



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

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OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

SPEECH

SUBJECT: EPA Innovation Action Counsel
FROM: John Peter Suarez
TO: EPA HQ Washington, DC

REMARKS AT INNOVATION ACTION COUNCIL (IAC) MEETING

SEPTEMBER17

JOHN PETER SUAREZ

- THANK YOU, TOM.

- I AM VERY PLEASED TO ABLE TO ATTEND THIS MEETING OF SENIOR MANAGERS INTERESTED IN PROMOTING INNOVATIVE APPROACHES TO ENVIRONMENTAL PROTECTION. I WISH I COULD STAY FOR THE ENTIRE MEETING, BUT MY DEPUTY, PHYLLIS HARRIS, WHO IS A NEW MEMBER OF THE IAC COUNCIL, WILL BE HERE LATER.

- AS YOU PROBABLY KNOW, I WAS JUST RECENTLY CONFIRMED AND SWORN IN

AS THE AA FOR ENFORCEMENT AND COMPLIANCE ASSURANCE, AND I AM DELIGHTED TO TAKE ON THIS NEW CHALLENGE.

- ONE OF THE PRIVILEGES THAT I ENJOYED IN THE MONTHS BEFORE I WAS FINALLY CONFIRMED WAS TO LEARN A LOT ABOUT THE STATE OF OUR ENVIRONMENT, AND MORE IMPORTANTLY, THE STRATEGIES AND ACTIONS WE AT EPA, AND IN OECA, ARE UNDERTAKING TO ACHIEVE UNPRECEDENTED RESULTS;

- AND I CAN TELL YOU, AS THE BRIEFINGS ROLLED OVER ME, I WAS AMAZED AT THE DEPTH OF KNOWLEDGE AND DEDICATION OF THE STAFF OF EPA, AND OECA, WHO ARE ALL SO COMMITTED TO DOING OUR MISSION WELL, AND SO INTERESTED IN FIGURING OUT WHAT WOULD BE THE BEST APPROACHES TO SOLVING ENVIRONMENTAL PROBLEMS.

-IT IS VERY CLEAR TO ME THAT IT IS CRITICAL TO OUR SUCCESS THAT WE UNDERTAKE INNOVATIVE, PROBLEM-SOLVING APPROACHES TO MAXIMIZE AND LEVERAGE THE IMPACT OF OUR EFFORTS. IN THESE DAYS OF DECREASING STATE AND FEDERAL RESOURCES, IT CAN REALLY HELP US GET THE MOST BANG FOR OUR ENVIRONMENTAL BUCK.

- IN FACT, I VIEW FAIR, FLEXIBLE AND INNOVATIVE PROBLEM-SOLVING AS A CONTINUED FOCAL POINT AND GUIDING PRINCIPLE FOR THE FUTURE OF OECA'S

EFFORTS.

- I DO THINK THE AGENCY'S NEW INNOVATION STRATEGY, THAT YOU ALL DEVELOPED, AND THE GOVERNOR ANNOUNCED IN APRIL, IS A GREAT GUIDE TO FOCUS OUR EFFORTS, AND OECA FULLY SUPPORTS THE STRATEGY.

- WE LOOK FORWARD TO WORKING WITH ALL OF YOU TO STRENGTHEN OUR PARTNERSHIPS WITH STATES AND TRIBES; TO SOLVE PRIORITY ENVIRONMENTAL PROBLEMS LIKE IMPROVING WATER QUALITY AND WATER INFRASTRUCTURE SYSTEMS, AND REDUCING SMOG AND GREENHOUSE GASES; TO MAKE THE FULLEST USE OF NEW TOOLS AND APPROACHES; AND TO FOSTER A MORE INNOVATIVE CULTURE AND ORGANIZATION.

