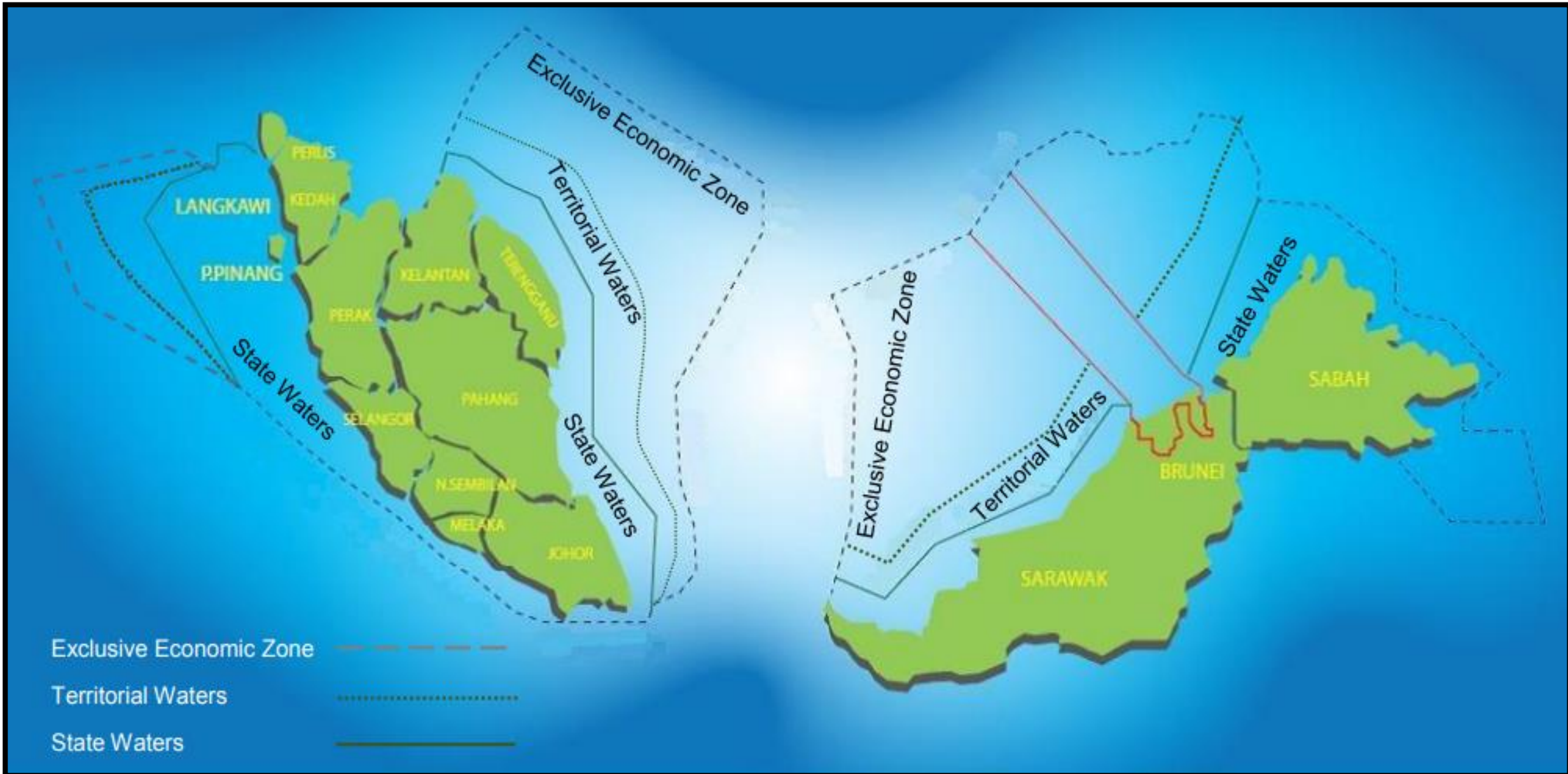
# ENVIRONMENT

## DEFINITION

The physical factors of the surroundings of the human beings including land, water, atmosphere, climate, sound, odour, taste, the biological factors of animals and plants and the social factor of aesthetics.



