



Report of the State Comptroller of Israel | May

Ministry of Environmental Protection

Environmental Enforcement – Follow-up Audit



Environmental Enforcement – Follow-up Audit

Background

Israel is a developed country, and as such, it is characterized by high GDP per capita, high personal consumption expenditure per capita (USD 51,430 in 2021, NIS 74,334 in 2022, respectively)¹, a small territory², population growth and substantial polluting industry. These, require effective enforcement of environmental protection laws to deal with environmental challenges, assimilate environmental norms amongst the public and the industry, minimize environmental damages that are part of accelerated development, and preserve the state's resources. Environmental damages in Israel include various domains, such as air pollution, water resources pollution, soil pollution, noise, harm to ecological systems, invasive species, radiation, etc. According to an estimation from 2017, at a total of NIS 31.52 billion (according to data from 2014). The Ministry of Environmental Protection has not published updated data since 2017; however, in 2021, it published data on damages caused by emissions (pollutants and greenhouse gases), by which, the estimated total of damages caused by emissions alone was NIS 31 billion (according to data from 2018).

The Ministry of Environmental Protection (the Ministry) is responsible for setting a national, comprehensive, integrated environmental policy, promoting environmental protection through laws, regulations, and standards, monitoring their implementation, and performing enforcement (environmental enforcement). The Ministry is the main entity, though not the only one, responsible for enforcing environmental protection laws in Israel. It includes four main bodies involved in enforcement procedures: (a) the districts, (b) the legal department, (c) enforcement units under the Ministry's headquarters, and (d) the Green Police. Supervision & enforcement are the main activities performed by the Ministry.

1 In 2021 the GDP per capita was USD 51,430, compared to the average in OECD countries which was USD 42,098 and worldwide average which was USD 10,936. According to the Central Bureau of Statistics, in 2020, the personal consumption expenditure per capita was NIS 74,334 per year.

2 According to the Central Bureau of Statistics, the size of Israel's territory is 22,072 square kilometers.



Key Figures

5,199

environmental hazards documented in the Ministry's information systems in 2018–2022 (until June 2022)

**from 497
to 1,179
(137%)**

increase in the number of hazards documented in 2021 compared to the number of hazards in 2013

**from 5,680
to 3,182
(about 44%)**

decrease in the number of Ministry's "visits" at factories across all districts in 2018–2021

9

number of supervision and enforcement positions manned across all Ministry's districts out of the 16 approved in 2017. The number has not changed despite the 250% increase in the number of statutes


**NIS
31 billion**

the economic assessment of damages caused by emissions of pollutants and greenhouse gases alone, according to data from 2018

60%


the rate of substantial documented environmental hazards (which are not classified as minor hazards) for which enforcement procedures have not been performed (2,203 hazards)

Audit Actions

 In 2019, the State Comptroller Office published an "Environmental Enforcement" audit report. This audit was conducted at the Ministry of Environmental Protection and included environmental protection, administrative and criminal enforcement, and monitoring the effectiveness of enforcement (previous audit). The Ministry of Environmental Protection submitted its response to the findings indicated in the previous audit to the State Comptroller Office and the Prime Minister's Office in December 2018, December 2019, and March 2021, respectively (Ministry's response to previous audit). From April 2022 to August 2022, the State Comptroller's Office conducted a follow-up audit on the rectifications of deficiencies noted in the previous audit. The Ministry's criminal prosecution work and additional aspects of the Ministry's Enforcement Division, including affinities with other divisions not discussed in the previous audit, were also examined. The audit was conducted at the Ministry's Enforcement Division, the Green Police, the Southern and Northern Districts, and the Legal Department. Supplementary audits were conducted at Israel's Securities Authority, the Competition Authority, and the National

Unit for Enforcing Planning and Construction Laws in the Ministry of Finance (follow-up audit).

Key Findings

 **Administrative Enforcement Data and Preference for the Use of Regulatory Tools** – according to the previous audit, no administrative or criminal enforcement procedures are performed against most documented hazards (about 59% of the reported, documented environmental hazards). They are managed, if at all, through arrangement³ and without unified implementation rules. About half of the substantial hazards⁴ (not classified as minor hazards) (49%) are not enforced and are managed through arrangement, although they are classified as standard or severe hazards and according to the Ministry's policy, should be dealt with administrative or criminal enforcement procedures. The rate is even higher in the Southern District (about 63% of the substantial hazards), Haifa District (about 53%), Jerusalem District about 57%) and Central District (about 50%). According to the follow-up audit, **the deficiency was not rectified**, and the rate of hazard enforcement has decreased: 60% of the substantial hazards (2,203 out of 3,674) in the course of the audit (from 2018 to June 2022), for which no enforcement procedures were performed (administrative or criminal ones). Some of the hazards above were handled by arrangement as indicated in the enforcement policy; however, the arrangement is not well defined and is not subject to unified rules. I.e., the rate of substantial hazards that have not been enforced since the previous report (49%) increased by 11%. It was further found that about 70% of the hazards (substantial and non-substantial) reported and documented (3,674 out of 5,199) are not being enforced – I.e., an increase of 11% since the previous report (which was 59%). Thus, a growing number of hazards are handled by the Ministry using an arrangement that is not adequately documented, is not subject to unified rules, and is not part of the official enforcement domain that alerts all relevant stakeholders to environmental violations or hazards and the possibility of performing enforcement against them. In addition, enforcement data on substantial hazards across all districts remain low at almost each enforcement phase. Compared to the data from the previous audit: (a) in the Southern District, there was a 33% decline in the number of issued

