



ENVIRONMENTAL MAINSTREAMING DIRECTIVE: A PREVENTIVE APPROACH

DOE Enforcement Approaches : CC vs SR

SEPTEMBER 25, 2017

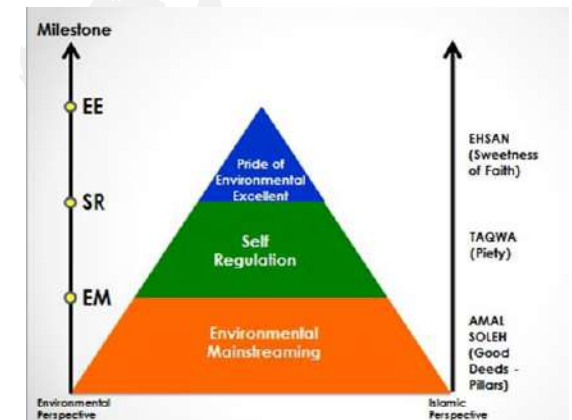
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Department of Environment Malaysia

GSR INITIATIVE PROGRAM 2017




THE CONSTITUTION AND THE ENVIROMENT

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”.



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.
-Definition of Environment in EQA1974

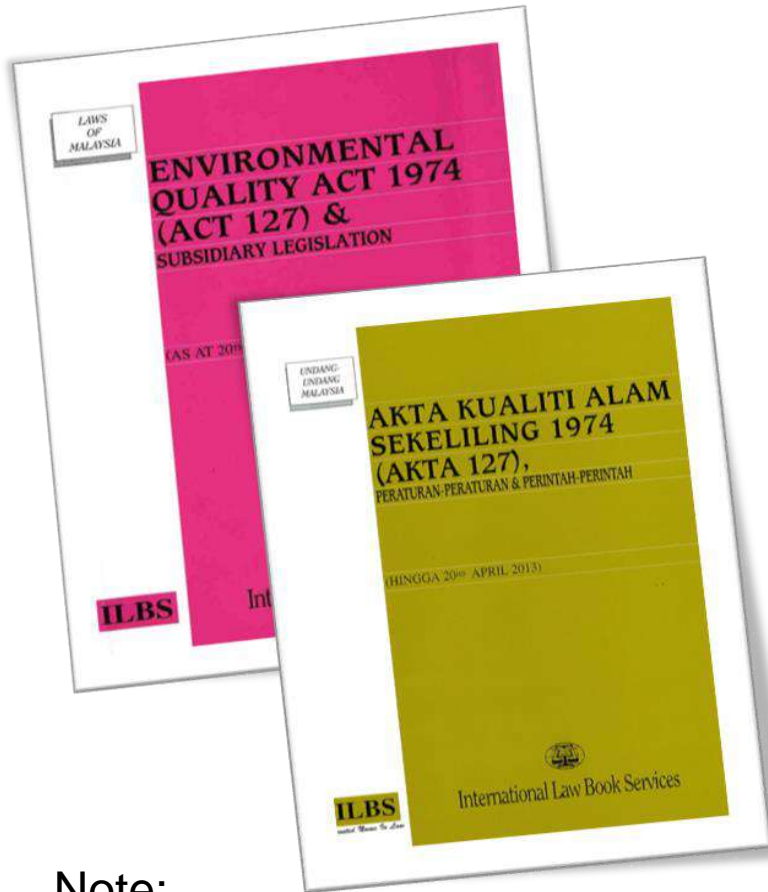
VISION AND MISSION OF DEPARTMENT OF ENVIRONMENT

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



ENVIRONMENTAL LAW

Environmental Quality Act 1974 (EQA1974)

(EQA1974 is in the midst of being reformed)

ENVIRONMENTAL QUALITY ACT 1974

19 REGULATIONS

Control Of Emission From Diesel Engine, Clean Air, Scheduled Wastes, Crude Palm Oil, Prescribed Premises Scheduled Wastes Treatment And Disposal Facilities, Raw Natural Rubber, Refrigerant Management, Halon Management, Motor Vehicle Noise, Dioxin And Furan, Industrial Effluent, Control Of Petrol And Diesel Properties, Control of Lead Concentration In Motor Gasoline, Control Of Emission From Petrol Engines, Control Of Emission From Motorcycles, Control of Pollution From Solid Waste Transfer Station and Landfill, Sewage, Appeal Board and Licensing

