



Resolution 17-2
Approved April 8, 2017
Washington, D.C.

Revised April 27, 2020
All Members Call

Revised March 30, 2023
Arlington, Virginia

As certified by
Ben Grumbles
Executive Director

ON THE VALUE OF DIVERSE AND INNOVATIVE APPROACHES TO ADVANCE COMPLIANCE WITH ENVIRONMENTAL REQUIREMENTS

WHEREAS, substantial environmental and human health gains have been achieved over the past five decades as a direct result of state and federal implementation of environmental laws and regulations; and

WHEREAS, all stakeholders desire a national system of environmental protection that is results-oriented, protective, understandable, transparent, accessible, and cost effective; and

WHEREAS, innovative approaches, assistance programs, and tools that build on successes and accomplishments are important to reducing environmental compliance problems; and

WHEREAS, these innovative approaches include, but are not limited to, compliance assistance integrated into our rules and permits, simpler permit processes, real-time electronic notices of violations, transparency, self-audits, independent third-party certifications, advanced monitoring, public communication and messaging, online training programs for industry sectors, checklists, voluntary industry incentive programs, technology advancements, outreach to small and medium sized businesses, and the inclusion of social science and human behavioral research in the design of such approaches; and

WHEREAS, the development of innovative approaches can benefit from including social and behavioral science findings and research methods in the design of these innovations and the evaluation of them; and

WHEREAS, EPA's Office of Enforcement and Compliance Assurance (OECA), working with ECOS and the state media program associations identified a variety of innovative approaches states and EPA have already taken in its Next Generation Compliance public compendiums and Compliance Learning Agenda (CLA) efforts to conduct evidence-based research on pressing programmatic questions; and

WHEREAS, OECA has adopted policies that provide states with flexibility to direct compliance resources to piloting and evaluating the effectiveness of these innovative approaches (*see* ECOS' October 2016 "Field Guide to Flexibility and Results" (<http://www.ecos.org/documents/field-guide-to-flexibility-and-results/#.WLnC67Upamo.email>); and

WHEREAS, increased flexibility that allows states to target evolving priorities is greatly appreciated such as through U.S. EPA approved Alternative Compliance Monitoring Strategies; and

WHEREAS, demonstrated and measured results are essential to EPA and public support for these innovative approaches complementing and sometimes substituting for more traditional approaches.

NOW, THEREFORE, LET IT BE RESOLVED THAT THE ENVIRONMENTAL COUNCIL OF THE STATES:

Requests EPA participate with states in their efforts to cultivate, design, and implement innovative compliance approaches to protect human health and the environment;

Seeks continued EPA participation with the regulated community and academic institutions in projects and efforts to measure the effectiveness of these approaches such as webinars sharing compliance research and CLA;

Requests EPA allow, in state-EPA workplans, compliance assistance and innovative compliance approaches to function as true substitutes for traditional compliance activities, when the state can provide evidence that the approaches are effective;

Seeks to emphasize the importance of sustaining successful state technical assistance programs, such as the Small Business Environmental Assistance Program, to help companies comply with environmental regulations and pollution prevention;

Encourages EPA to evaluate the effectiveness of its existing compliance assistance centers and to seek input from states, the regulated community, and the public on how its existing compliance centers can be made more modern, results oriented, and effective;

Encourages EPA to incorporate significant language in each version of its Office of Enforcement and Compliance Assurance (OECA) National Program Guidances and other appropriate documents on the value of compliance assistance programs, and to the greatest extent possible their eligibility to serve as alternatives to more traditional inspection activities, when carried out by EPA and/or states; and

Encourages U.S. EPA to fully and consistently implement the principles and joint planning processes set forth in the July 11, 2019 memorandum "Enhancing Effective Partnerships Between the EPA and the States in Civil Enforcement and Compliance Assurance Work" from OECA AA Bodine to Regional Administrators.