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- 3 The Ministry's enforcement policy does not define the arrangement, however, the previous report specified arrangement as minimizing or eliminating the environmental hazard by means of instructions provided by a Ministry's official and implemented by the entity causing the hazard.
- 4 According to the previous report, due to a high rate of reports on minor hazards (which remained minor) in the Central District, and to provide a balanced description of the situation with regard to managing more substantial hazards, the previous report analyzed data of substantial hazards and did not focus on hazards that were referred to as minor hazards.




warnings (it issued warnings for 12% [114] of the substantial hazards, compared to 18% in the previous audit). In addition, there was a 58% decrease in the number of hearings (it conducted hearings for 5% [46] of the substantial hazards, compared to 12% in the previous audit); (b) in the Central District, there was a 38% decrease in the rate of hazards for which a warning was issued (it issued warnings for about 21% [27] of the substantial hazards, compared to 34% in the previous audit). There was a 31% decrease in the number of hearings (it conducted hearings for 13% [170] of the substantial hazards, as opposed to 19% in the previous audit). It issued administrative orders for 1% (19) of substantial hazards, compared to 4% in the previous audit, a decrease of 75%. (c) On the other hand, Haifa and Jerusalem Districts improved the rate of administrative enforcement at each of the phases with a rise of over 100% and an increase of 375% in the Jerusalem District.

Usage of Administrative Orders – according to the previous audit, an administrative closure order is the districts' severest enforcement tool. Still, according to the data, the different districts refrain from using it. 114 administrative orders were issued by all the districts, 3.2% of all substantial hazards (and 2.5% of the total number of reported hazards). The follow-up audit raised that **the deficiency was rectified to a small extent**: the Haifa and Southern Districts together issued 20% of all orders issued by all the districts: the Haifa Districts, where 17% of A factories (67) and 12% of B factories (1,180) are located, issued 11% of the orders and the Southern District, where 37% of A factories (142) and 23% of B factories (2,269) are located, issued 9% of the orders⁵. It was further found that the rate of administrative orders issued across the districts was 4.19% of all reported hazards (218 out of 5,199), and the number of orders for substantial hazards was 5.93% (218 out of 3,674). Furthermore, the Ministry of Environmental Protection and its districts tend to issue orders mainly against visual, apparent hazards (which do not require scientific-technological expertise), perceived as more easily enforceable (53%), and refrain from using administrative closure orders – their severest tool – to minimize the number of environmental hazards (0.29% of the total number of hazards; 0.4% of substantial hazards).


Criminal Investigation Data – according to the previous audit, most of the case files in 2014 – June 2018 (77%) were closed without indictment, and less than 25% ended with an indictment – 1.7% of all substantial hazards in those years. The follow-up audit raised that **the deficiency was not rectified**. There was a low rate of criminal enforcement in general and a 0.4% of substantial hazards for which criminal procedures took place and ended in indictment. Furthermore, the total number of hazards for which a case file was opened in 2013–2017 (4 years out of 4.5 years that were examined as part of the previous report) was 586, and the number of hazards in 2018–2021) was 546. I.e., in 2017, there was a slight increase in the number of hazards that reached the phase of criminal investigation, yet, in 2019–2021 this number decreased by 43%.

⁵ A factories – with the strongest environmental impact; B factories with medium environmental impact.

According to additional data from the Ministry, by June 2022, case files were opened for 22 environmental hazards. Other data taken from the Green Police show that, on the whole, 472 case files were opened during the period above (in 2018–June 2022)⁶. The Green Police initiated 40% (228) of all investigations, and in 2021, there was a 56% decline (39 vs. 69) in the number of case files opened by the Green Police compared to 2020, the smallest number of case files opened in the past decade.

 **The Criminal Prosecution at the Ministry of Environmental Protection** – in April 2022, the ministry employed 11 external prosecution firms, which the Ministry's Legal Department guided.

- It was found that the enforcement relies on external prosecutors, as opposed to other professional bodies that engage in criminal enforcement of complicated cases, such as the Competition Authority and Israel Securities Authority, which employs 15 in-house prosecutors, each. It was found that the Ministry paid, from 2018 to the audit end date, about NIS 6.5 million to external prosecutors who managed case files (not including trial option cases).
- The audit raised a significant downward trend (not permanent) of 30% in the number of case files handled by the Legal Department and the external prosecutors in 2011–2022. Furthermore, in 2020–2022, there was a decline in the number of new cases submitted by the Ministry's investigation officials to the Legal Department (a rate of 35%). Nevertheless, in 2014–2022, the number of pending case files (for which a decision about indictment has not been made yet) accumulated at the Legal Department and the external prosecutors' offices grew by 336%, reflecting a significant workload on criminal cases. The figures also show that the number of cases that reach the final phase of the criminal procedure at the Ministry – indictment and trial – is on a gradual decline – from 14.2% (73 cases for which bills of indictment were served out of all the cases handled by the prosecution) in 2011, to 8.6% of the cases (31 cases for which bills of indictment were served) as of the end of November 2022.
- The information provided by the Legal Department regarding 42 case files it handled and for which a verdict was given in 2017–2021 indicates that it took over 2.5 years to handle 9 of the cases, 1.5–2.5 years to handle 19 of them, 6–18 months to handle 11 of them and less than 6 months to handle 3 cases.

