

## EXCERPT FROM THE FY 2000 EPA STRATEGIC PLAN

### Goal 9: A Credible Deterrent to Pollution and Greater Compliance with the Law

*EPA will ensure full compliance with laws intended to protect human health and the environment.*

#### Importance of This Goal

Protecting the public and the environment from risks posed by violations of environmental requirements is, and always has been, basic to EPA's mission. Many of the environmental improvements America has made over the last 30 years can be attributed to a strong set of environmental laws and an expectation of compliance with those laws. EPA's aggressive enforcement program has been the centerpiece of efforts to ensure compliance and has achieved significant improvements in human health and the environment. By providing assistance designed to prevent violations, offering incentives to motivate compliance, and taking enforcement actions to correct violations and deter others, EPA obtains continuous improvement in compliance with standards, permits, and other requirements. Those actions also provide fairness in the marketplace by ensuring that noncomplying facilities do not gain an unfair competitive advantage. As a result, environmental risks are mitigated and regulated facilities do a better job of environmental management. While maintaining a strong regulatory enforcement program, EPA and its state and local partners are also expanding the use of innovative tools for ensuring compliance by providing assistance and incentives to the regulated community.

In partnership with states, tribes, other federal agencies such as the Department of Justice (DOJ), and local partners, EPA's enforcement and compliance assurance program addresses approximately 8 million entities that range from community drinking water systems to pesticide users to major industrial facilities. Almost 1.3 million of these are facilities such as municipal wastewater treatment plants, large manufacturing and industrial operations, or hazardous waste treatment and storage facilities for which performance is closely tracked and data maintained. The remaining 6.5 million entities range from small facilities to individual property owners. Given the broad scope of regulatory requirements under the various environmental statutes and the large and diverse universe of regulated entities, the enforcement and compliance assurance program uses a variety of tools and strategies to maximize compliance.

#### Objectives

- EPA and its state, tribal, and local partners will improve the environment and protect public health by increasing compliance with environmental laws through a strong enforcement presence.
- EPA and its state, tribal, and local partners will promote the regulated community's compliance with environmental requirements through voluntary compliance incentives and assistance programs.

#### Results We Intend to Achieve

Our ultimate goal is compliance. By identifying and addressing violations of environmental statutes and regulations, EPA will work to mitigate and reduce environmental problems and associated risks. We expect to reduce pollutants, increase compliance rates for selected regulated populations, improve facility operations, provide greater public access to enforcement and compliance information, and increase use of compliance incentives and assistance tools. Specific accomplishments anticipated include:

- EPA and its partners will improve compliance with environmental laws where there are patterns of noncompliance or significant risks to human health or the environment by maintaining a strong enforcement presence.

- EPA and its partners will improve targeting and compliance monitoring to ensure that activities are conducted where there are high risks to human health or the environment, patterns of noncompliance, or disproportionately exposed populations.
- EPA will implement international commitments for enforcement and compliance cooperation with other countries, especially along the U.S. border (Mexico/Canada).
- Over the next five years, EPA will complete settlements with approximately 1,000 facilities to voluntarily self-disclose to the federal government and correct violations.
- By working with other compliance assistance providers, EPA and its partners will increase the understanding of environmental requirements through the development, distribution, and use of compliance assistance tools.
- EPA will review all major proposed federal actions under the National Environmental Policy Act (NEPA) and achieve successful mitigation of at least 70 percent of adverse environmental impacts through interagency negotiations.

### Means and Strategies

The Agency will strategically target its enforcement and compliance activities. We will expand our use of more sophisticated analyses to focus on significant environmental problems and areas where we find high rates of noncompliance. Our analyses will also address the most significant risks to human health and the environment, including addressing disproportionate burden on certain populations (such as children, the elderly, and low-income communities), in keeping with EPA's environmental justice responsibilities. EPA will conduct inspections and investigations, along with both civil and criminal enforcement actions, to deter violations and provide a level playing field.

