



APPENDIX A

Analysis of EPA's Planned Compliance Assistance Activities in FY 2005

(FY 2005 data reported as of 10/18/04)

Background

A primary goal of the U.S. EPA is to address environmental problems using all tools available to the Agency to bring about compliance with the federal environmental statutes. Compliance assistance (CA) is one of tools that EPA may use. EPA also supports the efforts of other organizations (e.g., state assistance programs, programs offered by trade associations) that provide compliance assistance to business, industry and government. Since Fiscal Year (FY) 2001, EPA has developed an annual Agency-wide plan and inventory of CA that Headquarters and Regional Offices intend to provide. The FY 2005 Plan, the fifth in this series, contains 292 planned CA activities.

For purposes of this plan and inventory, EPA has defined compliance assistance to include activities, tools or technical assistance that provides clear and consistent information for: (1) helping the regulated community understand and meet its obligations under environmental regulations; or (2) helping compliance assistance providers to aid the regulated community in complying with environmental regulations. Compliance assistance may also help the regulated community find cost-effective ways to comply with regulations and/or go "beyond compliance" through the use of pollution prevention, environmental management practices, and innovative technologies, thus improving their environmental performance. To be categorized as a compliance assistance project or activity, at least one objective must be related to achieving or advancing regulatory compliance.

The EPA's *Compliance Assistance Activity Plan and Inventory* has several purposes. Internal to EPA, the plan enables EPA Headquarters and Regional Offices to coordinate and focus compliance assistance resources on significant environmental problems. External to EPA, the plan may assist other environmental regulators (e.g., state, local, tribal governments), and other compliance assistance providers (e.g., Small Business Assistance Programs) in deciding how to use their CA resources, avoid duplication, and/or complement EPA's efforts. Regulated entities (e.g., industry, federal facilities) can also use project-level information in the plan to learn about and take advantage of upcoming CA opportunities.

EPA's Integrated Compliance Information System (ICIS) and FY 2005 CA Data

FY 2005 began on October 1, 2004. As of October 18, 2004, the FY 2005 plan and inventory includes 292 compliance assistance activities that EPA intends to undertake this fiscal year. This total represents a 30% decrease compared to 415 CA activities planned in FY 2004, in part due to the introduction of a new database including new or revised data fields for capturing CA data. The CA portion of ICIS replaces an older database that EPA used to create the annual *CA Activity Plans* from FY 2001 through FY 2004.

The new CA portion of ICIS database offers many new capabilities compared to older data systems. It allows EPA offices both to plan and track results from assistance activities in an integrated fashion, and has other important features: 1) easy-to-generate reports about of commitments, accomplishments, outputs and outcomes for Government Performance and Results Act (GPRA)

purposes, or for internal program management purposes at the Headquarters and /or Regional levels; 2) data entered about planned CA activities is linked in such a way that subsequent data entry about results is significantly reduced; and 3) consistent data standards offered by ICIS will improve the quality of measurement data about the outputs and outcomes of assistance programs in future years.

In the short run, however, the newness of the system, i.e., the new authorities and approvals needed to access the system, the new processes used to enter data, and the new or modified data fields, appear to have decreased both the number of organizations entering CA planning data and the amount of data entered. For example, only two of seven Headquarters Offices entered FY 2005 data. EPA's Office of Compliance (OC) recognizes that additional contacts, publicity and training are needed particularly to encourage Headquarters Offices (e.g., Office of Air and Radiation, Office of Water, Office of Environmental Information) to enter information on CA activities planned for FY 2006 and thereafter.

Analysis of FY 2005 CA Planning Information

OC has analyzed and summarized key aspects of ICIS data to present a national picture of compliance assistance planned for FY 2005. Tables 1 through 8 below summarize important aspects of the plan. Because some data fields and/or the types of responses in ICIS differ from those used in prior years, some data elements in ICIS cannot be compared to previous years' CA planning data, or vice versa. Therefore, OC has adapted the analyses in *Appendix A* and also in *Appendix B*, following, to reflect the new contents of ICIS. Footnotes in several places explain these changes.