# APPLICABILITY OF EQA 1974



# ENFORCEMENT APPROACHES

## CONVENTIONAL ENFORCEMENT APPROACH

**Command & Control**

**Compliance Monitoring**  
(at end of pipes)

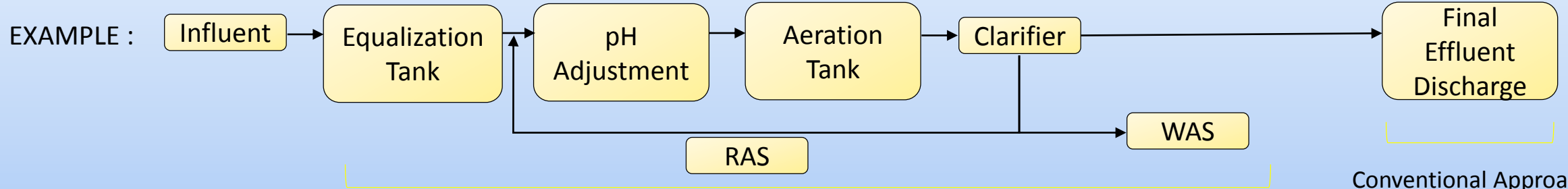


## NEW INITIATIVE ENFORCEMENT APPROACH

**Self Regulation**

**Performance Monitoring**  
(at every Unit Process & Operation)

## Industrial Effluent Treatment Plant

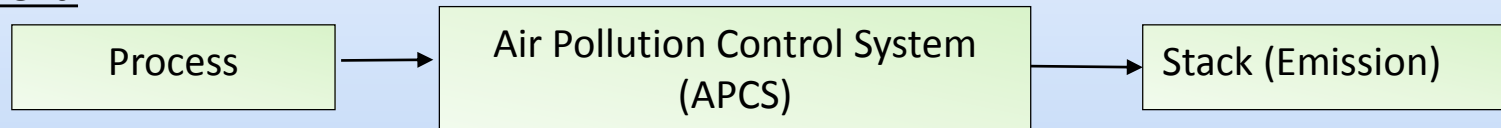


### **Innovative Approach : Sampling & Performance Monitoring Upstream Final Discharge**

(Performance Monitoring) – New Initiatives Enforcement Approach

Conventional Approach  
Sampling & Monitoring at Final  
Discharge (Compliance  
Monitoring) – Conventional  
Enforcement Approach

