



Performance Assessment in the U.S. of Federal and State Environmental Protection Agencies

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Topics Presented

1. Using performance indicators to assess activities and environmental results
2. Importance of strategic planning and priority setting to achieve desired results
3. Working with state environmental agencies to ensure good performance



1. Performance Assessment

EPA, like some other compliance and enforcement programs, uses three types of performance indicators:

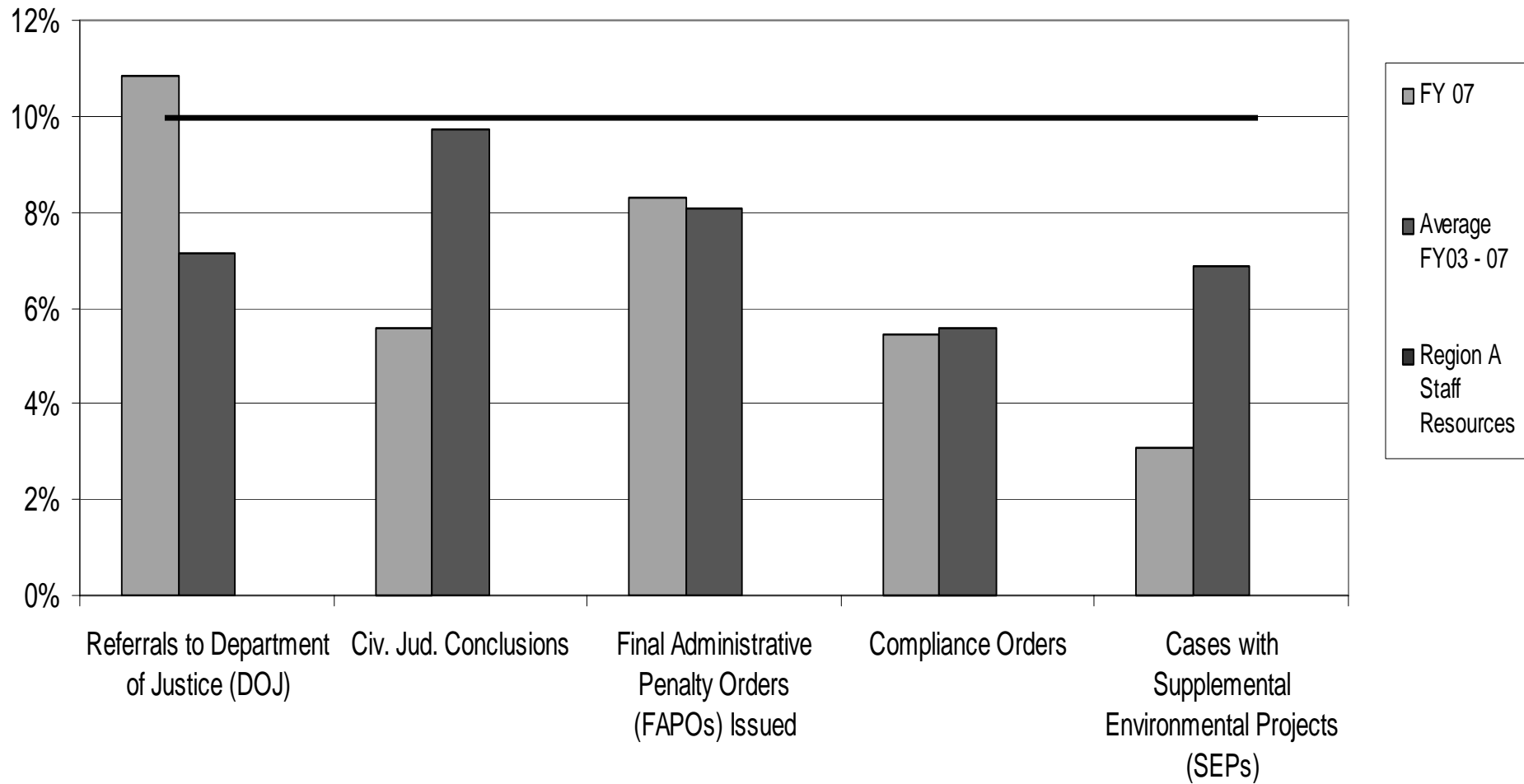
- Outputs (enforcement agency activities)
- Outcomes
 - Intermediate Outcomes (changes in behavior of regulated entities)
 - Final Outcomes (cleaner environment)

U.S. EPA Output Indicators

Output Measures	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Inspections/Evaluations	19,000	21,000	21,000	23,000	22,000
Civil Investigations	344	455	397	352	346
Number of Regulated Entities Taking Complying Actions during EPA Inspections/Evaluations	NC**	1,168	745	1,234	1,350
Number of Regulated Entities Receiving Assistance during EPA Inspections/Evaluations	NC**	5,596	6,156	11,161	13,518