 **Supervision of Factories** – in 2018–2021, the number of factory visits by the various ministry districts decreased by about 44% (from 5,680 to 3,182 visits). The most significant drop was in 2018–2019, before the outbreak of Covid-19, and it continued in 2020–2021. By division into districts: the most significant decrease took place in the

⁶ A distinction must be made between hazard data and Green Police data dealing with the number of investigation files opened. There are cases in which one investigation file includes several hazards and offenses or hazards from before the period under review.






Northern District – about 75% in 2018–2021 (from 1,011 to 257 visits), followed by the Jerusalem District with a decline of 55% (from 970 to 432 visits), and then by the Southern and Central districts with a decrease of 43% (from 1,292 to 737 visits) and 42% (from 1,334 to 770 visits). Despite the decrease in the number of visits, the follow-up audit raised that the number of documented hazards between 2013 and 2021 grew by 137%.

👎 Enforcement Doctrine – according to the previous audit, the Ministry acts without a regulated enforcement doctrine. The follow-up audit raised that **the deficiency was not rectified**: it was found that forming an enforcement doctrine has been on the Ministry's agenda since 2003. Nevertheless, although some teams were assigned for this purpose, and the last one was assigned in 2019, as of July 2022, five years following the previous audit, the Ministry is still in the initial stages of forming an enforcement doctrine to regulate supervision and enforcement. Moreover, the outcomes of developing an enforcement doctrine are expected to deal less with fundamental structural issues. However, when the team was assigned, it decided that the enforcement doctrine would be a fundamental, master document that includes principle basic questions, such as the topics that should be the focus of supervision and enforcement acts, the interrelations between the headquarters and the districts; an organizational change at the Ministry and the official who decides to open a criminal investigation. However, the master document will likely focus on finalizing policy documents according to various critical domains. The importance of addressing these fundamental core issues becomes even more important, when the environmental protection domain is about to undergo a regulatory reform (the Joint Licensing Reform) expected to change the process of granting permits and licenses in terms of their scope and frequency so that some of them will be given once in a decade. It was found that the enforcement domain has not been reviewed and there have been no attempts to adjust it to the reform. In addition to the 44% decline in supervision over factories in recent years, this requires adjustment of the Ministry's supervision and enforcement systems.

👎 Timetable for Handling Hazards – the previous audit showed that the timetables for the various enforcement stages as defined in enforcement policies are not suitable for the enforcement needs of the Ministry and are not defined according to the essence of the hazards and the severity level. By the previous audit, none of the districts classifies hazards as severe since the Ministry's information systems do not allow defining and documenting hazards as severe, so they are fed and documented according to standard hazards enforcement; as the districts do not seem to be able to follow the expedited timetables that were defined for handling a severe hazard. According to the follow-up audit, **the deficiency was rectified to a small extent**: the current timetable included in the enforcement policy, which sets the time frame for all stages of enforcement of minor and standard hazards, was slightly amended in December 2020 but was not validated although two years have passed since it was formed, and thus the Ministry's enforcement officials find it very hard to follow the timetables indicated in the policies -





so that in June 2022, out of 790 hazards pending in the system, the handling of 483 (61%) of the hazards exceeded the timetable that was set as part of the current enforcement policy (343 out of them were handled using an administrative procedure and 140 using a criminal procedure).

-  **Risk-Management Oriented Enforcement** – according to the previous audit, the Ministry had not completed its risk-minimizing process initiated in 2011 as part of its operational risk survey. As for critical risks, including the lack of prioritization based on environmental risks and enforcement difficulties, the process has not even started. The Ministry has not conducted an additional risk survey and, contrary to the requirement, has not appointed an operational risk manager. Therefore, the work plans of the Enforcement Division, including the Green Police and the Districts, are not based on a hierarchy of environmental hazards. The follow-up audit raised that **the deficiency was not rectified**: although five years had passed since the previous audit and 11 years had passed since the last risk survey, the Ministry did not conduct a general risk survey or a specific risk survey on enforcement, so work plans of the Enforcement Division, the Green Police and the Districts are not based on a validated hierarchy of environmental risks.
-  **The Usage of Tablets and the Visitation System** – it was found that the usage of the "Visitation System" intended to document visits in real-time is not entirely assimilated into the procedures conducted by all enforcement officials: out of 4,500 visits conducted by the districts in 2019, only 1,506 (33%) were documented in the Visitation System. The Southern, Central, and Tel-Aviv Districts hardly used the system this year despite its purpose: improving visits' documentation and facilitating access to unified and detailed information on supervisory visits at the supervised bodies.
-  **Documentation of Environmental Hazards** – according to the previous audit, the Ministry's policies include documenting environmental hazards in its information systems. It was found that there are gaps amongst the various districts regarding the number of reported hazards and hazards' classification according to level of severity. All districts, except for the Central District, do not document the scope of the hazards as required. The high rate of reported hazards in the Central District reflects a much more thorough and comprehensive documentation than the other districts and not necessarily a higher number of hazards. The follow-up audit raised that **the deficiency was not rectified**: it was found that in the course of the audited period (from January 2018 to June 2022) 5,199 hazards were documented in the Ministry's information systems, including environmental damages or violations of environmental regulations, however, there are specific types of hazards which were not documented, such as waste, asbestos, sewage and disinfestation. It was further found that the gaps in documentation between the Central District and all the other districts grew: in the previous audit the gaps are between 158% to 500%; and in the follow-up audit the gaps are between 195% to 1,382%. Since the districts do not document all environmental hazards, the national database is lacking and provides only a partial status of environmental hazards in Israel. Hence, the relevant officials at the Ministry, including the management, receive only partial information on the volume, types and severity of hazards. Still, they are required





