

*Letter to the Editor***Subject: Editor's Choice, *Risk Analysis*, 2011; 31(3)****Sarah Weinstein***

The Northeast Waste Management Officials' Association (NEWMOA) is writing in response to your Editor's Choice "Time to Worry: Whither Risk Analysis and the Compression of Government Funding in the United States?" editorial published in the March 2011 edition of *Risk Analysis*. NEWMOA's members share your concern for the loss of government funding, and are experiencing impacts on a daily basis on our capacity to manage compliance programs critical to managing risks from pollution to human health and the environment. In response, we want to inform *Risk Analysis* readers about an innovative strategy that many states have adopted to use government resources efficiently and to strategically reduce pollution and improve compliance with state and federal requirements across entire business sectors.

The traditional compliance approach primarily focuses state and federal agency resources on inspecting the same group of large facilities year after year. However, state agencies have found that these facilities do not always present the greatest risk to human health and the environment. We have become increasingly concerned about the cumulative impact of the large number of smaller sources of pollution. These sources can be in significant noncompliance and do not generally have professional environmental health and safety staff to help them understand the requirements and best practices for managing hazardous materials, wastes, discharges, and emissions. State agencies cannot address these smaller sources if they must focus their limited staff almost exclusively on the large and major sources.

While large sources always require some attention, state agencies are implementing "Environmental Results Programs" (ERP), which allow us to fo-

cus our resources on the facilities that pose the greatest risk. For example, states might target inspections based on an industry group's compliance status or on businesses' proximity to environmental justice communities, sensitive habitats, drinking water sources, population centers, and other high-risk receptors. The ERP is an evidence-based approach that numerous states have successfully deployed. To achieve improved performance for any selected group, ERP uses a unique combination of:

- Plain language assistance tools that promote compliance and adoption of "beyond compliance" practices;
- Facility self-assessment and mandatory or voluntary submittal of compliance status certifications to state regulatory agencies;
- Strategic government compliance inspections and enforcement activities; and
- Statistically-based performance measurement.

Through the ERP process, state agencies obtain statistically valid information to gain an understanding of the compliance status and noncompliance challenges facing an industry group as a whole—something that is not possible with the traditional, targeted inspection/enforcement approach. This information enables our programs to make fact-based decisions on deploying and targeting our limited inspection, assistance, and enforcement resources to the most important needs. Other benefits of ERP include:

- A more level playing field for all facilities in the targeted sector
- Clearer explanations for facilities about their regulatory requirements and beyond compliance, cost saving, and pollution reduction opportunities
- Better information on facility and sector performance

*2011 NEWMOA Chair, Deputy Assistant Commissioner, Bureau of Waste Prevention, Massachusetts Department of Environmental Protection, NEWMOA, 129 Portland St, Suite 602, Boston, MA 02114; tel: 617-367-8558.

- Compliance and environmental improvements that are measureable

NEWMOA's members have successfully implemented ERP initiatives for printers, dry cleaners, auto body shops, auto salvage yards, small quantity hazardous waste generators, dentists generating mercury amalgam waste, facilities with underground storage tanks, and other sectors. More information on state experience with ERP is available at: www.erpstates.org and in the EPA document, *ERP States Produce Results*, available at: www.epa.gov/erp/files/2007reportfull.pdf. A recent article in *Risk Analysis*, authored by investigators from Rhode Island and titled "Reducing Drinking Water Supply Chemical Contamination Risks from Underground Storage Tanks," demonstrates how the ERP model can be successfully applied to a large, small business industry sector.

As government resources available for traditional regulatory inspection programs continue to shrink, we agree with your view about the need for alternative approaches, such as ERP. Experience with implementing ERP in the Northeast United States and elsewhere has demonstrated that it helps

agencies and the public to more effectively oversee and strategically respond to the measured environmental performance of a wide variety of sectors.

NEWMOA is a nonprofit, nonpartisan interstate association that has a membership composed of the hazardous waste, solid waste, waste site cleanup, and pollution prevention program directors for the environmental agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. NEWMOA was established by the governors of the New England states as an official regional organization to coordinate interstate hazardous and solid waste, pollution prevention, and waste site cleanup activities, and was formally recognized by the U.S. Environmental Protection Agency (EPA) in 1986. For more information visit: www.newmoa.org.

REFERENCE

1. Enander, R, Park E, Hanumara RC, Gagnon R, Kobayashi H, Genovesi R, Vallot C. Reducing drinking water supply chemical contamination risks from underground storage tanks. *Risk Analysis*, 2012; DOI: 10.1111/j.1539-6924.2012.01843.x