



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SPEECH

SUBJECT: Environmental Policy Group Lunch
FROM: John Peter Suarez
TO: EPA HQ Washington, DC

ENVIRONMENTAL POLICY GROUP

THANK YOU FOR HAVING ME. I ALWAYS APPRECIATE AN OPPORTUNITY TO GATHER IN THIS TYPE OF INFORMAL SETTING TO INTERACT WITH AND HEAR FROM YOU. IT GIVES ME THE CHANCE TO DISCOVER ANY QUESTIONS, COMMENTS, OR CONCERNS THAT YOU MIGHT HAVE AND TO SEE IF AND WHERE WE MIGHT BE ABLE IMPROVE OR AUGMENT OUR ENFORCEMENT AND COMPLIANCE ASSISTANCE PROCESS.

FOR THOSE OF YOU WHO HAVE HEARD ME SPEAK BEFORE, YOU KNOW IN MY COMMITMENT TOWARDS CLEANER AIR, PURER WATER AND BETTER PROTECTED LAND THAT THERE ARE SOME TENETS OF MY ENFORCEMENT

STYLE. FIRST AND FOREMOST IS THAT I AM FAIR IN MY APPROACH TO ENFORCEMENT. MY GOAL IS TO SEEK THAT WHICH IS FAIR, JUST AND RIGHT TO ENSURE THE PROTECTION OF BOTH HUMAN HEALTH AND THE ENVIRONMENT.

I BELIEVE ONE OF THE BEST WAYS THAT WE ARE ABLE TO ACHIEVE THIS KIND OF FAIRNESS IS THROUGH “SMART ENFORCEMENT.” WE WANT TO FOCUS OUR RESOURCES IN THE PLACES WHERE WE WILL HAVE THE MOST POSITIVE ENVIRONMENTAL BENEFIT FROM OUR ENFORCEMENT ACTIVITIES.

THE QUESTION MIGHT BE ASKED, “HOW DO WE ACHIEVE THIS TASK?” THIS IS ACCOMPLISHED BY TARGETING THE TROUBLE SPOTS REVEALED THROUGH DATA ANALYSIS.

DATA COLLECTION AND ANALYSIS IS A KEY COMPONENT IN OUR EFFORTS TO BE EFFECTIVE AND EFFICIENT IN OUR ENFORCEMENT PRACTICES. AS WE ANALYZE DATA, WE ARE ABLE TO RECOGNIZE PRIORITY SECTORS AND AREAS WHERE ENFORCEMENT IS NECESSARY.

LET ME MAKE IT CLEAR, WITH OUR LIMITED RESOURCES, WE DON'T WANT TO SQUANDER THEM FOR “GOTCHA” ACTIONS, WHICH ARE DIGGING FOR PETTY PERMIT VIOLATIONS TO SHOW ENFORCEMENT ACTIONS HAVE BEEN

CARRIED OUT. I AM INTERESTED IN ENFORCEMENT ACTIONS WHICH RESULT IN MEASURABLE ENVIRONMENTAL IMPACTS.

NOW, THIS DOESN'T MEAN THAT WE AREN'T GOING TO INSPECT AND ENFORCE THE PERMITS THAT ARE IN PLACE. IT JUST MEANS THAT I BELIEVE WE CAN BE MORE PRODUCTIVE IN OUR ENVIRONMENTAL EFFORTS IF WE ARE MORE STRATEGIC IN OUR TARGETING.

HAVING MENTIONED THE USE OF DATA ANALYSIS, IT MIGHT BE A THOUGHT IN SOME OF YOUR MINDS, "WHAT ABOUT THIS NEW ECHO SIGHT?" I CAN UNDERSTAND YOUR CONCERNS REGARDING THE PUBLIC ACCESS OF ENFORCEMENT AND COMPLIANCE HISTORY.

YET, I DO NEED TO POINT OUT THAT ALL THIS INFORMATION HAS BEEN PUBLIC FOR MANY YEARS, SO WE AREN'T RELEASING ANYTHING NEW.