- Table 1: Distribution of Planned Compliance Assistance Activities by EPA Organization for FY 2005
- Table 2: Types of Compliance Assistance Activities Planned for FY 2005
- Table 3: Top Five Sectors Addressed by FY 2005 Planned Compliance Assistance Activities
- Table 4: Agency Priorities Addressed by FY 2005 Planned Compliance Assistance Activities
- Table 5: EPA Statutes Addressed by FY 2005 Planned Compliance Assistance Activities
- Table 6: Additional Agency Purposes Addressed by FY 2005 Planned Compliance Assistance Activities Planned
- Table 7: Measurement Results Expected from FY 2005 Planned Compliance Assistance Activities
- Table 8: Recipients of EPA's Financial Assistance for Compliance Assistance Activities in FY 2005

**Table 1: Distribution of Planned Compliance Assistance Activities by
EPA Organization for FY 2005¹**

In FY 2005, EPA's Regional Offices will provide 84% the CA activities planned, while Headquarters Offices will provide 16%. This relative proportion is similar to previous years, although only two of seven Headquarters Offices entered data for FY 2005. Among Regional Offices, Regions 6 and 10 reported 60 and 62 planned activities, respectively, followed by Region 2 with 49.

Lead Headquarters Program Office	Number of Responses	Percentage of Responses (%)	Lead Regional Office	Number of Responses	Percentage of Responses (%)
OAR	None	0%	Region 01	6	2%
OECA	26	9%	Region 02	49	18%
OEI	None	0%	Region 03	17	6%
OPEI	None	0%	Region 04	25	8%
OPPTS	None	0%	Region 05	11	4%
OSWER	21	7%	Region 06	60	21%
OW	None	0%	Region 07	14	5%
Total	47	16%	Region 08	0	0%
			Region 09	1	0%
			Region 10	62	21%
			Total	245	84%

Key: OAR - Office of Air and Radiation
 OECA - Office of Compliance and Enforcement
 OEI - Office of Environmental Information
 OPEI - Office of Policy, Economics and Innovation
 OPPTS - Office of Pollution Prevention and Toxics
 OSWER - Office of Solid Waste and Emergency Response
 OW - Office of Water

Source: CA Planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

Total Records: 292
 Total Number of Responses: 292 (Response Rate: 100%)
 Total Number of Responses (lead Headquarters): 47 (16% of the total records)
 Total Number of Responses (lead Regions): 245 (84% of the total records)

¹EPA offices are encouraged to enter all planned CA activities for each fiscal year. Each office has wide discretion in how the planned CA activities are grouped and reported in records in the ICIS database. For example, an individual record may describe a specific set of workshops on a given CA topic, or a record may describe an entire project consisting of several different types of planned CA activities (e.g. development of a CA tool, development of training materials and the conduct of workshops related to that new tool). Given the wide discretion in grouping and reporting activities, care must be taken when comparing the number of "activities" reported, versus "records" entered by each organization, versus the "number of responses" selected in each record. Within this report, the term "planned CA activities" usually refers either to the number of records entered or the number of responses selected, depending on the topic being analyzed.

Table 2: Types of Compliance Assistance Activities Planned for FY 2005

The ICIS database expanded and refined the types of CA activities that EPA Regions and Headquarters Offices could report in the FY 2005 plan, including, for the first time, “Outreach Distributed” and “Ongoing Facility Specific Work.” Under this new structure, the most frequent type of CA planned for FY 2005 is “**Outreach Distributed**” (46%). This type of CA includes both outreach targeted to specific audiences and outreach to the general public about CA opportunities. “**Workshops/Trainings**” and “**Presentations/Meetings**” combined account for 38% of planned CA activities for FY 2005. Together with “Outreach Distributed” these three types of CA account for more than 80% of planned activities.

General Category	Number of Responses	Percentage of Responses (%)
Tools Developed*	84	19%
Workshops/Trainings	92	21%
Presentations/Meetings	74	17%
Outreach Distributed**	135	46%
Targeted	(107)	(25%)
Public	(28)	(6%)
On-Site Assistance	38	(9%)
Facility Visit***	(34)	(8%)
Facility Re-visit	(4)	(1%)
Ongoing Facility Specific Work	10	2%
Total	433	100%

Source: CA Planning data from EPA’s Integrated Compliance Information System, (ICIS) as of October 18, 2004

* “Tools Developed” are guidance documents, fact sheets, web pages, or case studies. Tools can be transferred from one Region/State to another. They can be developed as part of a grant/contract or in partnership with another provider. Tools are not: graphs, charts, papers directed to one facility/tribe/local government.