to select which ones should be handled first and which ones should be supervised and enforced.

 **Differentiation of Responsibilities Amongst Professional Coordinators at the Districts and Professional Subordination of Supervision and Enforcement Coordinators at the Districts** – the previous audit showed no differentiation between the regulatory responsibilities of the coordinators and their supervisory and enforcement roles. The follow-up audit showed that **the deficiency was not rectified**: it was found that the constant shifts between regulatory, supervisory, and enforcement roles at the districts do not allow operational differentiation, and enforcement is very often compromised. Maintaining the status quo in mixed roles at the districts and the Ministry's long-term failure to address the difficulties might explain the low volume of enforcement initiated by it. The follow-up audit further raised that although officials at the Enforcement Division and the Districts believe that the professional coordinators should not focus on regulation, supervision, and enforcement simultaneously, the Ministry has not initiated differentiation in that matter. It was further found that the Enforcement Division, which has supervision and enforcement powers, does not have professional authority over the supervision and enforcement coordinators at the districts, who follow, almost exclusively, the instructions of the heads of districts. This leads to a gap between the formal subordination of supervision and enforcement coordinators to the Enforcement Division and the actual subordination.

 **Manpower at the Districts** – according to the previous audit, the manpower shortage made it difficult for the districts to fulfill the enforcement tasks under their responsibility. Here are the follow-up audit's findings:


- **Professional Coordinators at the Districts** – the follow-up audit raised that **the deficiency was not rectified**: it was found that additional professional responsibilities were delegated to the Professional coordinators at the districts, yet no additional positions were allocated. For instance, there is no position in the Central District for asbestos, air pollution caused by transportation, emergencies, and local government. The additional workload on the coordinators responsible for regulation, supervision, and administrative enforcement generated a substantial burden and postponement of supervision and enforcement tasks to meet regulatory objectives. This sometimes led to difficulties in performing supervision and enforcement tasks. Once the Joint Licensing Reform comes into effect, the situation is expected to worsen due to an addition of 46 positions for licensing and supervision with no additional positions for enforcement.
- **Districts' Supervision and Enforcement Coordinators** – the follow-up audit raised that **the deficiency was not rectified**: it was found that ever since supervision and enforcement were added to the districts, the number of positions has not changed – 16 positions, 7 of which are not manned, and that the distribution of positions amongst the districts is not compatible with the volume of


tasks; thus, for example, at the Southern District, where the highest number of A and B factories is found, (142 and 2,269 respectively), where the number of waste facilities is the highest, and whose size is the largest amongst the districts (over 60% of Israel's territory), there are three positions – less than in Haifa District, Central District and Northern District. Hence, it is very difficult for the Southern District to adequately perform its supervisory and enforcement roles. It was further shown that although at the Central and Haifa Districts, there are manned positions for supervision and enforcement tasks, in practice, some of the employees who were designated to fulfill supervisory and enforcement roles also fulfill other roles, mostly regulatory ones, at the expense of supervision and enforcement tasks. It was also found that supervision and enforcement field was not established in the Jerusalem and Tel-Aviv Districts.


-  **Manpower at the Green Police** – although the enforcement responsibilities of the Green Police expanded significantly as important environmental laws were enacted in the past decade, and despite environmental challenges, there was no compliance between the scope of added tasks and responsibilities and the manpower allocated for that matter. The follow-up audit raised that **the deficiency was rectified to a small extent**: it was found that the gap between needs and resources is still significant: due to the enactment of environmental laws, the enforcement responsibilities of the Green Police expanded extensively, amongst other things, due to a 250% rise in environmental legislation ever since 2000. Moreover, the population of Israel has grown by a million residents from 2015 (over 12%). There has been a 58% increase (from 748 to 1179) in the number of documented environmental hazards and in the Green Police's tasks ever since 2015 – all of the above brought about an increase in the scope and complexity of its challenges. Nevertheless, it was found that the positions allocated to the Green Police in 2015–2022 were not all manned (15%–20%) and that the number of positions for Green Police's supervisors decreased in that period (from 53 to 52).
-  **Green Police Supervisors' Professional Qualifications** – the previous audit raised that the Green Police, which employs very few workers with relevant scientific education, depends on the professional capabilities of professional district coordinators regarding investigating hazards caused by factories. Thus, it depends on the district's cooperation and willingness to apply criminal enforcement. Therefore, the heads of districts decide whether to start an investigation involving an environmental hazard caused by the industry. A review of the Green Police's annual reports shows that it continued to enforce mainly waste-related offenses – visual hazards that were mostly of construction waste, which were not complicated and did not require professional skills in environmental enforcement, whose rate in 2013–2017 was 27%–35% of all case files and included a few dozen cases. The follow-up audit raised that **the deficiency was not rectified**: the positions of Green Police supervisor and coordinator do not require academic education. It was further shown that there was an increase in the rate of case files of waste hazards that the Green Police handled – visual offenses that do not require multiple scientific, professional, and technological skills – as opposed to the previous