## Air Pollution Control Equipment



### **Performance Monitoring (PM) Parameter**

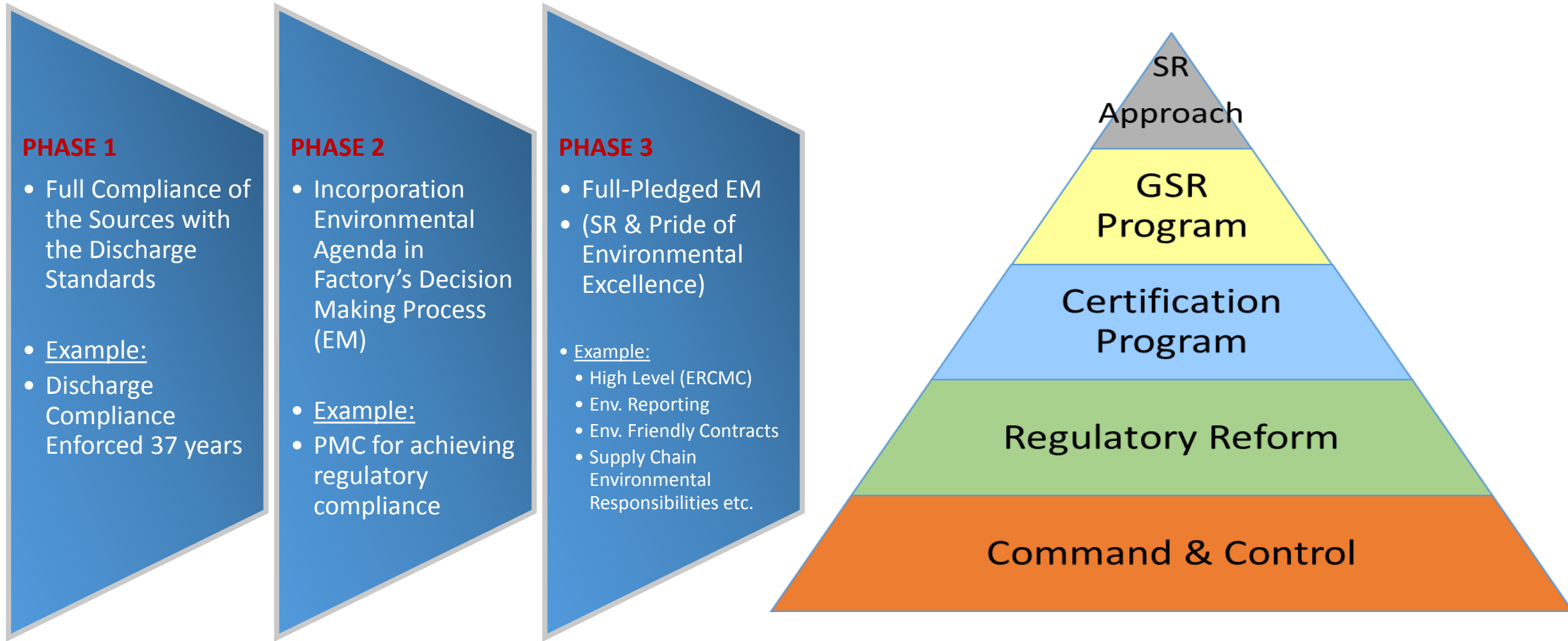
#### **Bag Filter:**

Pressure Drop, Air Flowrate, Temperature, Air Pressure

#### **Scrubber:**

Air flowrate, scrubbing liquid flowrate, pH of scrubbing liquid, temperature

