



Using Performance Measures for Program Improvement

Amy Porter

Senior International Advisor

US Environmental Protection Agency

Office of Enforcement and Compliance Assurance

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Government Performance and Results Act (GPRA) of 1993 and 2010

Purpose – improve performance management in government agencies

- **five-year strategic plans** with mission statement and long-term, results-oriented goals
- **annual performance plans** that establish the performance goals for the applicable fiscal year, a brief description of how these goals are to be met, and a description of how these performance goals can be verified.
- **annual performance reports** that review the agency's success or failure in meeting its targeted performance goals. The performance goals must cover each program activity made in the agency budget



EPA Strategic Plan 2022-2026

- **EPA Mission** - To Protect Human Health and the Environment
- **EPA Principles**
 - Follow the Science
 - Follow the Law
 - Be Transparent
 - Advance Justice and Equity



EPA Strategic Plan 2022-2026 Goals

- Goal 1: Tackle the Climate Crisis
- Goal 2: Take Decisive Action to Advance Environmental Justice & Civil Rights
- ★ **Goal 3: Enforce Environmental Laws & Ensure Compliance**
- Goal 4: Ensure Clean & Healthy Air for All Communities
- Goal 5: Ensure Clean & Safe Water for All Communities
- Goal 6: Safeguard & Revitalize Communities
- Goal 7: Ensure Safety of Chemicals for People & the Environment



EPA Strategic Plan 2022-2026

Goal 3: Enforce Environmental Laws and Ensure Compliance

- **Objective 3.1:** Hold Environmental Violators and Responsible Parties Accountable

- **Long Term Performance Goal:** By September 30, 2026, reduce to not more than 93 the number of open civil judicial cases more than 2.5 years old without a complaint filed. (aka Referred with No Complaint Filed or RNCF)



Identifying the Problem

Problem: The time between EPA determining that a violation occurred, and the correction of that violation creates opportunities for:

- Uncorrected violations that present risks to human health and the environment
- Uncertainty for the regulated entity



Establishing the Long Term Goal

- The original request was to reduce the time between inspection and the facility returning to compliance, but this includes activities outside of EPA control (i.e. when the facility returns to compliance.)
- EPA enforcement staff examined the enforcement process to identify which components the government is in control of and made that the focus of the goal



Civil Judicial Enforcement Process

1. Select Target

2. Compliance Monitoring

3. Review Inspection Report/Make Finding of Violation

4. Refer to DOJ for Judicial Action

5. Negotiate Terms of Consent Decree

6. File Complaint

7. Implement CD/Return to Compliance

EPA influences/controls # 1-5

DOJ influences/controls # 5-6

Defendant influences/controls # 7

RNCF Measure Steps 4-6



Developing a Measure to Achieve the Goal

- We established a measure with a quantitative target to reduce the number of cases that were referred to the Department of Justice more than 2.5 years ago and have not had a formal complaint filed in a court. Important because: 1) referrals are one of EPA's most effective enforcement tools, 2) the government controls this process, and 3) EPA is able to track this.
- A negative trend (i.e., reduction in time of cases referred with no complaint filed) means that the program is making progress in more quickly returning violators to compliance.



Data Needed To Measure Results

- Baseline: The baseline in 2018 represented all open civil judicial cases referred with no complaint filed for more than 2.5 years
- Monthly number of HQ and regional cases greater than 2.5 years



Strategies for Achieving the Goal

We identified several activities to reduce the number of cases referred with no complaint filed:

- **database clean up** - a number of cases were not updated in the data system
- **management level discussion** of these cases at monthly “docket reviews” (discussion of ongoing cases) including identifying common reasons for delay & developing plans to address them
- **data analysis** – identification of cases that are approaching the 2.5-year mark and efforts to prevent them from reaching the 2.5-year mark



Results to Date

- Currently, the number of open civil judicial cases more than 2.5 years old has been reduced by approximately 50%
- Fluctuations in total number of these cases happen due to workload and case complexity
- Overall performance improvement has been very successful



Thank you!