audit, in 2013–2017 (a five-year-long period) a third of the case files were opened for waste hazards (152 cases), the follow-up audit showed that in 2018–2022 (a four-year long period), the number of waste cases rose to 259 (about 59%). Notably, in 2020–2021, the rate of waste case files was relatively high compared to the average throughout the entire period – 63% per year.

-  **Comparison of Supervision and Enforcement Positions Amongst Different Institutions – Manpower Aspects** – the comparison shows that in terms of absolute values, the group of employees designated for supervision and enforcement tasks at the Ministry is 19%–33% less than in other enforcement bodies – 57 employees (there are 82 enforcement employees at the National Unit for Enforcing Planning and Construction Laws, 70 employees at the Israel Securities Authority, but only 56 employees at the Competition Authority). The Ministry's number of highly educated employees designated for supervision and enforcement tasks is 61%–74% lower compared to other examined enforcement bodies. It was further shown that the minimal requirements for supervision and enforcement roles at the Ministry are significantly lower than the minimal requirements for roles with similar responsibilities in other bodies.

-  **Enforcement of Waste Hazards in the Southern District** – it was found that despite the multiple waste hazards noted in the State Comptroller's previous audits⁷, during the audited period (from January 2018 to June 2022), only four administrative orders on waste and cleanliness hazards (out of a total of 15 orders) were issued in the Southern District, two of which were for Bedouin local authorities (Lakiya and Tel Sheva) and 74 case files were opened, most of which by the Green Police.







-  **Enforcement in Judea and Samaria** – the main enforcement activity in Judea and Samaria (except for Israeli towns) is performed by the David Unit. However, the activity is limited to waste at the crossings. Moreover, the Civil Administration has not presented to the State Comptroller Office any information on actual enforcement actions performed on other environmental hazards or the scope and type of environmental hazards in Judea and Samaria. In addition, the Ministry receives information on enforcement actions performed by the Environmental Protection Chief Officer and by the David Unit; however, it does not have comprehensive information on all environmental enforcement activities performed by the Civil Administration in this area in general and on the activities performed by the Supervision Unit of the Civil Administration in particular.

7 The State Comptroller, Annual Report 71c, "Management of Construction Waste", pages 805–902; the State Comptroller, Annual Audit Report 72a, "Systematic Affairs – Aspects of Governance in the Negev", pages 21–288.



The Green Police's Intelligence Unit – the follow-up audit raised that four positions were allocated to the Intelligence unit and that the deficiency was fully rectified.

Key Recommendations

-  It is recommended that the Ministry forms a work plan to increase the volume of enforcement activities (both administrative and criminal) to maximize the exhaustion of its function.
-  The ministry should regulate its activities to handle environmental hazards and administrative enforcement, including a clear definition of the different stages of handling the hazards in general and the regulation stage in particular (removal of hazards or correction of the violation through a "discussion" with the supervised entity without using administrative or criminal enforcement tools), setting criteria for the case channeling to the appropriate track and thoroughly documenting all the steps taken to handle each of the hazards regardless of the specific track (administrative or criminal).
-  It is appropriate that the Ministry consider using more administrative orders considering the effectiveness of enforcement activities on the one hand and proportionality on the other.
-  Given the expected regulatory changes in the Ministry's work as part of the Joint Licensing Reform and that it has been a long while since in-depth changes of enforcement were made by the Ministry, it is appropriate that the Ministry reconsiders the emerging plan of enforcement doctrine so it also complies with the emerging Joint Licensing Reform, becomes more active, and sets some basic enforcement principles to guide its activity, so enforcement is performed effectively and in a unified manner. In addition, it is recommended that the Ministry set principles clarifying the interfaces between regulation, supervision, and enforcement.
-  It is recommended that the Ministry conduct a thorough examination of the hazards handling process to identify barriers causing delays; map the current and desirable stages in the handling process; create timetables according to the type of hazard, assess the risks, necessary stages, and feasibility and complete the validation of the optimized timetable.
-  It is recommended that the Ministry performs an updated, comprehensive, and professional risk survey based on a forward-looking approach, including identifying new or emerging risks alongside ongoing supervision and enforcement of current risks. The ministry should validate and update the risk survey periodically. It is further recommended that the enforcement work plans are also based on the risk above survey. Furthermore, it is



recommended that the Ministry manage the risks at the organizational level and appoint a risk manager to oversee the matter.



The Ministry should increase the volume of supervision and enforcement and improve documentation for ongoing monitoring of environmental hazards and the level of compliance. It is recommended that the Ministry consider increasing the number of visits by setting objectives for the different districts and monitoring their compliance.