# DEVELOPMENT PROCESS OF SELF-REGULATION (SR)



Phases In Reaching Final Destination Of Guided Self Regulation Implementation

# ENFORCEMENT APPROACHES : COMMAND AND CONTROL VS SELF REGULATION

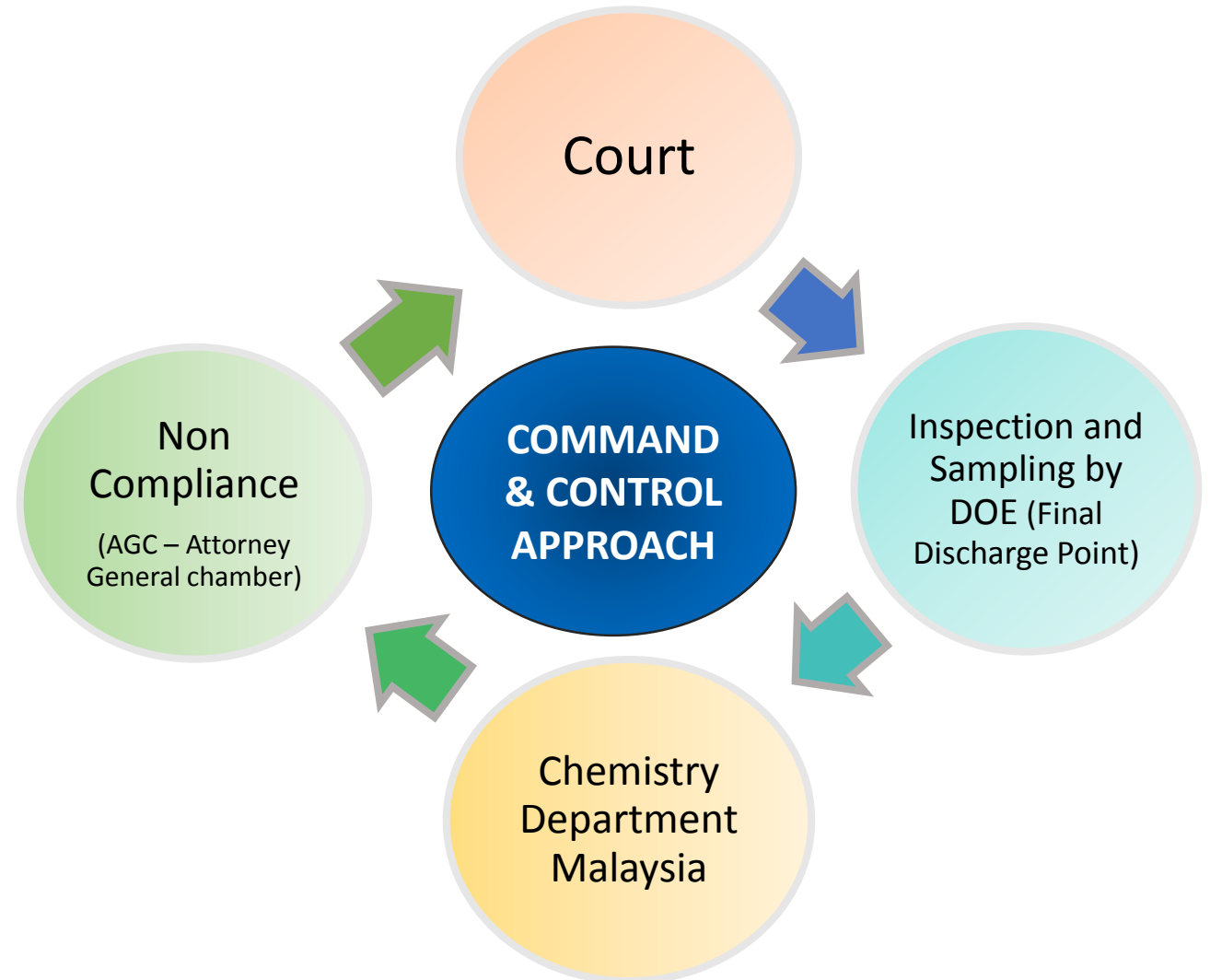
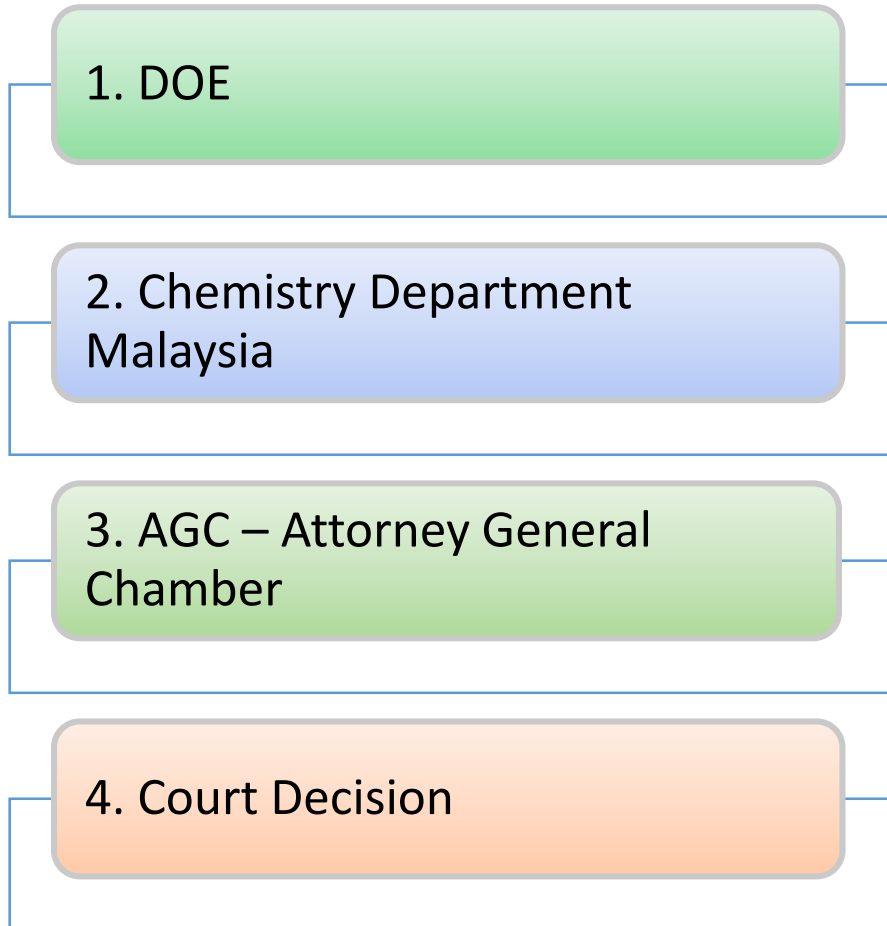
COMMAND & CONTROL