ALSO, THIS CAN BE AN EXCELLENT TOOL FOR LARGE CORPORATIONS WITH MULTIPLE FACILITIES ACROSS THE COUNTRY. WE KNOW THAT SOME OF OUR PILOT SITES HAVE LED TO BETTER CORPORATE TRACKING OF COMPLIANCE AT INDIVIDUAL FACILITIES. IN FACT, ONE COMPANY NOTED TO US THAT COMPLIANCE WITHIN EPA'S DATABASES WAS A KEY PERFORMANCE MANAGEMENT MEASURE TO HOLD FACILITY MANAGERS ACCOUNTABLE.

I AM ALSO AWARE OF THE DESIRE ON BEHALF OF INDUSTRIES TO HAVE A VENUE TO PROMOTE THEIR ENVIRONMENTAL COMPLIANCE RECORD. I KNOW HOW MUCH THAT MEANS IN THE BUSINESS COMMUNITY. ECHO PROVIDES THAT BILLBOARD FOR BOTH MUNICIPAL OR CORPORATE ENTITIES TO PROMOTE THEIR GOOD ENVIRONMENTAL STEWARDSHIP.

IF YOU ARE CONCERNED WITH WHAT WE AT EPA ARE GOING TO DO WITH ECHO, YOU NEED TO REMEMBER WE HAVE ALREADY POSSESSED ALL THE INFORMATION CONTAINED IN ECHO, AND MUCH MORE . SO TO THINK THAT THIS IS GOING TO BE A NEW ENFORCEMENT TOOL ON OUR BEHALF IS A MISTAKE. AS I ALREADY MENTIONED, WE ARE DESIRING TO BE "SMART" IN OUR USE OF DATA AND TARGETING THOSE WHO ARE MOST SIGNIFICANT IN THEIR NON-COMPLIANCE.

I AM AWARE THAT THERE ARE THOSE OUT THERE WHO MIGHT WANT TO MANIPULATE THE DATA OR ABUSE THE USE OF THE WEBSITE, AND I DO BELIEVE THAT IS A CHALLENGE THAT WE ARE ALL GOING TO FACE.

COMING BACK TO MY APPROACH TOWARDS ENFORCEMENT, THERE IS A SECOND FACET OF MY ENFORCEMENT STYLE, AND THAT IS FLEXIBILITY. A RIGID DEVOTION TO PROCESS CAN ONLY SERVE TO DEADEN THE CREATIVE AND THOUGHTFUL APPROACHES THAT SOMETIMES PRODUCE THE BEST

ENVIRONMENTAL RESULTS.

I BELIEVE THIS COMMITMENT TOWARDS FLEXIBILITY IS REFLECTED IN MY EFFORTS TO PROVIDE COMPLIANCE ASSISTANCE MEASURES. I AM DEDICATED TO HELPING ENTITIES COMPLY WITH REGULATORY REQUIREMENTS AND IMPROVE ENVIRONMENTAL PERFORMANCE THROUGH COMPLIANCE ASSISTANCE.

WHILE IN THE PAST STRONG ENFORCEMENT BY EPA HAS BEEN IMPLEMENTED TO CORRECT AND DETER NON-COMPLIANCE, IT NEEDS TO BE SAID, THAT THIS ISN'T THE ONLY TOOL IN THE BAG THAT CAN BE UTILIZED TO ACHIEVE COMPLIANCE WITH OUR ENVIRONMENTAL OBLIGATIONS.

AS AN AGENCY WE ARE CONTINUING TO BE MORE STRATEGIC IN OUR COMPLIANCE ASSISTANCE EFFORTS TOWARD THOSE OF YOU IN THE REGULATED COMMUNITY.

IN LINE WITH OUR DESIRE TO ACHIEVE THE MOST ENVIRONMENTAL BENEFIT, WE ARE DOING A LOT TO HELP YOU IN UNDERSTANDING YOUR SPECIFIC OBLIGATIONS WHEN IT COMES TO COMPLIANCE TO THE ENVIRONMENTAL LAWS. THEREFORE, THIS CAUSES ME TO ASK YOU SOME QUESTIONS THAT MAYBE YOU WILL BE ABLE TO HELP ME WITH DURING OUR

QUESTION AND ANSWER TIME.