Given persistent approach of the Ministry of Justice regarding the need to manage all prosecution steps under the Ministry of Environmental Protection, and given the data and implications of data, and to empower environmental enforcement and increase its effectiveness – it is appropriate that the Ministry, together with the Ministry of Finance and the Civil Service Commission, consider different responses to the problems, including advancing the dual-stage proposal of the State Attorney to handle all prosecution matters under the Ministry, through allocation of positions for prosecutors and working together to implement the chosen alternative.



The Ministry's management should instruct the districts to follow the policies by documenting and monitoring all violations and hazards. It should also ensure it has suitable software to document all environmental hazards so decisions are based on comprehensive information. It is recommended that the Ministry map the Visits App's volume of usage, examine the need for system upgrades and modifications to facilitate usage of the App, encourage the supervisors and coordinators to use it, and advance the uniformity of supervision and monitoring and the effectiveness of information collection.



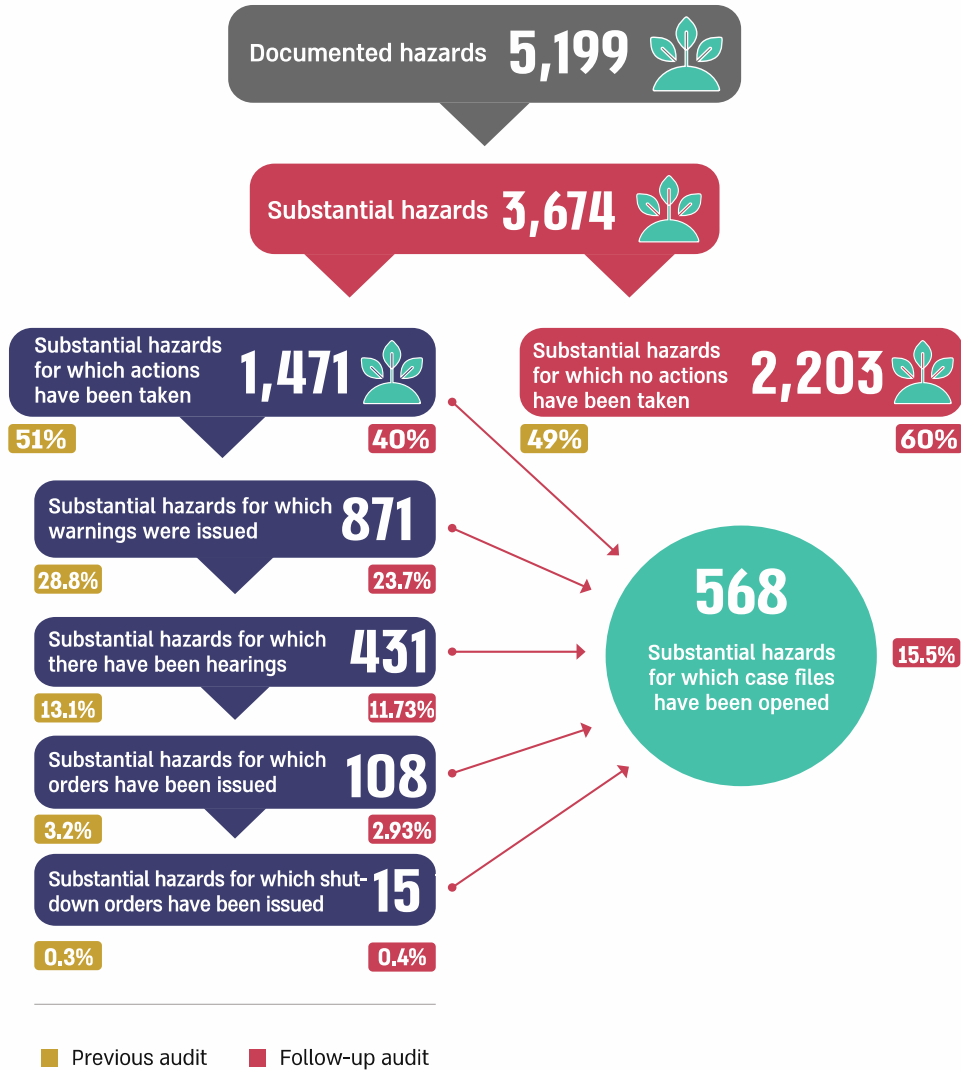
It is recommended that the Ministry's management: (a) reconsider the distribution of manpower resources and the Enforcement Division's share in compliance with its importance, compared to Regulatory Units; (b) examine whether supervision coordinators at the various districts can work under the Enforcement Division, while the Ministry serves as an integrative entity at the managerial and professional levels. It is further recommended that the Ministry discuss the necessary differentiation between regulatory and supervisory and enforcement roles of the professional coordinators at the various districts and form a plan guaranteeing optimal enforcement actions. For that purpose, it is recommended that the Ministry examine, as part of developing the enforcement doctrine, or as part of developing the updated supervision mechanism, or otherwise, the difficulties caused by the mix between regulatory, supervisory, and enforcement functions. To solve these difficulties, it is recommended that the Ministry reviews the relevant structural alternatives, resolves the aforementioned functional tension, minimizes it, and allocates the necessary resources. As part of the review, it is recommended that all relevant Ministry officials responsible for regulation, supervision, and enforcement (administrative and criminal) participate in the process. It is further recommended that while conducting the review and selecting the most suitable alternative, the Ministry consider practices, norms, and principles used, for example, by other professional regulators in Israel; recommendations for best regulatory, supervision, and enforcement procedures in other



