

Waste Audit Case Collection Form

I. Name of SAI	Supreme Audit Institution of Mexico	
II. Title of audit	Coordinated Audit of Environmental Liabilities	
III. Publishing year	2016	
IV. What risks/policy areas did the audit approach?	<p>The risks addressed are related to economic activities that are not developed with sustainability criteria, which affects environmental resources.</p> <p>In this regard, the audit consisted in evaluating the design of the instruments for the adequate management of environmental liabilities (prevention / control and / or restoration), the allocation of resources and their contribution in achieving the intended purposes.</p>	
V. Main audit questions and corresponding criteria	Audit questions:	Criteria:
	1. Is there a regulatory framework that allows for comprehensive management of liabilities?	Regulatory framework for the management of environmental liabilities.
	2. Have waste management plans or programs and environmental impact assessments contributed to preventing the generation of environmental liabilities?	Prevention of environmental liabilities.
	3. Have actions to prevent, control and remediate environmental liabilities mitigated their negative impact on the environment?	Mitigation of the impact of environmental liabilities.
VI. What were the data sources and how was data analysed?	<p>For issue 1, the following documentation was revised:</p> <ul style="list-style-type: none"> • National Constitutions - Primary laws - Secondary laws • Regulations • Manuals • Internal Regulations of the accountable departments • Organic structures of the accountable departments • Programs or remediation plans <p>Based on this information, the following was assessed:</p> <ul style="list-style-type: none"> • If the government entities are responsible for environmental liabilities. • If each of the entities responsible for environmental liabilities has attributions for prevention, control and remediation of environmental liabilities. • If there is a concept of environmental liability in the regulatory framework • If the regulatory framework does not cause duplicities. • If the normative framework is harmonic, avoiding normative gaps. • If the regulatory framework considers the responsibilities regarding environmental damage and liabilities. 	

	<p>For question 2, the following documentation was revised:</p> <ul style="list-style-type: none"> • Record of activities and projects subject to environmental impact assessment. • Record of waste generators. • Record of environmental impact authorizations. • Record of not authorized activities and projects subject to authorization of environmental impact. • Waste management plans or programs registered by government entities by economic activity and type of waste. <p>Based on the required information, the following was analyzed:</p> <ul style="list-style-type: none"> • If the total of the large generators of polluting waste had management plans or programs. • If the total of registered projects and works subject to environmental impact assessment had the corresponding authorization. • Identify the economic activities and the types of waste subject to a management program or plan, as well as to an environmental impact authorization and that they did not have them, causing risks of generation of environmental liabilities. • If the total waste generated was handled, reused, moved and disposed of properly. <hr/> <p>For question 3, the following documentation was revised:</p> <ul style="list-style-type: none"> • Inventory of environmental liabilities. • Status report on the attention to environmental liabilities. <p>Based on this information, the following was evaluated:</p> <ul style="list-style-type: none"> • If mechanisms are available to assess the incidence of prevention, control and remediation actions in mitigating the impact of environmental liabilities. • If prevention actions of control and remediation of environmental liabilities contributed to mitigation of their impacts to the environment.
<p>VII. Conclusions and main recommendations</p>	<p>From the audit, it was found that, in the design of public policies on environmental liabilities, the institutions responsible for environmental liabilities in the countries of ACPA participants did not, in all cases, have a concept of environmental liability in their regulatory framework that allowed to avoid legal gaps and establish responsibilities regarding damages and their remediation; they lacked of institutions with specific objectives and attributions. These weaknesses cause problems in the implementation of public policies on environmental liabilities. Regarding prevention, there is a lack of obligation that highly polluting projects and activities should have environmental impact authorization, as well as programs and management plans for polluting waste from those responsible for their management, with the continuous risk of environmental liabilities generation.</p> <p>The main recommendations were oriented to the following aspects:</p> <ul style="list-style-type: none"> • Strengthen the regulatory framework in the area of environmental liabilities and establish a concept of environmental liability, which allows the development of a public policy in order to reduce the risk of dispersed, heterogeneous and spontaneous actions that put at risk prevention, control and remediation of environmental liabilities, and mitigation of their negative effects on ecosystems and their natural resources, in their capacity as goods protected by environmental regulations.