- I'M PARTICULARLY INTERESTED IN FINDING WAYS TO FOSTER GREATER ENVIRONMENTAL RESPONSIBILITY AND MOTIVATE AND DRIVE REGULATED INDUSTRY TO TAKE ADVANTAGE OF THE INNOVATIVE PROGRAMS THE AGENCY HAS TO OFFER. AND I'LL JUST TOUCH ON A FEW OF THE THINGS MY OFFICE IS INVOLVED IN THAT WE'D LIKE TO WORK ON WITH YOU.

- AS MANY OF YOU KNOW, OECA HAS BEEN DOING A LOT OF WORK WITH SECTORS - WORK THAT I THINK CAN COMPLEMENT THE NEW DIRECTIONS FOR SECTORS THAT TOM WAS DESCRIBING. OF COURSE, CLOSE AND CONSISTENT COORDINATION BETWEEN ALL OF OUR OFFICES IS GOING TO BE KEY, SO THAT WE DON'T DUPLICATE EFFORTS OR UNDERMINE EACH OTHER'S EFFORTS.

– OECA HAS BEEN ADDRESSING SECTORS THROUGH STRATEGIC USE OF COMPLIANCE ASSURANCE TOOLS – COMPLIANCE ASSISTANCE, MONITORING, INCENTIVES AND ENFORCEMENT. WE WANT TO FOCUS ON ENVIRONMENTAL RESULTS.

–OUR PROBLEM IDENTIFICATION WORK – IDENTIFYING EMERGING NONCOMPLIANCE TRENDS AND PATTERNS, ENVIRONMENTAL AND HUMAN HEALTH PROBLEMS, USING A PROBLEM-SOLVING APPROACH THAT CHARACTERIZES THE PROBLEMS AND ORGANIZES THE TOOLS NEEDED TO ADDRESS THEM – OFTEN LEADS US TO FOCUS ON PARTICULAR SECTORS.

- THIS PAST YEAR IN OECA WE SET UP A PROBLEM NOMINATION PROCESS AND, AS WE REVIEW THESE NOMINATIONS, WE SOMETIMES GROUP PROBLEMS INTO SECTORS, AND HELP EACH SECTOR FIND OUT HOW TO ADDRESS ITS PROBLEMS. THIS PROCESS ALSO HELPS OECA USE OUR OWN RESOURCES MOST EFFICIENTLY WHEN WE PROVIDE ASSISTANCE, OFFER INCENTIVES OR UNDERTAKE ENFORCEMENT ACTIONS.

– IN ADDITION TO OUR PROBLEM IDENTIFICATION PROCESS, WE ALSO ANALYZE DATA AND INFORMATION TO IDENTIFY WHAT WE CALL “EMERGING SECTORS.” THIS APPROACH USES A NUMBER OF SCREENING FACTORS TO HELP US SELECT THE NATIONAL PRIORITIES THAT WE WORK ON WITH THE REGIONS AND STATES. THESE FACTORS INCLUDE:

- POTENTIAL ENVIRONMENTAL AND HEALTH RISKS;
- KNOWN OR SUSPECTED COMPLIANCE ISSUES;
- NEW RULES OR MULTIPLE RULES IMPACTING A SECTOR; AND
- ECONOMIC FACTORS, LIKE GROWTH IN A PARTICULAR SECTOR.

– WE’VE SHARED SECTOR ANALYSIS REPORTS WITH THE REGIONS AND PROGRAM OFFICES FOR 14 CANDIDATE EMERGING SECTORS AND HAVE HIGHLIGHTED A FEW OF THESE FOR POSSIBLE INCLUSION AS FUTURE MOA PRIORITIES:

- CONSTRUCTION;
- FUELS MANAGEMENT, IN PIPELINES AND TERMINALS;
- MISCELLANEOUS PLASTICS; AND
- SECONDARY ALUMINUM.

– WE ARE ALSO VERY INTERESTED IN INCREASING THE USE OF INTEGRATED STRATEGIES TO ADDRESS ENVIRONMENTAL PROBLEMS. THESE STRATEGIC APPROACHES CONSIDER WHICH TOOLS – COMPLIANCE ASSISTANCE, INCENTIVES, MONITORING OR ENFORCEMENT – WOULD BE MOST EFFECTIVE IN ADDRESSING THE PROBLEMS IN A SECTOR.