SELF - REGULATION

Complementary

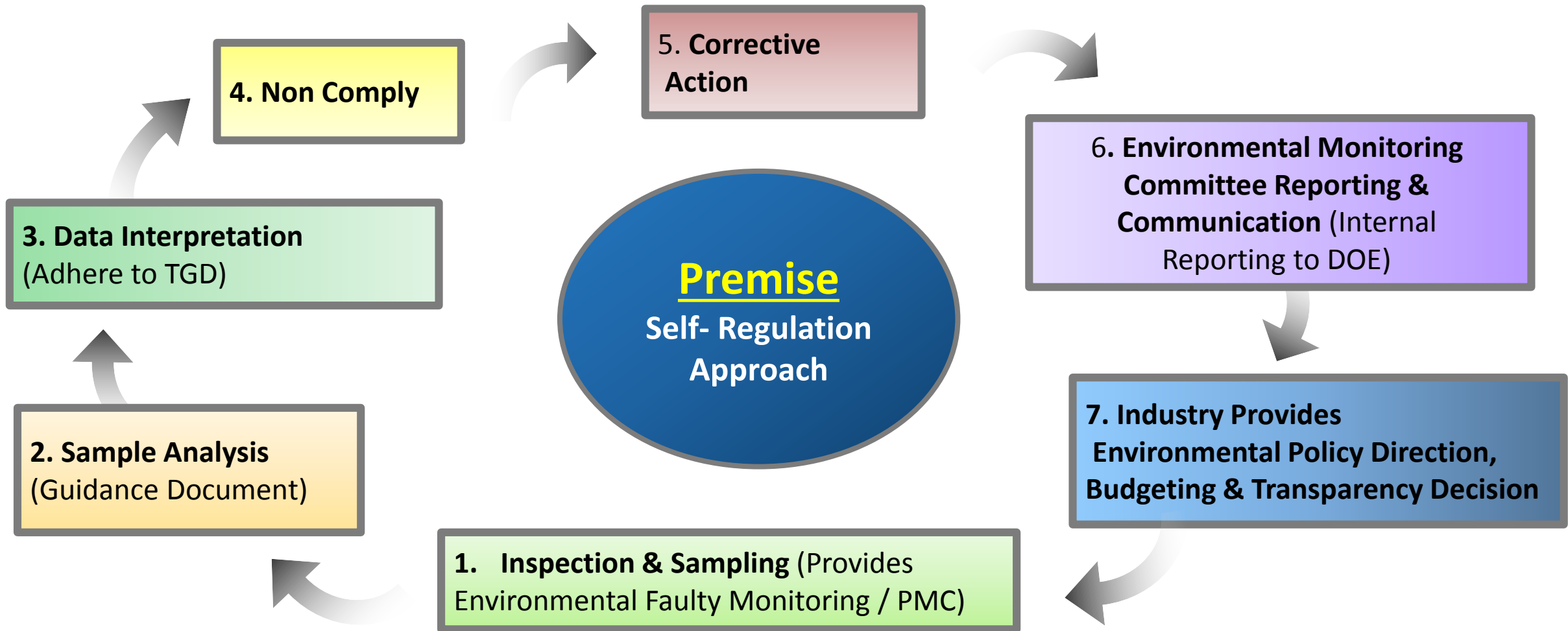
# COMMAND & CONTROL APPROACH

## Players In Decision Making for Non-Compliance



# GUIDED SELF-REGULATION APPROACH

Key Players : 1. Industry Management CEO    2. Industry Competent Person/CP    3. DOE



Note : TGD : DOE Technical Guidance Document for Performance Monitoring  
CEO : Chief Executive Officer  
CP : Competent Person

