



Raising Awareness & Measuring Results How Do We Define Success ?

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Points to be Raised

- Introduction - Defining Success
- Environment Canada's Approach
- External Indicators of Performance
- Sentencing as a Guidepost
- The Role of Creative Sentencing
- Specific & General Deterrence
- Practical Guidelines for Measuring Success

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Defining Success

“...a new system to account for, and measure...performance needs to capture much of the proactive work officers do everyday on the front lines. This will include the impact of crime prevention programs, cost effectiveness of... intervention as well as partnering with citizens and business people to address systemic issues.”

J.L. MacNeil, 1999

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Defining Success

- prevention = compliance promotion
- intervention = enforcement
- partnering = citizens, business + other agencies

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Environment Canada's Mission

... to make sustainable development
a reality in Canada by helping
Canadians live and prosper in an
environment that needs to be respected,
protected and conserved.

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The Vision for Enforcement

... compliance with the laws
administered by Environment Canada.

- informing regulatees , government and public
- gathering, analyzing, and sharing information
- providing advice and guidance on reg. development
- inspecting and patrolling for compliance
- investigating suspected violations
- responding to violations
- developing and maintaining partnerships

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Use of External Indicators

- State of the Great Lakes Basin Reporting System (Canada-US)
 - drinking water quality
 - toxic chemical concentrations offshore
- Friends of the Earth Canada
- Auditor General of Canada reports on the environment and sustainability

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Sentencing as a Guidepost

- General Sentencing Principles
 - Criminal Code of Canada
- Environmental Sentencing Guidelines
 - CEPA 1999
- Alternative Sentencing Powers (Court Orders)
 - CEPA 1999, TDGA 1992

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Creative Sentencing & Court Orders

- Orders of Court, CEPA 1999, s. 291
- Environmental Protection Alternative Measures, CEPA 1999, s. 295 - 309

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Creative Sentencing - Three Examples

- Pulp and Paper Manufacturer
- Multi-National Specialty Chemical Distributor
- Individual Smuggling CFC's by Air

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Pulp and Paper Manufacturer

- deposited toxic effluent into Lake Superior
- fined \$40,000
- additional \$160,000 ordered to community activities
 - \$60,000 to community college
 - \$60,000 to university
 - \$40,000 to local conservation authority

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Multi-National Chemical Distributor

- failed to notify organic peroxides subject to proper risk assessment and evaluation
- fined \$30,000
- additional \$30,000 to specific activities
 - \$15,000 to local conservation authority
 - \$15,000 to non-profit industry association for delivering training to target group within their clientele (small to medium firms)

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Individual Smuggling CFCs by Air

- smuggled 30 # cylinder of CFCs on international flight in checked baggage
- fined \$5,000
- additional non-monetary order
 - 30 hours community service
 - one year probation

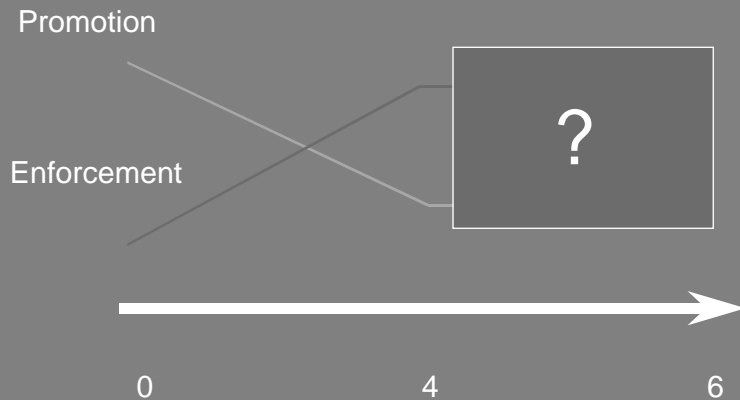
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Deterrence - Specific to General

- Specific Deterrence
- General Deterrence & Theories of Compliance Behaviour
 - Basic Deterrence (Economic-based)
 - Legitimacy
 - Cognitive
 - Social Learning

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Compliance Promotion vs. Enforcement The Delicate Balance



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Differing Approaches - Examples

- Vinyl Chloride Release Regulations
- Tetrachloroethylene in Dry Cleaning Regulations
- Export & Import of Hazardous Waste Regulations
- National Pollutant Release Inventory

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Other Ingredients for Success

- Anecdotal Intelligence

- Communicating Results
 - various interested parties
 - information at key stages of enforcement
 - sharing success with other agencies

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Some Practical Guidelines

- Measure your accomplishments (enforcement, promotion, partnering)
- Look for key environmental indicators & target your activities
- Learn from external assessments to continuously improve operations

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Some Practical Guidelines

- Understand & apply compliance models with particular regulatees
- Look for and document anecdotal evidence of success
- Communicate your results as often as possible, to as wide an audience as possible

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most research "...has equated
'effectiveness' with 'compliance'.

But in most cases that approach misses the mark.
'Effectiveness' is a measure of a law's impact on behavior - the most effective laws have the largest impact on the offending behavior, and the least effective have none. Increasingly scholars are assessing 'effectiveness' of laws not only by their impact on behavior but also by their cost to society."

D. Victor, 1999

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... open and transparent reporting of results on environmental enforcement is a basic necessity. Public scrutiny of successful prosecutions as well as overall efforts and priorities are essential to deliver the message of deterrence to polluters ...

Friends of the Earth Canada, 2001

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Questions ?
Comments ?

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