	<ul style="list-style-type: none"> Make mandatory to have effective plans or programs for the management of polluting waste, under the idea that it is better and more economical avoiding environmental liabilities rather than eliminating them. 					
VIII. Which of the following aspects are covered in the audit and you can provide case? (select all that apply)	Sustainable Development Goals, International Conventions, EU Directives related to waste management	National legal instruments (description of instruments, weakness in legislation and regulation, incoherence of acts)	Economic Incentives in waste management (i.e. charges, taxes, subsidies)	Mapping out the actors of waste management and their responsibilities	Methods of collecting and analysing data	Cooperative audit
		X		X	X	X The report corresponds to a coordinated audit carried out within the framework of the OLACEFS' Special Technical Commission for the Environment (COMTEMA), which was coordinated by the SAI of Mexico and the OLACEFS' Capacity Building Committee (CCC), chaired by the SAI of Peru. 9 SAIs participated in the audit: Brazil, Chile, Colombia, Ecuador, Honduras, Mexico, Paraguay, Peru and the Dominican Republic, as well as the Audit Institutions of the Argentine Provinces of Buenos Aires and Santa Fe.
IX. Challenges and risks	The audit had, as a challenge for participating SAIs, to face an unprecedented or minimally developed aspect in the areas of governmental control, such as the issue of environmental liabilities. The plurality of participating audit entities from different countries with different levels of development on the environmental issue has allowed for a joint knowledge exercise on government actions before and after environmental liabilities, which favours not only acquiring technical knowledge but, also, producing national and regional information on the environmental liabilities issue, previously nonexistent or lightly disseminated.					
X. Link to audit report	http://www.olacefs.com/wp-content/uploads/2016/10/02-Informe-Regional-ACPA-11oct16.pdf					
XI. Other relevant information and comments	Although the audit was limited to the management of entities related to prevention and restoration of environmental liabilities, their effects involve other areas of state management, also subject to government control, such as: health-related sectors, vulnerable towns affected by environmental liabilities in terms of their living conditions, agriculture, tourism, among others, sectors in which there are also economic effects derived from environmental liabilities.					

Specifying questions and comments

Question:

Can you describe how the effectiveness of mitigation activities was audited and assessed?

Answer:

The audit of the effectiveness of the mitigation measures of the environmental liabilities, generated by the contamination of waste, was based on identifying whether the actions of prevention, control and remediation of environmental liabilities allowed the governments of the participating SAIs to mitigate their negative impact in the environment. For this, it was determined relevant to evaluate two aspects:

1. If governments have mechanisms for evaluating the incidence of prevention, control and remediation actions in mitigating the impact of environmental liabilities.

The evaluation procedure consisted on verifying if the ministries or environmental governmental entities Carried out the evaluation of compliance with the remediation programs of both emergencies and environmental liabilities, presented by those responsible for the contamination of the sites, derived from waste management, in accordance with what the current legislation in the matter establishes in each country.

2. If the actions of prevention, control and remediation of environmental liabilities contributed to the mitigation of their impacts on the environment.

The evaluation procedure consisted in the review of the records of the actions of remediation of the environmental liabilities carried out by the ministries or environmental governmental instances in order to identify those who concluded their remediation of the environmental damage caused. Likewise, the relationship of the area of remediated environmental liabilities with respect to the contaminated surface and the one that is in the process of remediation was evaluated. This allowed identifying the total surface of environmental liabilities in which no remediation actions had been taken, and the reasons for the lag in the remediation of liabilities were identified.

Question:

The purpose was to evaluate how actions have contributed in achieving intended purposes?

Answer:

In effect, the purpose was to evaluate the extent to which prevention, control and remediation actions allowed to mitigate the negative impact that environmental liabilities have on the environment, considering that if prevention actions were carried out efficiently, they would contribute to the reduction of the generation of environmental liabilities. The control actions would allow to identify and control the contamination that the inadequate management of the waste would have generated, and the mitigation would allow to reduce the contaminated surface.

Question:

How did you evaluate the results of waste management plans, programs and environmental impact assessments to prevent environmental liabilities?

Answer:

The evaluation of the results of plans, programs and environmental impact assessments of waste management was carried out through the following four aspects:

1. If the generators of polluting waste are accountable to present an environmental study and have waste management plans or programs in place.

The evaluation procedure consisted in identifying whether the regulatory framework in environmental matters of each participating country establishes the obligation to prepare studies, plans and programs for waste management, which ensures the proper management of the waste generated.

2. If registered projects and works –subject to environmental impact assessment– had the corresponding authorization.

The assessment procedure was aimed at identifying that the total number of projects, works and activities subject to environmental impact assessment –presented to the ministries or environmental governmental bodies– had been adequately evaluated and at verifying that all of them had the necessary authorization for their execution.

3. If economic activities and types of waste subject to a program or management plan, as well as an environmental impact authorization, were disposed of.

The evaluation procedure consisted on identifying the total of economic activities that generate some type of waste, had a program or management plan of said resources and that the said planning instruments were authorized by the ministries or environmental governmental instances, which assures a proper handling of waste.

4. If the waste generated was handled, reused, moved and disposed of properly.

The assessment procedure was oriented to identify the total volume of the different types of waste generated in each country (solid, hazardous waste, special handling, mining, hospital, etc.) and verify the volumes of waste that were recycled, exported, collected, transported, treated stored, incinerated, co-processed, reused and properly disposed. This allowed us to identify the volumes of waste that were not managed in an integrated manner and that represented a latent risk for the generation of new environmental liabilities.

Question:

What data and methods did you use to answer this question?

Answer:

The data used were:

- Records of studies, plans and programs of waste management.
- Record of evaluations and authorizations of studies, plans and programs of waste management.
- Register of projects and works generating waste subject to environmental impact assessment.
- Registration of evaluations and authorizations of environmental impact of projects and works generating waste.
- Registration of waste management plans and programs and their authorizations.
- Registration of volumes by type of waste, recycled, exported, collected, transported, stored, incinerated, co-processed, reused and properly disposed.

The methods used were the statistics to evaluate the results of the records used.