12 ORDERS

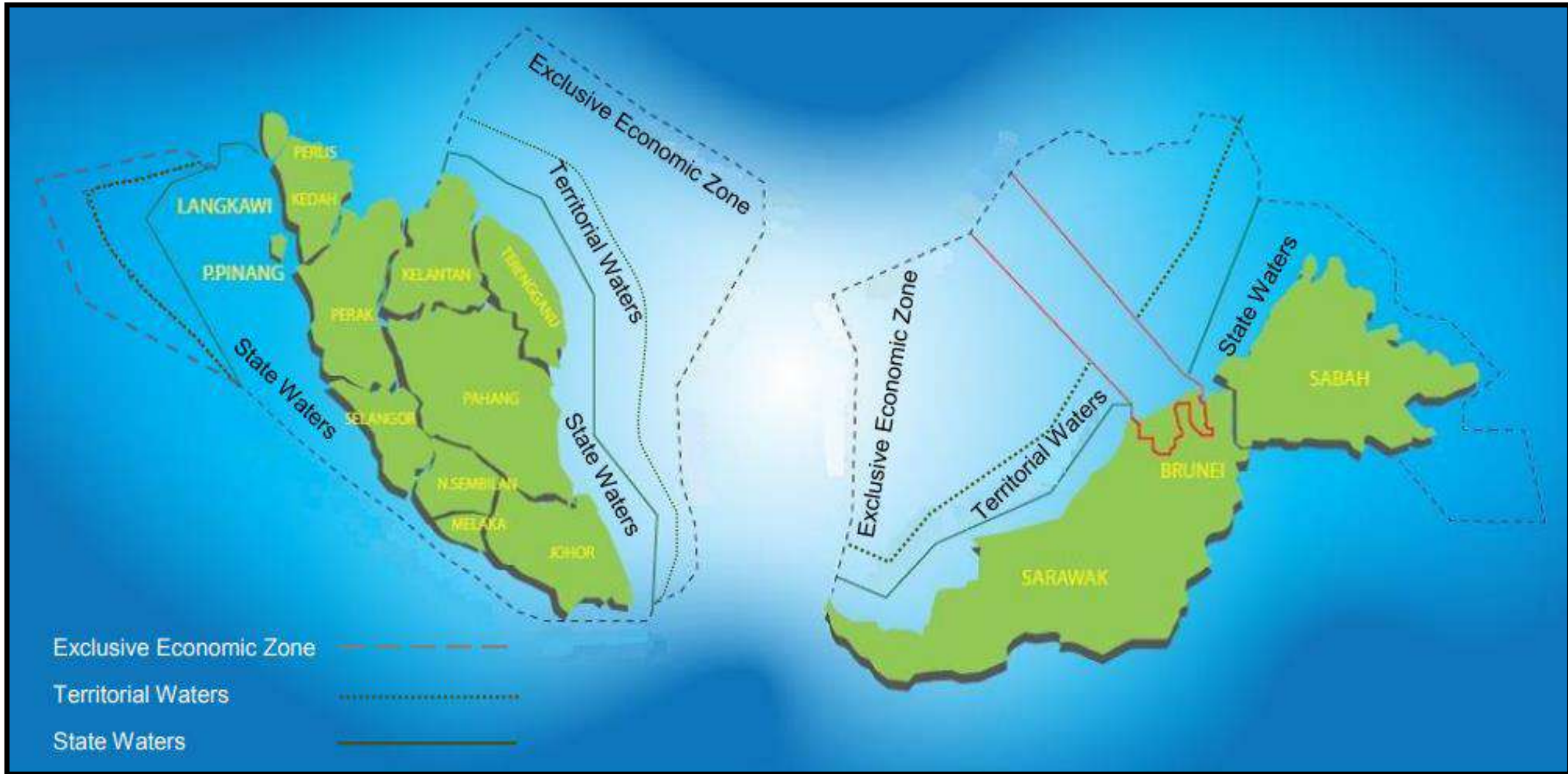
Environmental Impact Assessment, Prohibition On The Use Of Chlorofluorocarbons And Other Gases As Propellants And Blowing Agents, Scheduled Wastes Treatment And Disposal Facilities Order, Scheduled Wastes, Delegation Of Powers On Marine Pollution Control, Delegation Of Powers Halon Management, Delegation Of Powers in Investigation Of Open Burning, Delegation Of Powers to Perbadanan Putrajaya, Delegation Of Powers, Raw Natural Rubber, Scheduled Wastes Treatment And Disposal Facilities and Crude Palm Oil

2 RULES

Compounding of Offences of Open Burning

Compounding of Offences

APPLICABILITY OF EQA 1974



ENFORCEMENT APPROACHES

CONVENTIONAL ENFORCEMENT APPROACH

Command & Control

Compliance Monitoring
(at end of pipes)

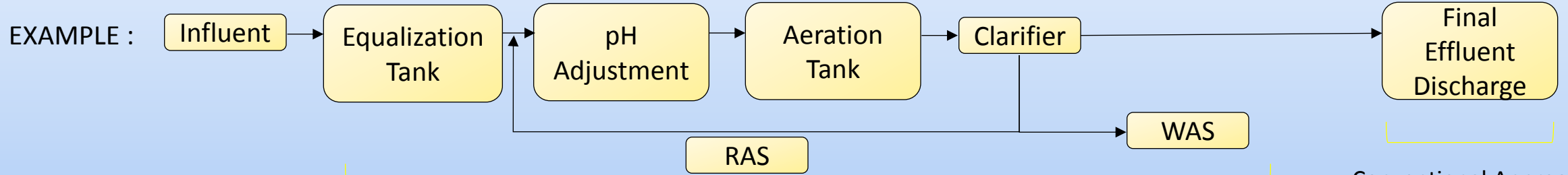


NEW INITIATIVE ENFORCEMENT APPROACH

Self Regulation

Performance Monitoring
(at every Unit Process & Operation)