– OECA IS DEVELOPING AN INTEGRATED STRATEGIES FRAMEWORK THAT INCLUDES CLEAR MEASURES TO EVALUATE THEIR EFFECTIVENESS IN SOLVING PROBLEMS AND ACHIEVING ENVIRONMENTAL RESULTS, THAT I’LL BE SHARING

WITH YOU IN MORE DETAIL. WE HOPE TO PILOT THE USE OF THE INTEGRATED STRATEGIES FRAMEWORK IN FY03, POSSIBLY IN SOME OF THE SECTORS I'VE ALREADY MENTIONED. BUT WE ARE ALSO CONSIDERING SOME OTHER SECTORS WHICH THE REGIONS WILL BE IDENTIFYING SOON IN THEIR FY03 MOA SUBMISSIONS.

– OTHER INNOVATIVE SECTOR-RELATED WORK INCLUDES CONTINUING TO DEVELOP SECTOR-SPECIFIC COMPLIANCE ASSISTANCE CENTERS, TO HELP BUSINESSES, LOCAL GOVERNMENTS AND FEDERAL FACILITIES UNDERSTAND ENVIRONMENTAL REQUIREMENTS AND SAVE MONEY THROUGH POLLUTION PREVENTION TECHNIQUES. WE ARE ALSO PROUD OF OUR NEW AND INNOVATIVE WEB-BASED NATIONAL COMPLIANCE ASSISTANCE CLEARINGHOUSE THAT HAS LINKS TO OVER 5,000 FEDERAL, STATE, LOCAL, AND PRIVATE SECTOR COMPLIANCE ASSISTANCE RESOURCES. IN ADDITION TO THE TEN EXISTING CENTERS, THREE NEW CENTERS WILL BE COMING ON LINE NEXT YEAR -- FOR CONSTRUCTION, AUTO SALVAGING AND US/MEXICAN BORDER ISSUES.

– ALSO, PLEASE REMEMBER THE COMPLIANCE ASSISTANCE PROVIDERS FORUM THAT WE ARE CO-HOSTING WITH REGION 6 AND THE STATE OF TEXAS IN SAN ANTONIO IN DECEMBER.

– WE ARE LOOKING FORWARD TO WORKING WITH OPEI AS WELL AS WITH ALL OF YOU TO FURTHER THESE EFFORTS, AND HELP ENHANCE THE SECTOR WORK

YOU ARE UNDERTAKING.

– I WOULD ALSO LIKE TO ANNOUNCE THAT I’VE FORMED A PLANNING REVIEW TEAM COMPRISED OF SENIOR ENFORCEMENT AND COMPLIANCE ASSURANCE MANAGERS TO REVIEW OECA’S CURRENT APPROACHES TO PLANNING, PRIORITY-SETTING AND TARGETING.

THIS GROUP IS CHAIRED BY MIKE STAHL AND INCLUDES DAVID NIELSEN AND MARY KAY LYNCH, AS WELL AS LAURA YOSHII FROM REGION 9, DAVID ULLRICH FROM REGION 5, SAM SILVERMAN FROM REGION 1, AND LAURIS DAVIES FROM REGION 10. THEY WILL BE MAKING RECOMMENDATIONS FOR SPECIFIC IMPROVEMENTS TO THESE PLANNING PROCESSES BY EARLY DECEMBER.

AS I MOVE TOWARD A CLOSE I WANT TO HIGHLIGHT TWO PROGRAMS WHICH I FEEL ARE PARADIGMS FOR THE FUTURE OF INCENTIVE BASED INNOVATION.