**Not Collected

Region A Enforcement Outputs





Outcome Indicators

Intermediate Outcomes= behavior changes, *e.g.*, *"In 2007, 81% of recipients of EPA compliance assistance improved environmental management practices at their facilities."*

Final Outcomes= end results, *e.g.*, *"In 2008, concluded enforcement actions reduced pollution by an estimated 3.7 billion pounds per year."*



Environmental & Human Health & Benefits of U.S. EPA's Largest Clean Air Act Cases in FY07¹ upon full implementation of facilities' commitments

Pollutant Reductions: 507 million pounds of
SO_x, NO_x, particulate
matter per year

Health Benefits: \$3.8 billion per year

Including...

~ 500 fewer premature deaths due to
heart or lung disease
> 1,000 fewer hospital and emergency
room visits for diseases such as
asthma and heart failure
~ 1,500 fewer cases of chronic
bronchitis and acute bronchitis

~1,000 fewer nonfatal heart attacks
> 8,000 fewer cases of aggravated
asthma
>15,000 fewer cases of upper and
lower respiratory symptoms
> 50,000 fewer days of missed work or
school

¹ Data Sources: Integrated Compliance Information System, October 13, 2007, CAA Stationary Source Cases only; Office of Air and Radiation's BenMAP Model



2. Strategic Planning and Priority Setting

- OECD “problem oriented strategies”
- EPA “national enforcement priorities”
- OECD “task oriented strategies”
- EPA “core program activities”



What Is a National Priority?

- EPA has identified a set of important environmental risks and noncompliance patterns as “National Enforcement Priorities”.
- National Priorities are targeted for more attention through compliance assistance, incentives, monitoring and/or enforcement.



Criteria for National Priorities

- 1) Can significant environmental benefits be gained, or human health risks be reduced, by focused action by EPA?
- 2) Are there identifiable and important patterns of noncompliance?
- 3) Are the risks or patterns of noncompliance sufficient in scope or scale so that EPA is best suited to take action?



EPA's National Enforcement Priorities

- Air Pollution Priorities:
 - Enforcement of federal requirement to install state of the art pollution controls when facilities are significantly modified
 - Enforcement of control requirements for air toxics



EPA's National Enforcement Priorities

- Water Pollution Priorities:
 - Sewer overflows
 - Concentrated animal feeding operations
 - Contaminated stormwater runoff



EPA's National Enforcement Priorities

- Hazardous Waste Priorities:
 - Financial assurances for closure and remediation
 - Mineral processing facilities



EPA's National Enforcement Priorities

- Multi-Media Priority:

Enforcement of air, water, solid and hazardous waste requirements on reserved lands of indigenous Native American peoples



3. Sharing Enforcement Responsibilities with States

State standards and enforcement program authorized by EPA

The State enforces in State court

No authorized State standards or program

The national EPA enforces in federal court



Federal – State Enforcement Responsibilities

- EPA Retains Full Concurrent Enforcement Power in All States
 - U.S. EPA can always take enforcement action in federal courts to enforce State standards approved by EPA as part of national program



EPA Regional Offices

Provide Oversight of State Programs

EPA has 10 Regional Offices that are part of the national government. Each EPA Region is responsible for:

- Implementing the federal compliance program directly – including “core program” and National Priorities
- Working with and overseeing States within the Region to assure effective performance of State authorized programs



The Federal-State Performance Partnership

“Working with States” means that EPA Regions, representing the federal government:

- negotiate performance partnership agreements with each State, and
- review performance of State enforcement programs



Indicators of EPA's State Review Framework

1. Data completeness
2. Data accuracy
3. Timely reporting
4. Completion of commitments
5. Inspection coverage
6. Quality of inspection reports
7. Identification of alleged violations
8. Identification of significant non-compliance
9. Enforcement actions that promote return to compliance
10. Timely and appropriate enforcement actions
11. Penalty calculation method
12. Final penalties assessed and collected
13. Optional State indicators



Transparency of Enforcement Data

- States report performance data to EPA as the basis for assessment of State compliance programs
- EPA publicly discloses performance data for regulated facilities and business entities - including their violations - on the internet



For More Information

- National Priorities for Enforcement and Compliance Assurance -
<http://www.epa.gov/compliance/data/planning/priorities/index.html>
- State Review Framework –
<http://www.epa.gov/compliance/resources/reports/states/index.html>
- Integrated Compliance Information System -
<http://www.epa.gov/compliance/data/systems/modernization/index.html>
- Enforcement and Compliance History Online
<http://www.epa-echo.gov/echo/index.html>