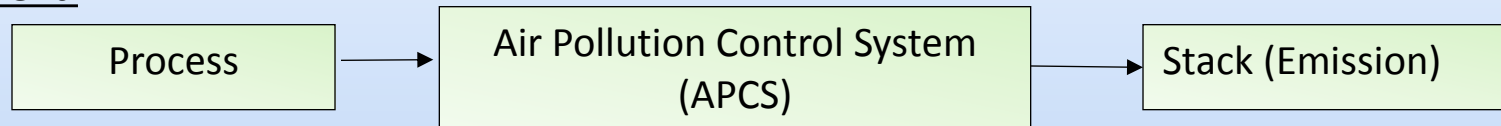
Industrial Effluent Treatment Plant



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

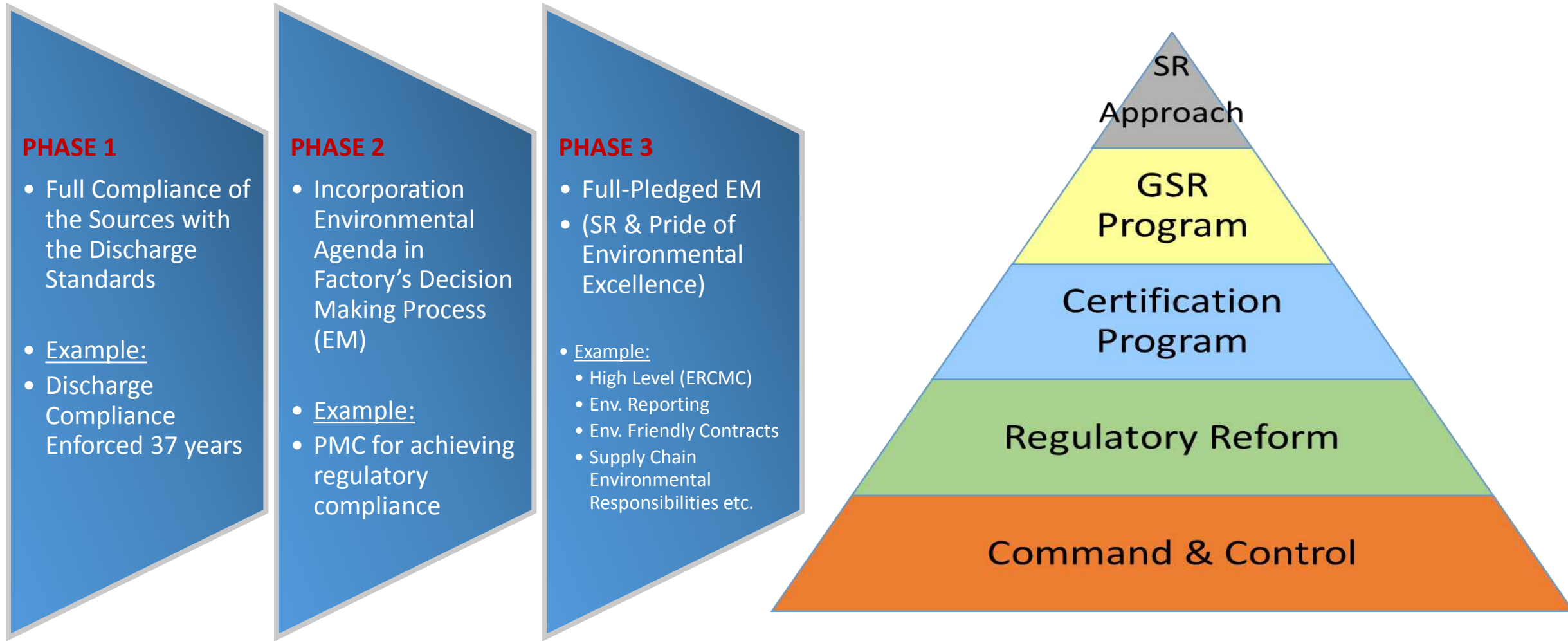
Bag Filter:

Pressure Drop, Air Flowrate, Temperature, Air Pressure

Scrubber:

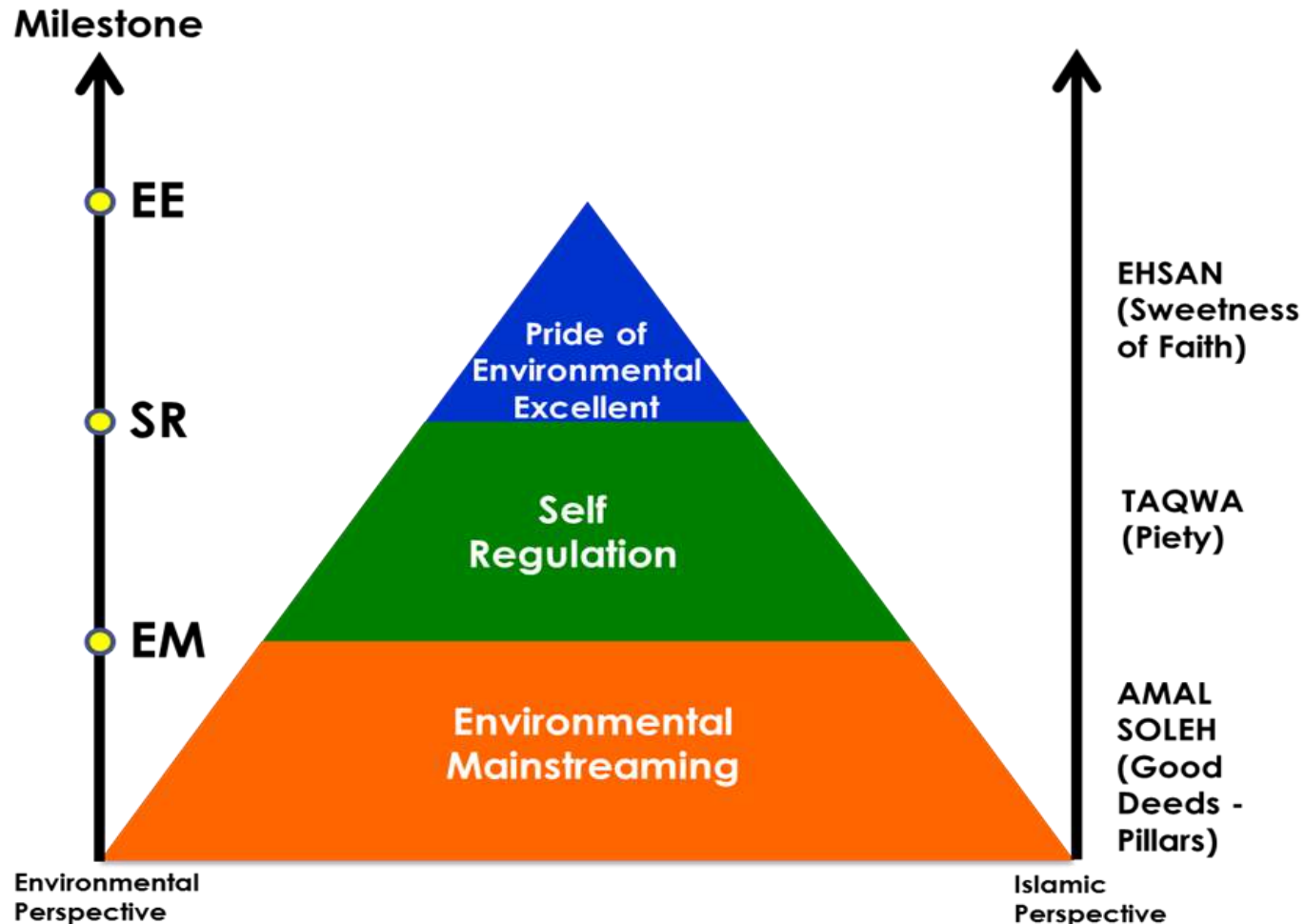
Air flowrate, scrubbing liquid flowrate, pH of scrubbing liquid, temperature

DEVELOPMENT PROCESS OF SELF-REGULATION (SR)