OECD countries; and regulations preventing conflict of interests and followed by the Israeli justice system; (c) review the districts' needs while considering the volume of tasks and gaps vis-a-vis other domains and regulate resources accordingly. It is recommended that the Ministry map the gaps related to manpower standards and the preconditions for environmental supervision and enforcement roles, including relevant education and mastery of languages, and discusses them together with the Budgets Department, the Commissioner for Wages in the Ministry of Finance, as well as with the Civil Service Commission to consider adjusting the resources that are needed for the Ministry, so that it can fulfill its roles and tasks. It is appropriate that the Ministry of Finance and the Civil Service Commission consider the gaps vis-a-vis other enforcement authorities (Israel Securities Authority, Competition Authority, and the National Unit for Enforcing Planning and Construction Laws). Moreover, it is recommended that the Ministry fill the positions (six) already allocated.



Enforcement Data According to Enforcement Stages of Documented Hazards During the Audit from January 2018 to June 2022.



According to MPCID annual activity reports, processed by the State Comptroller's office.



The Extent the Key Deficiencies Noted in the Previous Audit were Rectified

Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Enforcement Doctrine	The Ministry has been operating without an established, complete enforcement doctrine, and it has not completed the endeavor it initiated in 2003 to establish such a doctrine. The Environmental enforcement policy, presented as the Ministry's enforcement doctrine, is a mere framework policy, which focuses only on minimal aspects of the enforcement policy and is not an adequate, comprehensive, and detailed enforcement doctrine as required by an enforcement body that leads and manages environmental protection.				
The Policies	The timetables for the various enforcement stages, as defined in the enforcement policies, are not suitable for the Ministry's enforcement needs and are not defined according to the hazards' essence and severity level. None of the districts has been classifying hazards as severe hazards, as the Ministry's information systems do not allow feeding and documenting hazards as severe, and hazards are documented and handled according to the enforcement track of a standard hazard since the districts struggle with the expedited timetables defined for handling severe hazards, according to which an indictment must be served within 72 days from the day on which the hazard is reported.				





Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Risk Management oriented Enforcement	The Ministry did not complete the risk minimization process in 2011 by conducting an operational risk survey. The process did not focus on critical risks, including the lack of prioritization by the Ministry based on environmental risks and enforcement difficulties. The Ministry has not conducted an additional risk survey and, contrary to the requirement, has not appointed an operational risk manager. Therefore, the work plans for the Enforcement Division, including the Green Police and the districts, are not based on a hierarchy of environmental hazards that was supposed to be established based on a comprehensive, professional risk survey.				
Documentation of Environmental Hazards	The documentation of environmental hazards by the districts is lacking. There are gaps between the various districts on the number of reported environmental hazards and their classification according to levels of severity. In addition, the districts, except for the Central District, do not adequately document the scope of the hazards. The high rate of reported hazards in the Central District reflects a much more thorough and comprehensive documentation than the other districts and not necessarily a higher number of hazards.				




Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Administrative Enforcement Data	No administrative or criminal enforcement procedures are performed against most of the documented hazards (about 59% of the total of reported, documented environmental hazards), and they are managed, if at all, through arrangement and without unified implementation rules. About half of the substantial hazards (49% of them) are not enforced and are managed through an arrangement, although they are classified as standard or severe hazards and, according to the Ministry's policy, should be implemented. The rate is even higher in the Southern District (about 63% of the substantial hazards), Haifa District (about 53%), Jerusalem District (about 57%) and Central District (about 50%).				
Usage of Administrative Orders	An administrative closure order is the severest enforcement tool, but the districts seldom use it. An aggregated amount of 114 administrative orders was issued by all the districts for a rate of 3.2% of all substantial hazards (and 2.5% of the total number of reported hazards).				
Criminal Enforcement Data	Most of the case files between 2014 and June 2018 (77%) were closed without indictment; less than 25% ended with an indictment – 1.7% of all substantial hazards in those years.				



Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Differentiation between the various responsibilities of the professional districts' coordinators	<p>1. The professional coordinators, who serve as the districts' enforcement branch, have continuous work relationships based on collaboration and dialogue with the supervised bodies, as they are responsible for ongoing regulation and provision of permits and environmental licensing. At the same time, when supervising, and particularly in enforcement roles, professional coordinators are expected to take firm and even punitive actions against the supervised bodies. As the coordinators are expected to fulfill both roles, which differ from one another in terms of the relationships with the supervised entities, it raises the concern that the coordinators might find it challenging to perform enforcement actions against bodies with which they have continuous work relationships as the regulators. They might even refrain from performing enforcement altogether.</p> <p>2. The clear differentiation between regulatory and supervisory/enforcement roles has been discussed by the Ministry several times, and the districts even established supervision and enforcement units that were supposed to facilitate the differentiation above, however, it was not implemented.</p>				

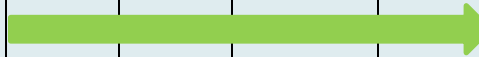





Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
	<p>It was found that the multiple roles were even anchored in the Ministry's policies in 2017. The Ministry's policies reinforce the integration of roles, although such integration creates difficulties that are added to the rest of the causes that lead to a minimal volume of enforcement.</p> <p>The lack of differentiation between regulatory, supervisory, and enforcement roles is inconsistent with the Ministry's attempts to prevent conflict of interests. Moreover, supervision and enforcement units were established in four out of the six districts (except for Jerusalem and Tel-Aviv Districts).</p>				
Manpower at the Districts	Shortage of manpower has made it challenging for the districts to fulfill the enforcement tasks under their responsibility.				



Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
Manpower at Green Police	Despite the enforcement responsibilities of the Green Police have significantly expanded upon legislation environmental laws in the past decade, and environmental challenges have increased as well, as a result of population growth and expansion of industry, the needs of the Green Police have not been addressed sufficiently and the volume of manpower has not been adjusted. The number of positions at the Green Police remained almost unchanged for seven years and was even reduced by two employees in 2018. The Ministry does not allocate new positions to the Green Police, and the employees are being assigned additional roles as a result of the Ministry's decision to allocate positions to other units first for advancing other domains, sometimes at the expense of the enforcement domain, although it is aware of the multiple enforcement deficiencies.				
Green Police Intelligence	The need to base the activities of the Green Police on an intelligence unit for intelligence-based management of supervision and enforcement has been repeatedly discussed since the decision to establish such a unit. It was found that only in 2018, six years afterward, the Ministry started to develop an intelligence unit and an intelligence doctrine; however, the unit is based on a single new position, and most of the activity is practically conducted by the Green Police employees, in addition to their formal roles. According to the Green Police, it is done at the expense of its operational unit.				



Audit chapter	The Deficiency Noted in the Previous Audit	The Extent of Deficiencies Rectification Noted in the Follow-up Audit			
		Not Rectified	Slightly Rectified	Significantly Rectified	Fully Rectified
The professional qualifications required from Green Police supervisors	<p>1. The Green Police, which employs very few who have the relevant scientific education, depends on the professional capabilities of professional district coordinators in investigating hazards caused by factories. Thus, it depends on the district's cooperation and willingness to apply criminal enforcement. Therefore, decision to investigate an environmental hazard caused by the industry depends on the head of the district.</p> <p>2. Recent Green Police's annual reports show that it has been enforcing mainly waste-related offenses – visual hazards that are not complicated or require professional skills in environmental enforcement. In 2013–2017, 27%–35% of the case files were of construction waste offenses, which added up to a few dozen cases; the rest were of 13%–19% other types of hazards.</p>				



Summary

The Ministry's Supervision & Enforcement Division is one of the three main pillars of the Ministry's work. The previous audit, whose findings were published in May 2019, raised significant gaps in this division's inputs, resources, and outputs. Although the Ministry responded to the findings of the previous audit and claimed that environmental enforcement is "critical and that the Ministry takes full responsibility for completing the task," which means implementing the plan to improve supervisory and enforcement activities that were decided upon in 2015, the findings of the follow-up audit showed that no significant changes had been made compared to the situation indicated in the previous audit and that most of the deficiencies were not rectified. Despite the Ministry and its management being aware of the situation, the main weaknesses of the Supervision and Enforcement Division remained unchanged – decreased level of supervision at the factories, very few administrative and mainly criminal enforcement activities compromising deterrence against environmental offenders, lack of a validated theoretical infrastructure as the basis for the Ministry's supervisory and enforcement actions; an operational structure that makes it hard to perform optimal supervision and enforcement; significant gaps between the volume of supervisory and enforcement tasks and available manpower.

Since the previous audit, the number of challenges and risks in handling environmental hazards has increased dramatically and is expected to increase further. According to environmental protection laws, the Ministry is responsible for environmental enforcement in Israel; therefore, it is also responsible for improving the Supervision and Enforcement Division. To improve public handling of environmental enforcement, the Ministry should rectify the deficiencies in this follow-up audit, including forming an enforcement doctrine to solve the problems. The Ministry should improve the enforcement bodies' operation and advance administrative and criminal enforcement. It is recommended that the Ministry monitors the assimilation of working principles included in the enforcement doctrine – at the various districts, Green Police, and relevant Ministry units and initiates a lesson-learning process to optimize work processes. Given the findings indicated in the report on structural and manpower, the only one addressed and taken care of was manning vacancies at the intelligence unit of the Green Police. Considering the unique role of the Ministry in enforcing environmental protection laws, it is appropriate that the Ministry, the Ministry of Finance, and the Civil Service Commission collaborate and review the gaps in manpower and the means of minimizing these gaps, enabling the Ministry to fulfill its tasks and roles adequately.

The gaps noted in the follow-up audit cause a more significant concern, as the environmental protection domain is about to undergo a significant regulatory reform – the Joint Licensing Reform. As part of a new law, the current permits and licensing processes will be amended and unified so that a unified environmental permit will be granted for activities with the potential for substantial environmental impact. Therefore, rectifying the deficiencies is necessary to meet environmental enforcement objectives and cope with the various environmental challenges that the state of Israel is currently facing and is expected to worsen.