** “Outreach Distributed” includes materials distributed to an audience of interest such as a mailing to a trade association. It also includes materials distributed to a more general audience such as public service announcements, newspaper articles, information handed out or a video shown at a home and garden show.

*** “Facility Visit” includes an on-site visit where the primary purpose is to provide assistance (e.g., educate and help facilities, tribes, or local governments with their environmental requirements).

Total Activity Records: 292

Total Individual Compliance Assistance Activity Types selected (Total Responses): 433

Total Number of Records with Multiple Responses²: 75

² There are a total of 292 CA planning records. Seventy-five (75) records report more than one compliance assistance activity type is planned, resulting in multiple activities reported for these 75 records. Hence, the “Total Responses” (433) reflects this double-counting.

**Table 3: Top Five Sectors Addressed by FY 2005
Planned Compliance Assistance Activities**

Compliance assistance activities planned by EPA Regions and Headquarters Offices address numerous business, industry and government sectors. The most frequently addressed sectors are **federal, state and local governments (46), federal facilities (35), tribes (23), healthcare (20)** and **schools (15)** for a total of **139 planned CA activities**.

Sector*	Number of Responses
Federal/State/Local (general)	46
Federal Facilities	35
Tribes	23
Healthcare	20
Schools	15
Total	139

Source: CA planning data from the Integrated Compliance Information System (ICIS), as of October 18, 2004

*Sector: for purposes of identifying the top five sectors shown in this table, "sector" was determined by a manual review of two ICIS data fields, "CA Activity Title" and "Activity Description." Sectors named in these two ICIS data fields, excluding the sector, "General Public," were tallied by hand to produce the top five sectors shown in this table.

Total Records: 292

Total Individual Sectors selected (Total Responses): 232

Total Number of Records with Multiple Responses³: 32

³ There are a total of 292 CA Planning records. Thirty-two (32) records report more than one sector addressed, and this results in some double-counting.

**Table 4: Agency Priorities Addressed by
FY 2005 Planned Compliance Assistance Activities ⁴**

In FY 2005, EPA Regions and Headquarters Offices report **one hundred (100)** planned CA activities address either National OECA Priority and/or Regional Priority.

Agency Priority	Number of Selections
National OECA Priority	50
Regional Priority	50
Total	100

Source: CA Planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

Changes in ICIS CA Reporting for FY 2005: The ICIS database changed the way EPA Regions and Headquarters Offices could report how planned CA activities address Agency priorities for FY 2005. By combining activities that address the "core" program and program "priority" of Headquarters Offices into one new category, the data reported are not comparable to the two categories shown above in Table 4, and are not shown in the table.

Total Activity Records: 292
 Total Number of Records with a Response: 154
 Number of Records with Multiple Responses:⁵ 26

- Key:**
- OAR - Office of Air and Radiation
 - OECA - Office of Enforcement and Compliance Assurance
 - OPPTS - Office of Prevention, Pesticides and Toxic Substances
 - OSWER - Office of Solid Waste and Emergency Response
 - OW - Office of Water

⁴ Headquarters or Regions reported 90 planned CA activities that address the "Other Program (OAR, OW, OSWER) Core/Priority", and 161 planned CA activities address the "National OECA Core" program.

⁵There are a total of 292 CA planning records. Twenty six (26) records report more than one priority addressed, and this results in some double-counting.

Table 5. CA Planned in FY 2005 Related to Different EPA Statutes

CA activities planned for FY 2005 support environmental requirements under all of EPA's major statutes. The table below lists these in order of frequency. The most frequently addressed are as follows: the **Clean Water Act (CWA)** accounts for **20%** of planned CA activities; the **Clean Air Act (CAA)** accounts for **18%**; and the **Resource Conservation and Recovery Act (RCRA)** accounts for **18%**.