-I BELIEVE THAT THE PERFORMANCE TRACK PROGRAM IS A MODEL OF INNOVATION THAT I WOULD LIKE TO CONTINUE TO SEE IMPLEMENTED. WHEN YOU HAVE AN INCENTIVE THAT RECOGNIZES TOP ENVIRONMENTAL PERFORMERS WHO USE CREATIVITY AND INNOVATION TO VOLUNTARILY GO BEYOND CURRENT REQUIREMENTS, EVERYBODY IS A WINNER. COMPANIES ARE REWARDED WITH POSITIVE PUBLIC RECOGNITION, WHICH IS SO VALUABLE, AND LOW INSPECTION PRIORITY, TO MOTIVATE FURTHER IMPROVEMENTS. IN TURN,

WITH THESE COMPANIES CONSISTENTLY BEING IN COMPLIANCE AND BEYOND, THE RESULTS ARE A CLEANER, HEALTHIER, AND BETTER PROTECTED ENVIRONMENT, AND THAT IS OUR GOAL ULTIMATELY (ALMOST SARCASTIC), SO AS I SAID, IT IS A WIN/WIN.

THIS IS THE KIND OF INNOVATIVE THINKING THAT I AM IMPRESSED WITH, IT MAKES ME WONDER, IS THERE ANYTHING ELSE WE CAN BE DOING TO SUPPLEMENT THIS KIND OF PROGRAM OR CREATE OTHERS LIKE IT?

– I ALSO AM IMPRESSED BY THE SUCCESS OF EPA’S AUDIT POLICY, AND THAT IT HAS ENCOURAGED ABOUT 1500 ENTITIES TO DISCLOSE VIOLATIONS AT 6065 FACILITIES ACROSS THE COUNTRY. TO BE ABLE TO BRING COMPANIES INTO AND BEYOND COMPLIANCE VIA THE SELF-AUDIT POLICY IS A DESIRED OBJECTIVE. THE QUESTION REMAINS, HOW CAN WE BETTER LEVERAGE THIS POLICY TO ACHIEVE EVEN GREATER COMPLIANCE RESULTS? I ALSO THINK WE CAN DO A BETTER JOB OF MEASURING AND COMMUNICATING ALL THE ENVIRONMENTAL BENEFITS THAT WE’RE REAPING WITH THESE DISCLOSURES, AND WE’RE CERTAINLY GOING TO NEED TO WORK TOGETHER ON THIS. IN FACT, THIS IS GOING TO BE A KEY TOPIC FOR THE UPCOMING SENIOR ENFORCEMENT MANAGERS’ MEETING IN LATE OCTOBER IN BOSTON.

– WE HAVE ALSO BEEN SUCCESSFUL IN OUR WORK TO INCLUDE EMS PROVISIONS IN ENFORCEMENT SETTLEMENTS – 24 JUDICIAL CASES HAVE INCLUDED EMS REQUIREMENTS -- AND I AM INTERESTED IN DOING MORE OF

THIS. AND WE'VE CONTINUED TO EXPAND OUR INCLUSION OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) IN ENFORCEMENT SETTLEMENTS. IN FY2001, WE OBTAINED SEP SETTLEMENT COMMITMENTS TO INVEST \$89 MILLION TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT BEYOND THE LEVEL REQUIRED BY LAW.

– FINALLY, I AM ALSO INTERESTED IN KEEPING UP OUR SUCCESSFUL WORK WITH THE DEPUTY REGIONAL ADMINISTRATORS IN MAKING GOOD ON OUR COMMITMENT TO PROVIDE THE “LOW INSPECTION PRIORITY” INCENTIVE TO ALL THE MEMBERS OF THE AGENCY’S PERFORMANCE TRACK PROGRAM. AS THAT PROGRAM EXPANDS AND THERE ARE MORE THAN THE CURRENT 300 MEMBERS, IT WILL BE EVEN MORE IMPORTANT FOR US TO COMMUNICATE WITH EACH OTHER.

– AGAIN, MY THANKS TO TOM, AND ALL OF YOU, FOR ASKING ME TO JOIN YOU TODAY. I GREATLY LOOK FORWARD TO WORKING WITH ALL OF YOU, ON ALL SORTS OF INNOVATIVE APPROACHES AND IDEAS.

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