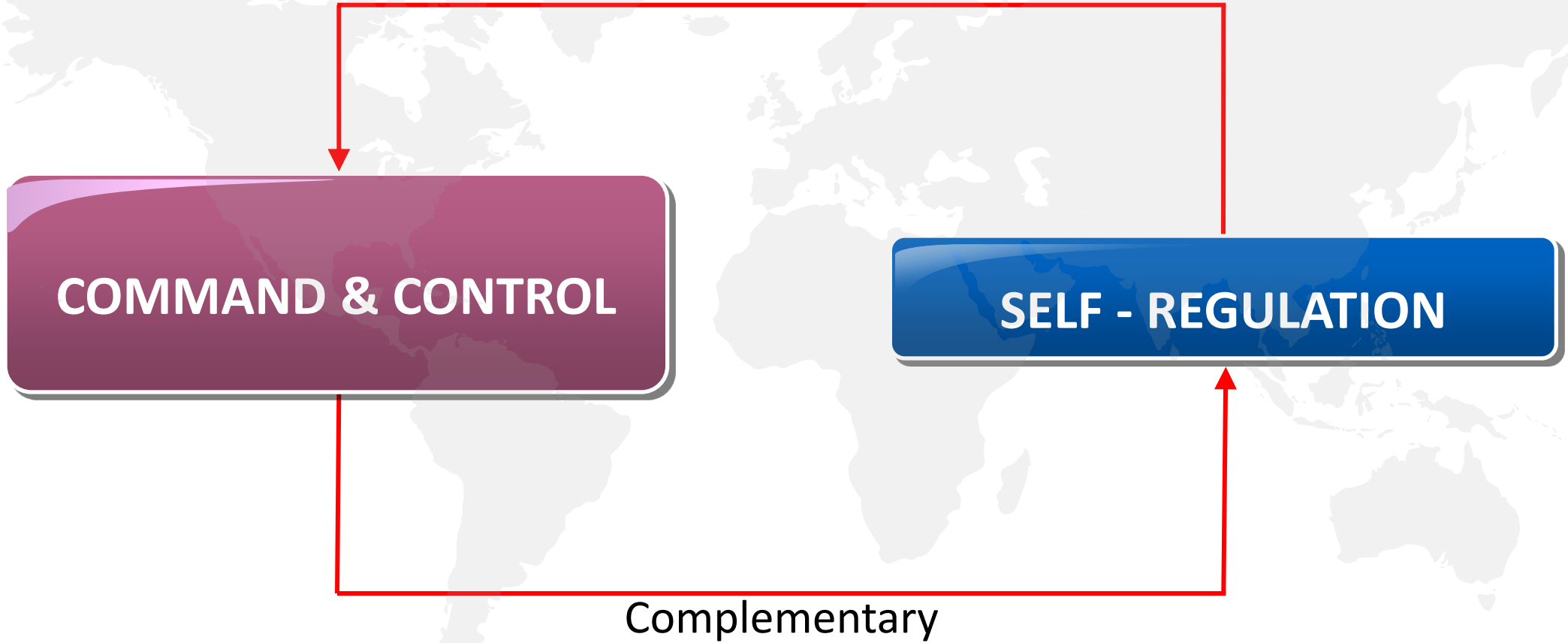
Phases In Reaching Final Destination Of Guided Self Regulation Implementation

OUR GOAL - Self-regulation



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

ENFORCEMENT APPROACHES : COMMAND AND CONTROL VS SELF REGULATION



COMMAND & CONTROL APPROACH

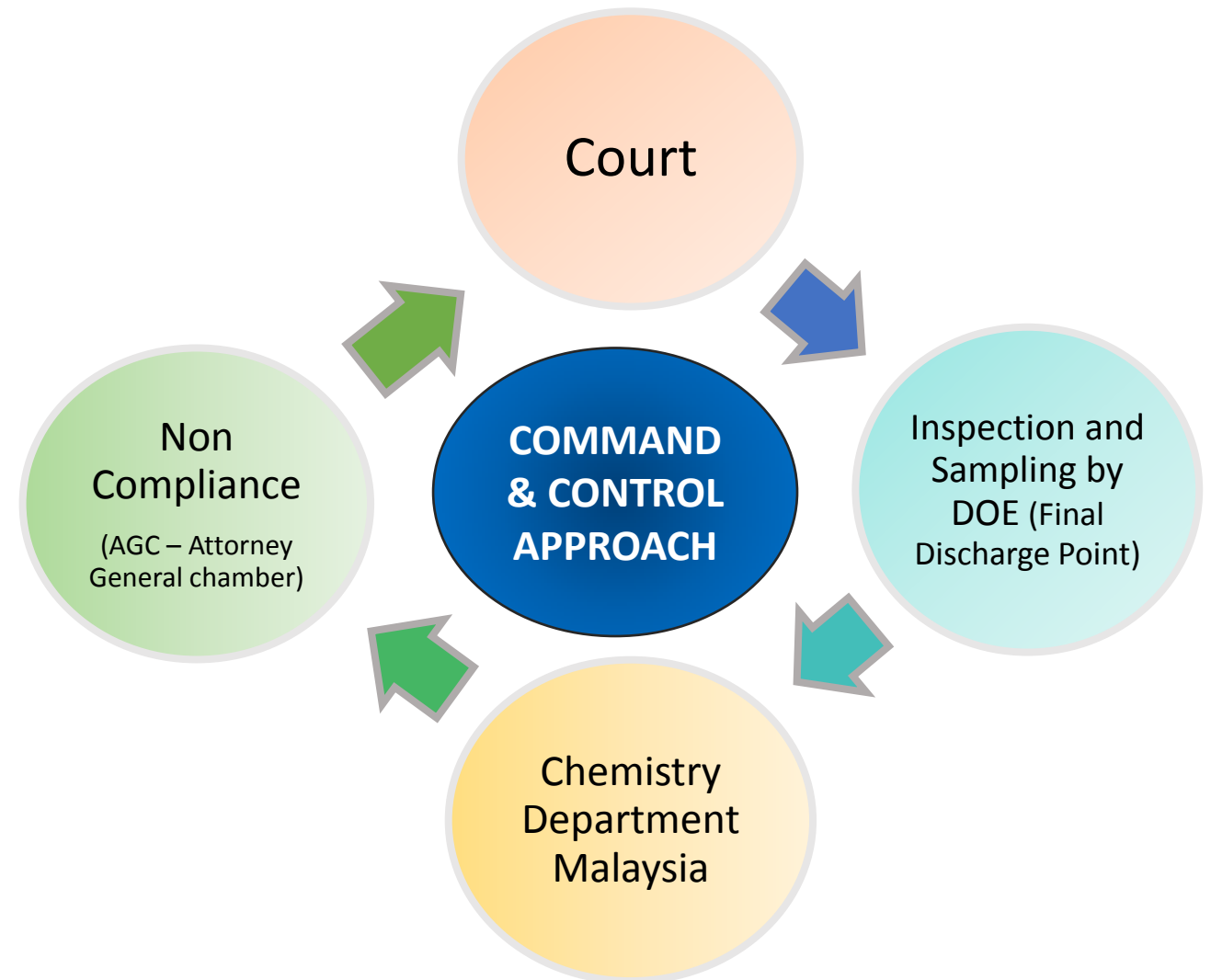
Players In Decision Making for Non-Compliance