# ENFORCING GUIDED SELF REGULATION

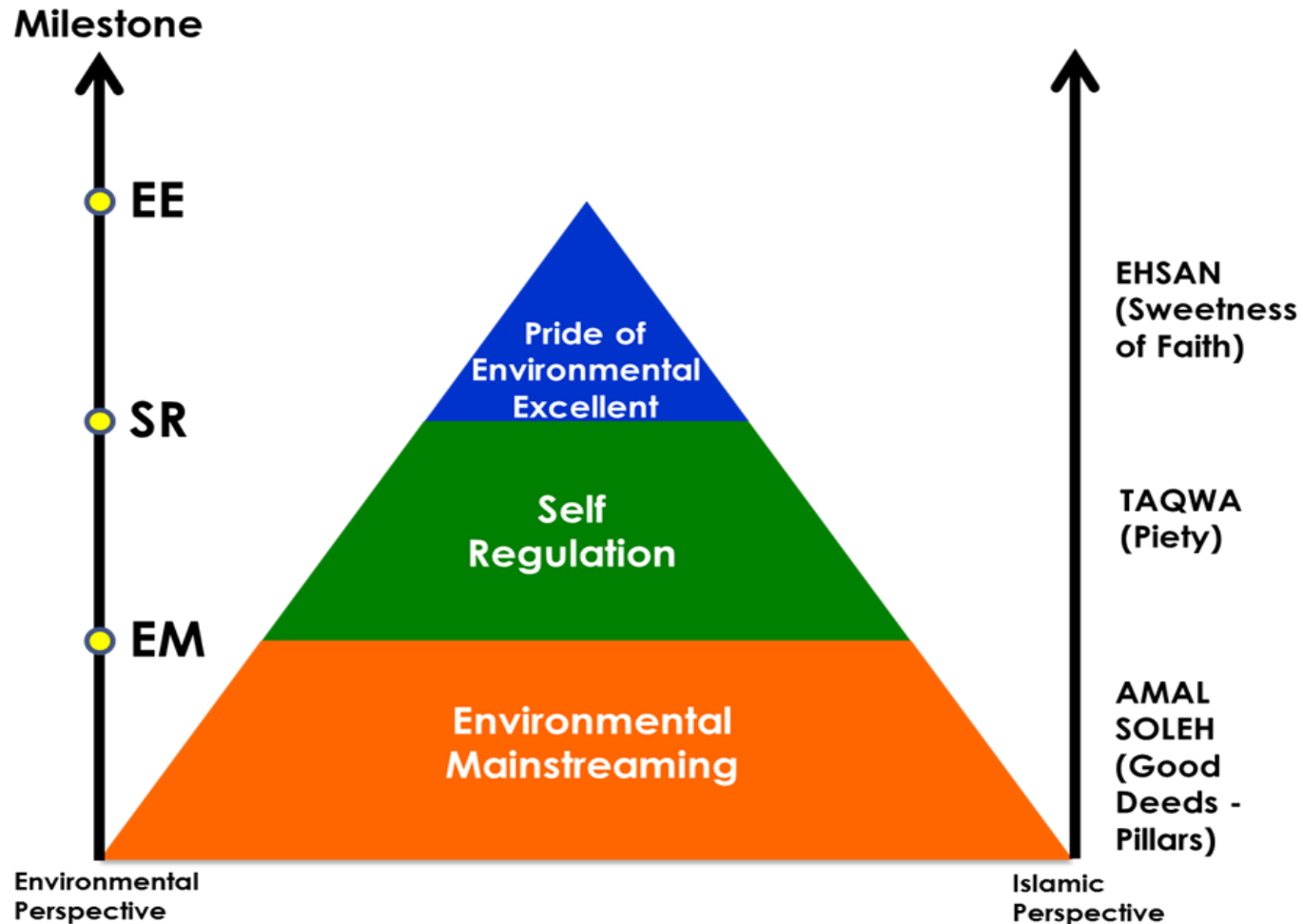
In ensuring GSR program is adopted by RC :

1. Ask Industry (RC) to report

2. Inspection officers (DOE) check on it during inspection

3. DOE Review the Field Training Report (FTR) for Competency Certification

# OUR GOAL - Self-regulation



GSR Initiative: Pathway Towards Achieving Sense of Pride of Environmental Excellence

# INTENTION OF INTRODUCING ENVIRONMENTAL MAINSTREAMING GUIDED SELF-REGULATION

- Facilitate Industries to achieve environmental sustainability

- Portray high degree of environmental transparency, accountability and strong commitment among industries

# Environmental Mainstreaming Tools for Guided Self Regulation



Environmental Policy (EP)

Environmental Budgeting (EB)

Environmental Monitoring Committee (EMC)

Environmental Facility (EF) – (which includes pollution control systems and laboratory requirements)

Environmental Competency (EC) – (which includes personnel and competent person requirement)

