Next Generation Compliance: Research Questions

Research on Effective Government: Inspection and Compliance Workshop
Session 4: Enhancing Compliance by Leveraging Forces Beyond Inspections and Enforcement
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Next Generation Compliance Components

Rule and Permit Design

Innovative Enforcement

Advanced Monitoring

Transparency

Electronic Reporting

http://www2.epa.gov/compliance/next-generation-compliance
The World is Changing: “Next Gen” is Everywhere
Environmental Compliance is:

- A function of many different factors.
- Probably not a linear function, all factors not same weight, and factor measurement often difficult.
- Research should test the theories.
Factors that Contribute to Non-Compliance

- **Pollution Reduction Costs and Benefits:**
  - Costs often internal and immediate to regulated entity
  - Benefits often public and not immediate.

- **Big Cultural Change**

- **Complexity and/or Vagueness**

- **Lack of Awareness**

- **Disagree with the Law**

- “Comply with Spirit of Law”.

- **Some Competitors not subject to rule**
Factors that Contribute to Compliance

- **Vigorous Government Inspection & Enforcement**
- **Clear, Simple Applicability**
- **Structural Factors**
- **Effective Monitoring (Periodic or Continuous)**
- **Independent Third Party Verification**
- **Real Time Information**
- **Electronic-Reporting to Government**
- **Public Accountability Transparency**
- **Market Forces**
- **Community Engagement**
- **Training/Technical Assistance Programs**
Research Questions: Monitoring

1. The accuracy of emissions estimates when checked against real monitoring data.

2. Whether and how including real-time continuous monitoring in permits impacts the behavior of regulated facilities.

3. Whether regulated source reporting of real-time continuous monitoring data to the government or to the public strengthens its impact.

4. Whether the government conducting and publicizing nearby ambient monitoring leads facilities to reduce their emissions or discharges.
Research Questions: Reporting and Transparency

4. Whether requiring dischargers to post signs or other public notices where they discharge (water or air) helps drive compliance or influences public behavior.

5. Whether requiring an entity to submit proof of compliance to government is a stronger compliance driver than keeping compliance documentation available for review by an inspector.

6. Whether requiring a regulated source to publicly post its compliance information improves its performance.
Research Questions: Enforcement

7. The accuracy of self-reported data, and whether announcing selective review of such data improves accuracy.

8. How facilities respond to alternative forms of agency communication regarding e-reported violations, ranging from letters offering assistance to formal notices of violation.

9. Under what circumstances is an independent third-party verification program effective compared to on-site government inspections, and how might such verifications replace or supplement on-site government inspections?
Research Questions: Assorted

10. Whether mandatory annual training requirements that obligate regulated sources to have trained personnel on-site improve regulatory compliance.

11. Whether providing a permittee with a one page plain English summary of its key permit provisions results in greater compliance.

12. How facilities respond to the existence of regulatory thresholds, and whether facilities just below such thresholds perform differently than those just above.