1. DOE

2. Chemistry Department
Malaysia

3. AGC – Attorney General
Chamber

4. Court Decision

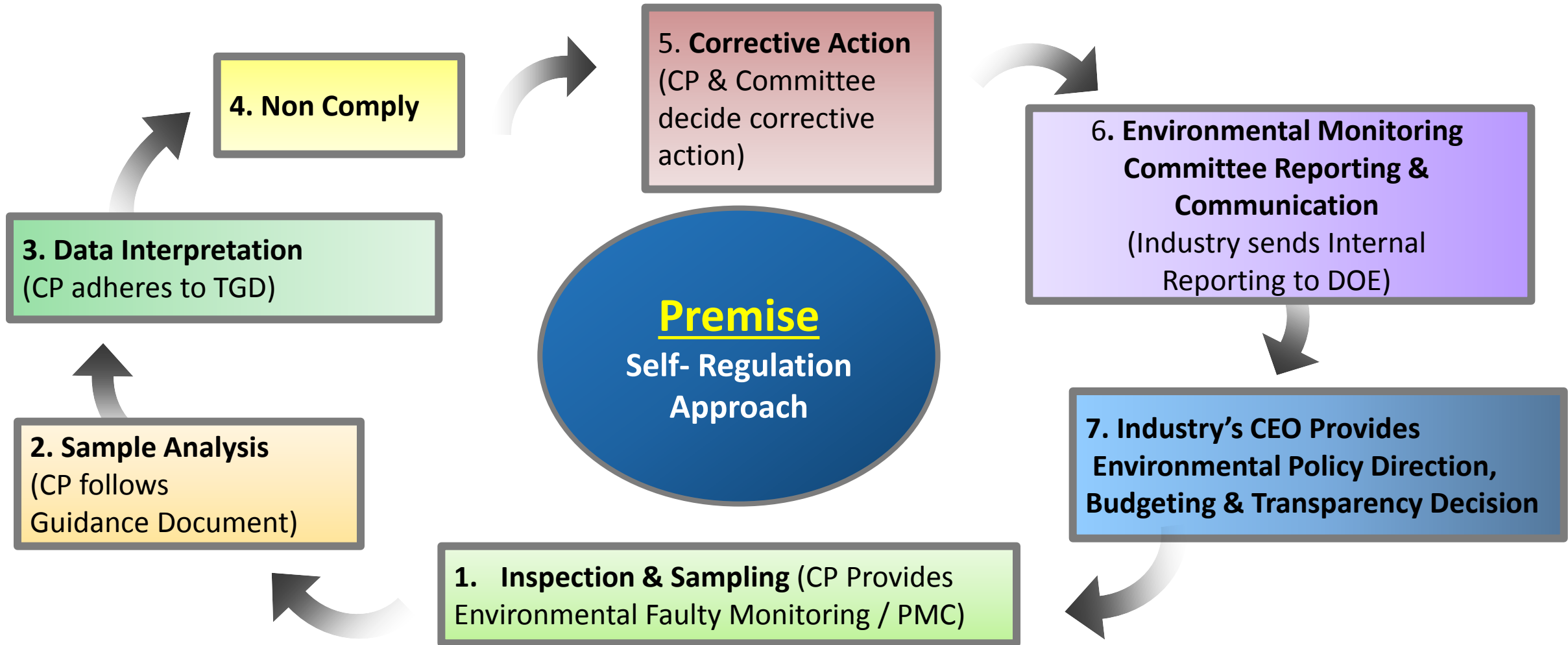


GUIDED SELF-REGULATION APPROACH

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

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)