Environmental Reporting and Communication (ERC)

Environmental Transparency (ET)

# HOW DOE ENSURE INDUSTRY IMPLEMENT SELF REGULATION

## Environmental Mainstreaming Tool (EMT) Compliance Report

EMT			Date of Implementation
ENVIRONMENTAL POLICY (EP)			
ENVIRONMENTAL BUDGETING (EB)			
ENVIRONMENTAL MONITORING COMMITTEE (EMC)	<ul style="list-style-type: none"> <li>EPMC</li> </ul>	<ul style="list-style-type: none"> <li>ERCMC</li> </ul>	
ENVIRONMENTAL FACILITY (EF)	<ul style="list-style-type: none"> <li>Best Management Practices (BMPs)</li> </ul>	<ul style="list-style-type: none"> <li>Laboratory Facilities (LABF)</li> </ul>	
	<ul style="list-style-type: none"> <li>Industrial Effluent Treatment System (IETS)</li> </ul>	<ul style="list-style-type: none"> <li>Performance Monitoring (PMI)</li> </ul>	
	<ul style="list-style-type: none"> <li>Air Pollution Control System (APCS)</li> </ul>	<ul style="list-style-type: none"> <li>Others</li> </ul>	
	<ul style="list-style-type: none"> <li>Scheduled Waste Management Infrastructure (SWMI)</li> </ul>		
ENVIRONMENTAL COMPETENCY (EC)	<ul style="list-style-type: none"> <li>Certified Sediment &amp; Erosion Control (CSEC)</li> </ul>	<ul style="list-style-type: none"> <li>Certified Environmental Professional in Scrubber Operation (CePSO)</li> </ul>	
	<ul style="list-style-type: none"> <li>Certified Environmental Professional in IETS operation (CePIETSO)</li> </ul>	<ul style="list-style-type: none"> <li>Certified Environmental Professional in Bag Filter Operation (CeBFO)</li> </ul>	
	<ul style="list-style-type: none"> <li>Certified Environmental Professional in Scheduled Waste Management (CePSWAM)</li> </ul>	<ul style="list-style-type: none"> <li>Others</li> </ul>	
ENVIRONMENTAL REPORTING AND COMMUNICATION (ERC)	<ul style="list-style-type: none"> <li>Communication Channel (CC)</li> </ul>	<ul style="list-style-type: none"> <li>Internal Reporting (IR)</li> </ul>	
	<ul style="list-style-type: none"> <li>Data Analysis (DA)</li> </ul>	<ul style="list-style-type: none"> <li>Others</li> </ul>	
ENVIRONMENTAL TRANSPARENCY (ET)	<ul style="list-style-type: none"> <li>Environmental Sustainability Report (ESR)</li> </ul>	<ul style="list-style-type: none"> <li>Billboard (BB)</li> </ul>	
	<ul style="list-style-type: none"> <li>Website (WS)</li> </ul>	<ul style="list-style-type: none"> <li>Fliers (FL)</li> </ul>	