AS AN OFFICE WE ARE PROVIDING REAMS OF PRINTED INFORMATION SUCH AS COMPLIANCE GUIDES AND FACT SHEETS. IN PERSON, WE ARE HAVING MEETINGS, SEMINARS, WORKSHOPS, AND ON-SITE ASSISTANCE.

TECHNOLOGICALLY WE PROVIDE HOTLINES, WEBSITES AND VIRTUAL COMPLIANCE ASSISTANCE CENTERS THAT SUPPORT SPECIFIC INDUSTRY SECTORS. MY QUESTION TO YOU IS, "IS NON-COMPLIANCE BASED UPON INSUFFICIENT INFORMATION OR GUIDANCE?"

SECONDLY, WE STRIVE TO ACHIEVE THIS GOAL OF COMPLIANCE BY PROVIDING ASSISTANCE DIRECTLY TO REGULATED ENTITIES. WE HAVE IMPLEMENTED STRATEGIC, COMPREHENSIVE PROGRAMS TO ACHIEVE ENVIRONMENTAL AND HEALTH PROTECTION GOALS THROUGH INCENTIVE BASED PROGRAMS.

FOR EXAMPLE, THE AUDIT POLICY PROVIDES INCENTIVES FOR COMPANIES TO DEVELOP ENVIRONMENTAL AUDIT AND COMPLIANCE MANAGEMENT SYSTEMS TO DETECT, DISCLOSE AND CORRECT ENVIRONMENTAL VIOLATIONS. WE DO OUR PART BY WAVING OR SUBSTANTIALLY REDUCING GRAVITY BASED CIVIL PENALTIES BY 75 PERCENT OR, IN MOST CASES, BY 100 PERCENT. TRYING TO ENCOURAGE THOSE BEING REGULATED TO CONDUCT

SELF-AUDITS AND INSPECTIONS OF FACILITIES TO IDENTIFY VIOLATIONS.

ALSO THERE ARE THE INNOVATIVE ENVIRONMENTAL MANAGEMENT SYSTEMS. AN EXAMPLE OF THIS IS THE "PERFORMANCE TRACK" PROGRAM WHICH OFFERS INCENTIVES TO REWARD COMPANIES THAT MAINTAIN CONTINUED BEYOND COMPLIANCE STANDARDS. (ex: LOCKHEED MARTIN VISIT)

IT IS MY DESIRE TO IDENTIFY THE 'SECTORS' THAT ARE HAVING DIFFICULTY COMPLYING WITH THEIR ENVIRONMENTAL OBLIGATIONS, AND MAY I STRESS, TO WORK WITH THEM! NOT TO BEAT THEM OVER THE HEAD WITH "THE STICK" THAT SHOULD BE EVIDENT FROM OUR EFFORTS IN THE AREA OF COMPLIANCE ASSISTANCE.

YET, WITH ALL THAT WE ARE DOING IN THIS AREA, AGAIN I HAVE TO ASK ANOTHER QUESTION, "WHAT ARE THE OBSTACLES HINDERING COMPLIANCE?" "WHAT WOULD KEEP YOU FROM PERFORMING A SELF-AUDIT OR LOOKING INTO PARTAKING IN AN ENVIRONMENTAL MANAGEMENT SYSTEM.?"

AS I COME TO A CLOSE AND OPEN IT UP FOR A TIME OF QUESTIONS, AND HOPEFULLY SOME ANSWERS, I JUST WANT TO REITERATE THAT I LOOK FORWARD TO WORKING CLOSELY WITH THE REGULATED COMMUNITY TO FIND WORKABLE AND FLEXIBLE SOLUTIONS TO ACCOMPLISH OUR DESIRED RESULTS, CLEANER AIR, PURER WATER AND A BETTER PROTECTED ENVIRONMENT. BECAUSE AT THE END OF THE DAY, THAT IS OUR OBJECTIVE, AND I AM NOT CONVINCED THAT THERE IS ONLY ONE ROAD THAT CAN GET US TO THAT PLACE.

THANK YOU