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

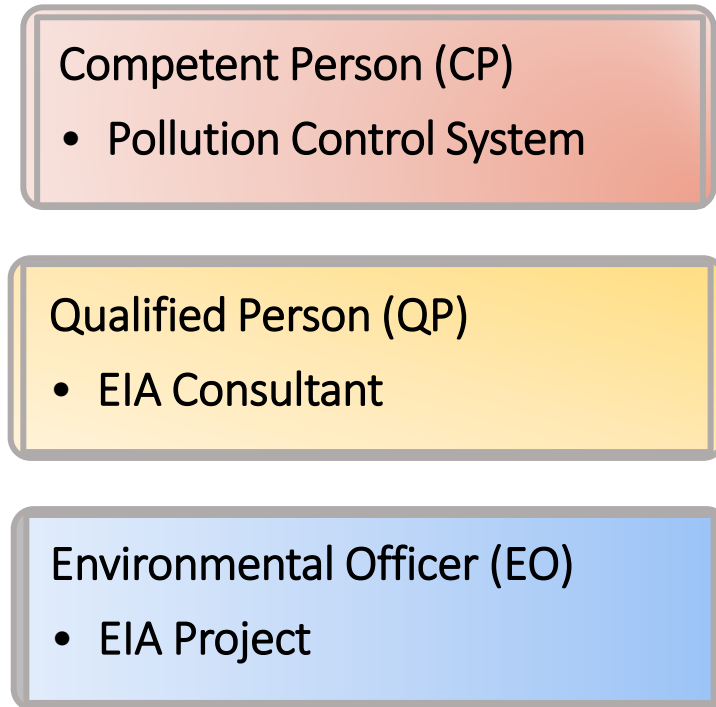
HOW DOE ENSURE INDUSTRY IMPLEMENT SELF REGULATION

