



A Radical Approach to Performance Programs

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A Radical Performance Program

Twofold Objective

1. To achieve environmental results **greater** than those achieved through traditional regulatory approaches

2. To **quickly identify** and **correct** violations which have the potential to harm human health, safety, and the environment

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Dual Performer Paths

☹ **Worst**

Performer
Path



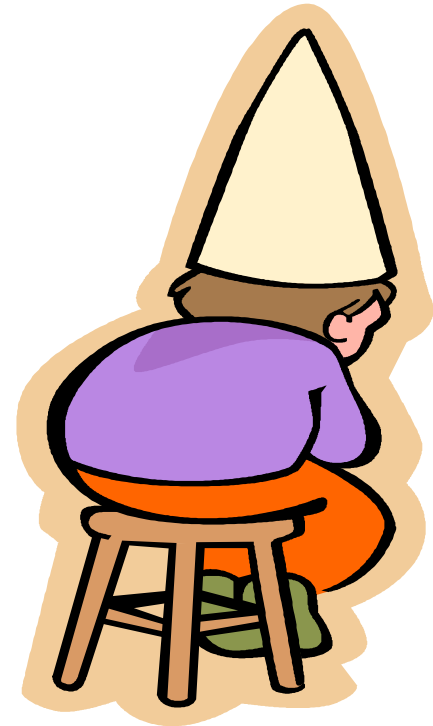
☺ **Best**

Performer
Path



Worst Performer Path Program Objective

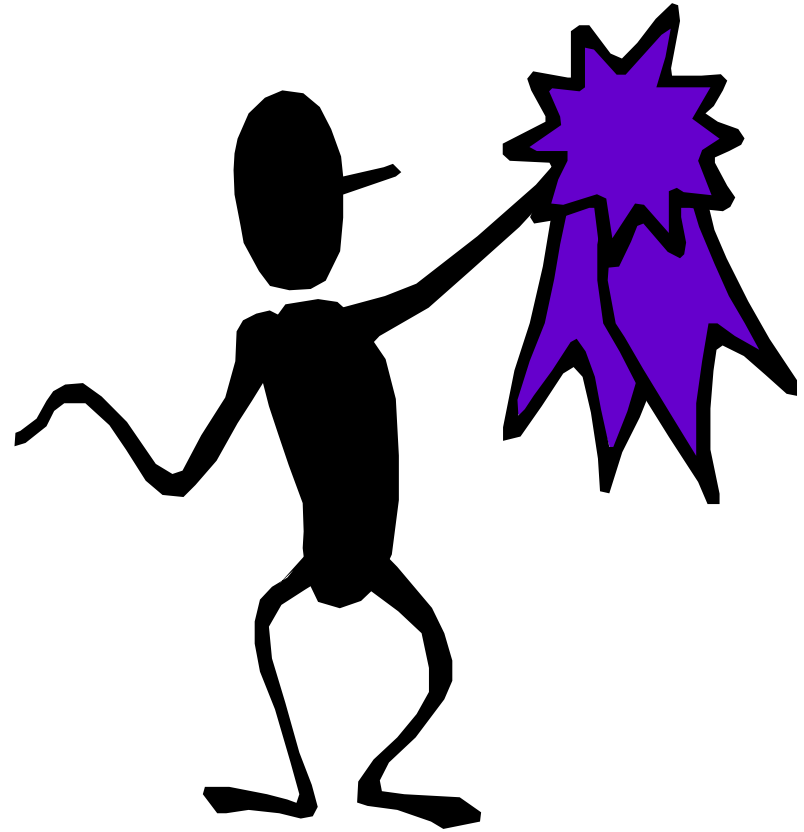
To discourage chronic and recalcitrant violators from continuing behaviors which are **detrimental** to public health and the environment





Best Performer Path Program Objective

To recognize and encourage top environmental performers who go **beyond** compliance



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Performer Principles

☹ **Worst**
Performer
Path



☺ **Best**
Performer
Path





Worst Performer Path Program Principles

- ☹ Balance between the enforcement action and the gravity of the violation
- ☹ Public participation
- ☹ Self-evaluation through periodic measurement of program results
- ☹ Quick, Consistent, Public enforcement



Best Performer Path Program Principles

- ☺ Balance between rewards and environmental results
- ☺ Balance between incentives and requirements
 - ☺ Commitment **not** to de-regulate
- ☺ Public participation
- ☺ Self-evaluation through periodic measurement of program results
- ☺ Quick, Engaging, Public rewards

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Performer **Criteria**

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Worst Performer Path Program Criteria

Criteria for being considered a “**worst**” environmental performer

- ☹ Significant potential for environmental harm
- ☹ Long trend of violations
- ☹ Failure to cooperate with enforcement personnel during investigation of violations
- ☹ Failure to make good faith efforts to rectify problems in a timely manner



Best Performer Path Program Criteria

Criteria for being designated one of the “best”

- ☆ Have a record of compliance with all major environmental requirements for at least five consecutive years prior to applying
- ☺ Have a proven EMS Plan addressing environmentally meaningful issues
- ☺ Achieve substantial fulfillment of the goals identified in the EMS Plan
- ☆ Have a full compliance evaluation conducted by a regulatory agency within six months before applying

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Performer **Incentives**

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Worst Performer Path

Incentives to Discourage “Bad” Environmental Behavior

- ❑ Special publicity for chronic and recalcitrant violators
- ❑ Steeper penalties
- ❑ Injunctive relief
- ❑ Referral to the Attorney General’s Office
- ❑ Increased compliance monitoring



Best Performer Path

Program Incentives & Rewards (1)

- ☑ Formal public recognition by the Governor, including preferred vendor status, awards, public announcements, leadership seal or symbol, press release, and special coverage in departmental publications
- ☑ State agency advocacy for member companies seeking government economic assistance



Best Performer Path

Program Incentives & Rewards (2)

- ☑ Prioritization of the review and processing of permit applications
- ☑ Single point of contact between facilities and the State agency
- ☑ Advanced notice of on-site, non-complaint inspections

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Changing Performer Status

☹ **Worst**

Performer
Path

😊 **Best**

Performer
Path





Worst Performer Path Program Criteria

Criteria for being considered a “reformed” environmental performer

- ↗ Have an “in-compliance” status for at least three consecutive years
- ↗ Cooperate with enforcement personnel to resolve violations as quickly as possible



Best Performer Path

Program Criteria (1)

Criteria for **staying** in the program

- ↗ Demonstration of continued compliance with all major environmental requirements during active membership

Criteria for **expulsion** from the program

- ↗ Violation of **any** major environmental requirement will result in suspension for a period of time proportional to the gravity of the violation



Best Performer Path- Program Criteria (2)

Criteria for **reintegration** into the program

- ☆ Resolution of all violations
- ☆ Demonstration of continued compliance with all major environmental requirements for at least three consecutive years prior to reintegration



Performer Path

Consequences of Changing Status

- ☹️ **Public expression of regret when performers slip**
 - 👎 Expulsion from the “Best”
 - 👎 Entry into the “Worst”
- 😊 **Publicly complementing performers for improving their status**
 - 👍 Reformed
 - 👍 Reintegrated

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Questions?