While enforcement remains central to our program, we also rely on compliance assistance, incentives, and results-oriented programs. Over the next several years, we will build on the innovations launched six years ago when EPA reorganized its enforcement and compliance program. Examples of innovation include shifting EPA's role to that of a "wholesaler" of compliance assistance, providing the tools and expertise to those closer to the problem; fostering a wide network of compliance assistance providers; encouraging greater use by the regulated community of the revised and expanded Audit Policy and Small Business Policy; and developing integrated strategies that effectively blend compliance assistance, compliance incentives, and enforcement to achieve our environmental goals and objectives.

As a result of the delegation/authorization provided for by most statutes, state, tribal, and local governments bear much of the responsibility for ensuring that regulated facilities and other entities comply with requirements. Nationally, on average, states conduct over 80 percent of all inspections and are responsible for 84 percent of formal enforcement actions. States also are the primary vehicle for delivering on-site compliance assistance to regulated sources. EPA is working with tribes to develop their own compliance and enforcement programs by offering assistance and incentives and, in some cases, directly implementing federal enforcement programs.

EPA will also work with other federal agencies to implement NEPA. The Agency will review the environmental impacts of proposed major federal actions, identify ecological and public health risks, and negotiate changes to eliminate or mitigate these risks. EPA's partnerships also extend to other countries. We will work with foreign governments and international organizations to ensure their compliance with applicable U.S. laws, help them to build enforcement and compliance capabilities in their countries, and work to fulfill

We will promote many types of enforcement and compliance training, including a virtual university, NETI Online, that provides Internet-based training to promote EPA professionals' improved understanding and greater effectiveness. Finally, we are committed to modernizing our enforcement and compliance information systems

to provide a comprehensive, readily accessible, multimedia view of environmental compliance. We will work with our state partners to provide high-quality, timely data to promote effective decision making and expanded public access.

### Relating Annual Performance Goals to Strategic Objectives

EPA will track and report progress we make toward reducing noncompliance and achieving environmental benefits through a variety of measures, including the annual performance goals and measures included in our Annual Performance Plan. We are committed to improving our measures to report on results/outcomes of enforcement and compliance activities, enabling us to track real progress. Our efforts are paying off, as we can now demonstrate both reductions in pollutants to our environment as well as environmental improvements. Since we started tracking this data in FY 1996, our enforcement actions have required reductions in emissions of nearly 5.9 billion pounds of NO<sub>x</sub>, over 700 million pounds of PCB-contaminated material, and 409 million pounds of carbon dioxide. In the past four years, we have also achieved over \$479 million in environmental improvements from supplemental environmental projects.

Another example involves measuring the results of compliance assistance. In FY 1998 we reached 250,000 regulated entities through compliance assistance; in FY 1999 this had grown to 330,000 regulated entities. These and other environmental and compliance results form the foundation of EPA's current and future strategic direction. Successful achievement of our long-term objectives requires that we build on existing work as we continue to set challenging and meaningful annual performance goals and measures, emphasizing outcomes wherever possible.

The National Performance Measures Strategy (NPMS) is a critical component of EPA's performance assessment effort. NPMS includes both traditional measures, such as the number of inspections and enforcement actions, and outcome measures, such as changes in compliance rates and behavioral changes resulting from compliance assistance and pollutant reductions. Seeing actual trends in performance better enables EPA and our state partners to continually evaluate the enforcement and compliance program and will lead to achievement of our long-term objectives. FY 2000 is the first full year of implementation of NPMS, and we will build on the lessons learned in the first year to promote and improve measurement of results. We will also communicate our progress in this endeavor through the Agency's Annual Plan.

### External Factors

EPA's ability to meet its enforcement and compliance annual performance goals and longer-term strategic goals may be affected by a number of factors. Projected performance would be impacted by natural catastrophes, such as major floods or significant oil spills that require a redirection of enforcement resources to address immediate environmental threats. EPA also assumes that state and tribal partners will continue or increase their levels of enforcement and compliance work. In addition, EPA relies on DOJ to accept and prosecute cases the Agency refers for civil judicial or criminal enforcement. The success of EPA's activities also hinges on the applicability of technology and information systems to interface (particularly state and federal systems) to ensure the availability of high-quality data. Finally, the economic conditions and the regulated community's level of effort/willingness to comply with the law will greatly influence EPA's ability to meet its goals.