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

Competency Person (CP) – Approved by DG of Environment

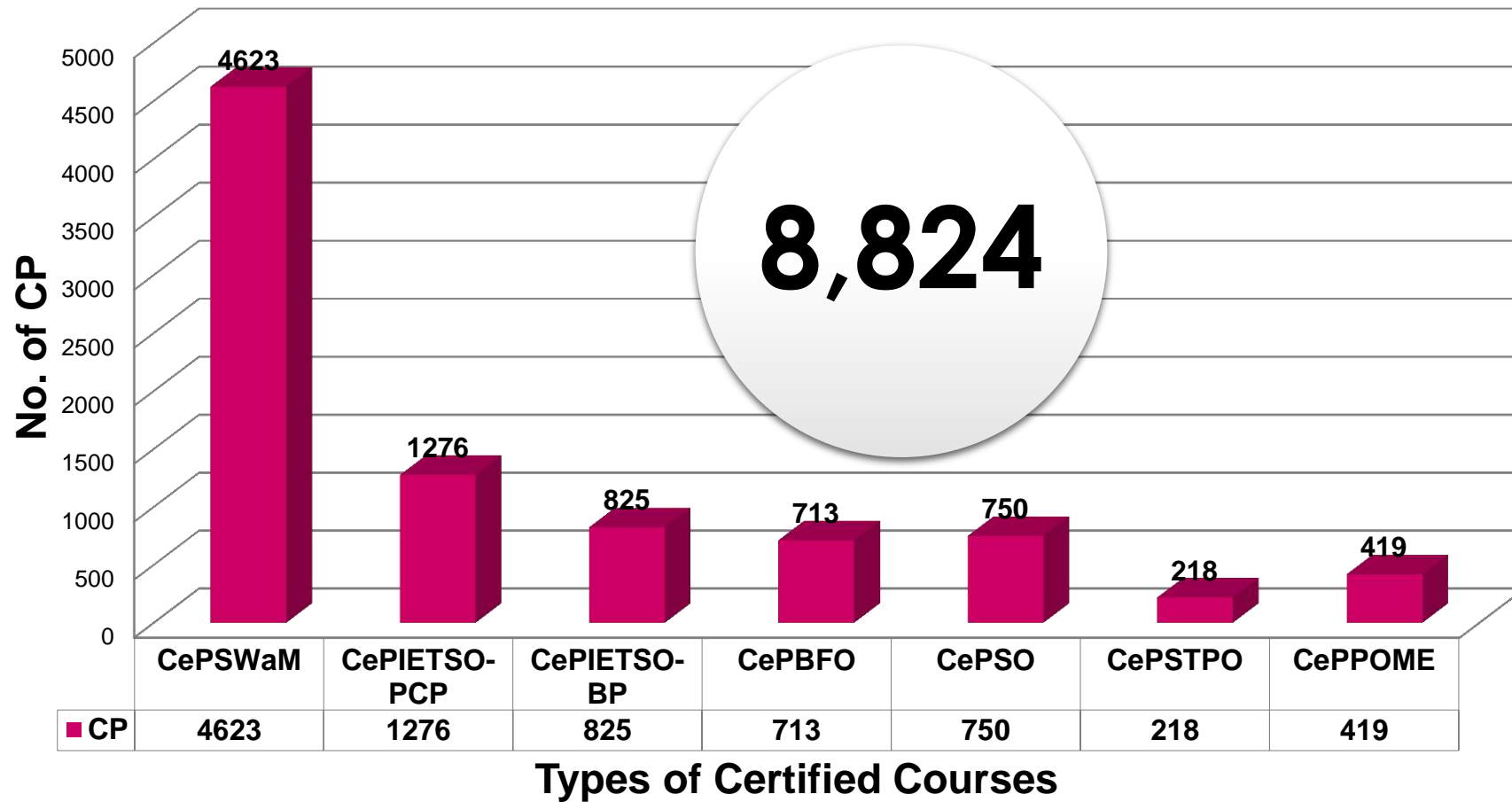
(a) Types of Certification Person



(b) Certification Process for CP



NUMBER OF COMPETENT PERSON CERTIFIED VS TYPES OF COURSES



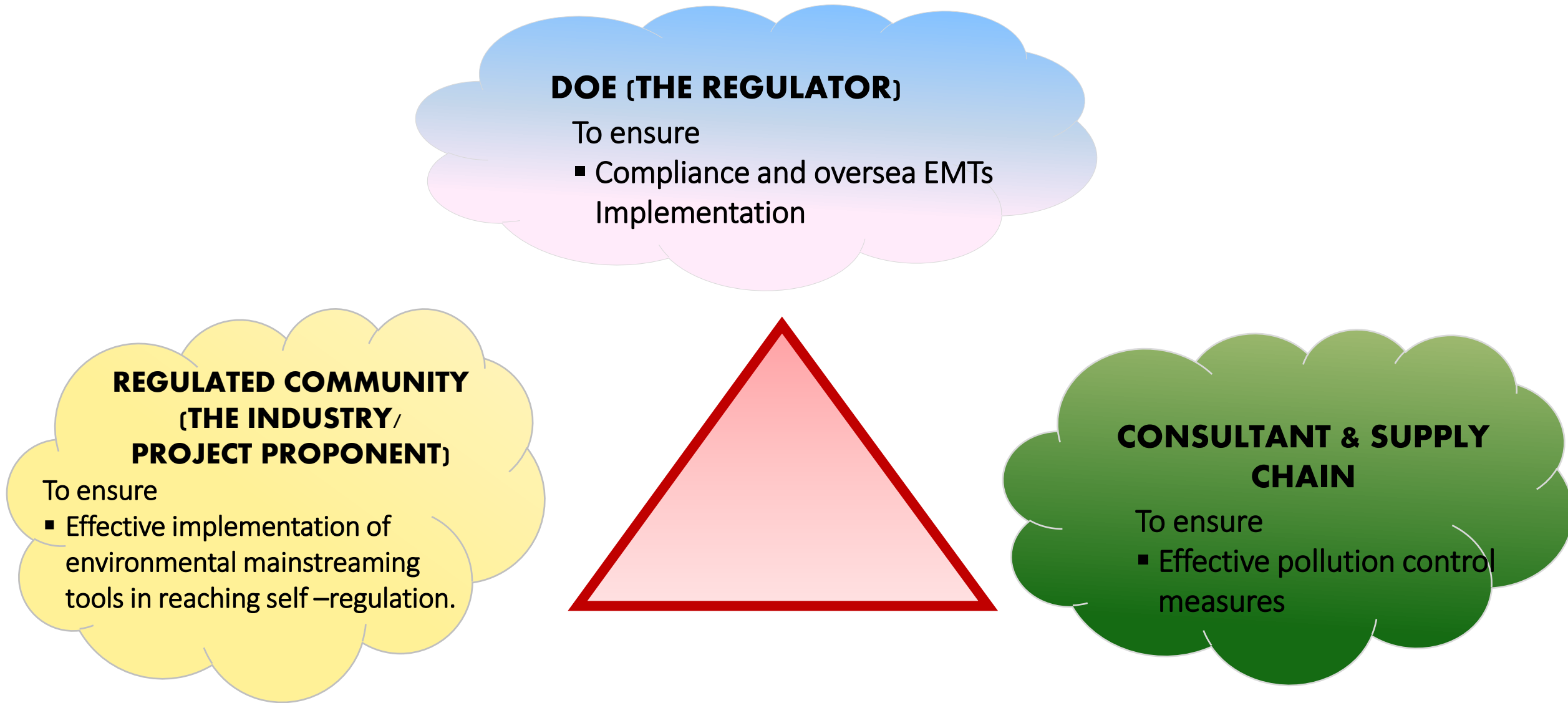


FIGURE 1: ROLES OF DIFFERENT PLAYERS IN GSR/ EM IMPLEMENTATION IN INDUSTRIAL SECTOR

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

Thank You

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

Director General
Department of Environment
25 September 2017