# Competency Person (CP) – Approved by DG of Environment

## (a) Types of Certification Person

Competent Person (CP)  
• Pollution Control System

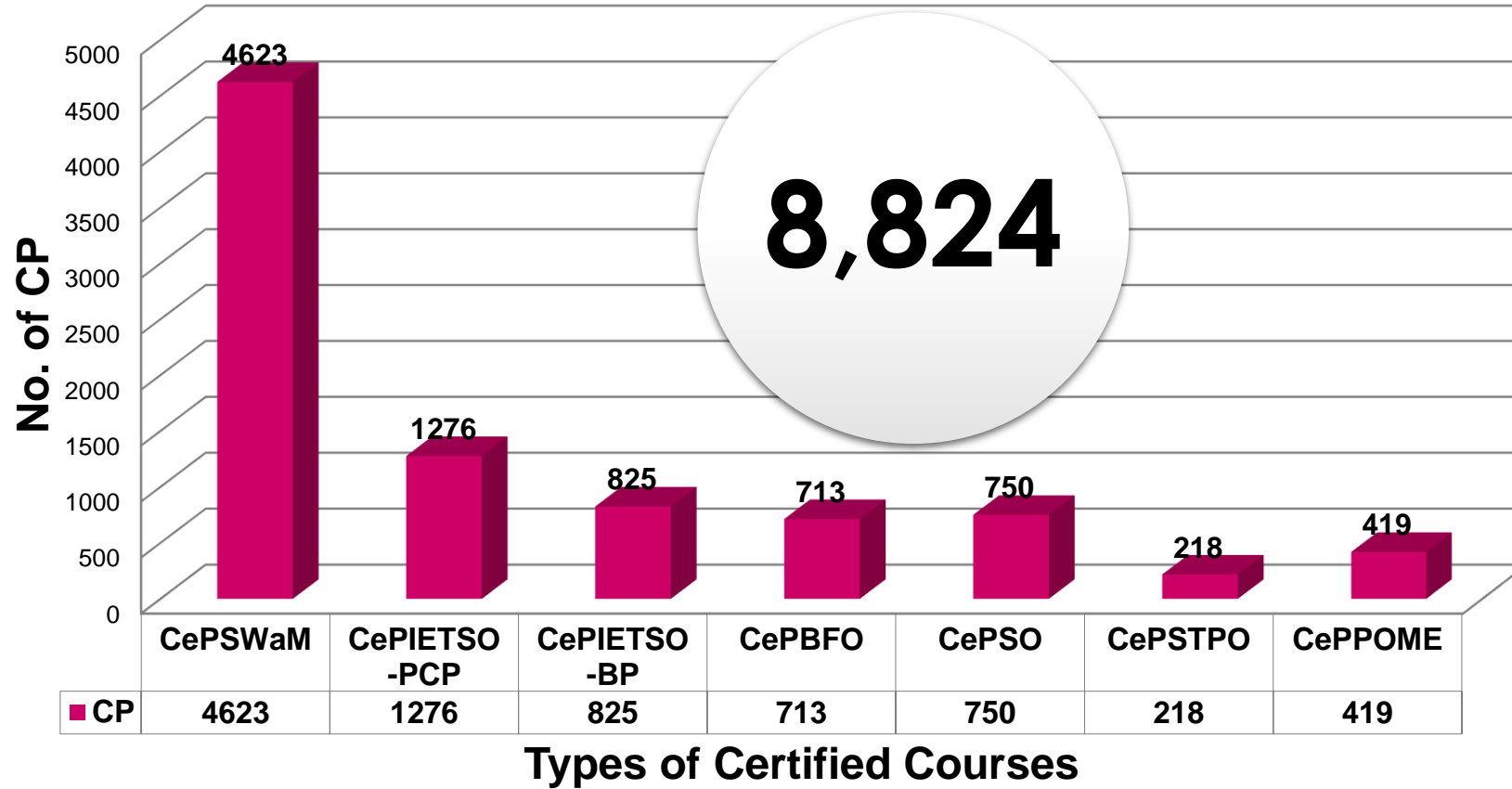
Qualified Person (QP)  
• EIA Consultant

Environmental Officer (EO)  
• EIA Project

## (b) Certification Process for CP



# NUMBER OF COMPETENT PERSON CERTIFIED VS TYPES OF COURSES



**DOE (THE REGULATOR)**

To ensure

- Compliance and oversee EMTs Implementation

**THE INDUSTRY**

**(PROJECT PROPONENT)**

To ensure

- Effective implementation of environmental mainstreaming tools in reaching self – regulation of the industry

**CONSULTANT & SUPPLY CHAIN**

To ensure

- Effective pollution control measures

**FIGURE 1: ROLES OF DIFFERENT PLAYERS IN GSR/ EM IMPLEMENTATION IN INDUSTRIAL SECTOR**

# What if the regulated (Industrial) sectors still flout after all the facilitation??



After all the teaching and training, industries still flout the law, what excuse do they have? What actions would DOE take?

Just compound them, or take them to court, or issue a prohibition order!

Don't Get It Wrong

- "Bad Guys Must be Punished"

Application of "Punishment (Penalty)" are same for both C&C and SR under EQA 1974



# CONCLUSION

1. GSR is the essence and purpose of current enforce strategies
2. GSR is a complement to command and control
3. Competency certification is the drive for GSR
4. EQA 1974 is timely for reformed

*Thank You*

**<https://www.doe.gov.my/>**

Director General  
Department of Environment  
12 July 2017