Statute	Number of Responses	Percentage of Responses (%)
CWA	100	20%
CAA	92	18%
RCRA	92	18%
TSCA	58	12%
EPCRA	55	11%
FIFRA	55	11%
SDWA	35	7%
CERCLA	16	3%
MERC	4	1%
MPRSA	1	<1%
Total	508	100%

Total Activity Records: 292

Total Number of Records with a Response: 292 (Response Rate: 100%)

Total Number of Selections: 508

Number of Records with Multiple Responses⁶: 66

Key

- CWA - Clean Water Act
- CAA - Clean Air Act
- RCRA - Resource Conservation and Recovery Act
- TSCA - Toxic Substances Control Act
- EPCRA - Emergency Planning and Community Right to Know Act
- FIFRA - Federal Insecticide, Fungicide and Rodenticide Act
- SDWA - Safe Drinking Water Act
- CERCLA - Comprehensive Emergency Response and Liability Act
- MERC - abbreviation for Mercury
- MPRSA - Marine Planning, Research and Sanctuaries Act

⁶There are a total of 292 CA planning records. Sixty six (66) records report more than one statute addressed, and this results in some double-counting.

**Table 6: Additional Agency Purposes Addressed
by FY 2005 Planned Compliance Assistance Activities Planned⁷**

Activities planned by EPA Regions and Headquarters may serve several Agency purposes and/or objectives of the Office of Enforcement and Compliance Assurance (OECA). The most frequently reported additional purpose was **52 CA activities planned** as “**Part of an Integrated Strategy.**” This means that the planned CA is part of an approach or strategy that may combine compliance assistance, compliance monitoring, enforcement and/or compliance incentives to address an environmental problem. Next most frequently addressed is “**Training Other Providers**” with **30 CA activities planned.**

Additional Purpose of Planned Activity	Number of Responses	Percentage of Responses (%)
Audit	8	4%
Conduct Baseline/Data Collection	11	6%
Economically Significant Regulations	3	2%
Environmental Management Review (Federal Facilities)	9	5%
Environmental Management Systems Review	12	7%
P2 Assessment Activity	11	6%
Part of an Integrated Strategy	52	29%
Pilot Activity/Project/Tool	15	8%
SBREFA Regulations	1	<1%
Small Business Compliance Policy Initiative	12	7%
Training Other Providers	30	17%
Voluntary Programs	16	9%
Total	180	100%

Source: CA planning data from EPA’s Integrated Compliance Information System, (ICIS) as of October 18, 2004.

Total Records: 292

Total Number of Records with a Response (Total Responses): 180

Total Number of Records with Multiple Responses⁸: 29

Key:

OECA - Office of Enforcement and Compliance Assurance

P2 - Pollution Prevention

SBREFA - Small Business Regulatory Enforcement and Fairness Act

⁷ “Additional Purpose Addressed” is a new data field in the ICIS database. This data field offers additional opportunities for reporting about which Agency goals and/or OECA objectives a planned CA activity addresses.

⁸There are a total of 292 CA planning records. Twenty nine (29) records report more than one additional purpose addressed, and this results in some double-counting.

**Table 7: Measurement Results Expected from FY 2005
Planned Compliance Assistance Activities**

EPA continues to build its capacity for, and methods of, measuring the impact of compliance assistance in addressing environmental problems. The FY 2005 Plan indicates that EPA intends to measure the impact of 44% of CA activities.

Measurement Expected	Number of Responses	Percentage of Responses (%)
Yes	129	44%
No	163	56%
Total	292	100%

Source: CA Planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004

Total Activity Records: 292

Total Number of Records with a Response (Total Responses): 292

Total Number of Records with Multiple Responses: None

Table 8: Recipients of EPA’s Financial Assistance for Compliance Assistance Activities for FY 2005

Through grants, contracts and other types of agreements, EPA funds a portion of the CA activities of a few states and other CA providers. Such activities represent about 10% of the total CA activities reported in the FY 2005 Plan, about 6% less than FY 2004.

Recipients of EPA Financed Activities	Number of Responses	Percentage of Responses (%)
Academic/University	2	< 1%
Environmental Justice or Community groups	0	0%
Environmental Group	1	<1%
Federal Department or Agency	1	<1%
Federally Recognized Indian Tribes*	0	0%
Industry Trade Association	0	0%
Local Government	2	<1%
Nonprofit Organization	8	3%
State/State Program	12	4%
Tribal Association or Organization	4	1%
Total	30	10%

Source: CA planning data from EPA’s Integrated Compliance Information System, (ICIS) as of October 18, 2004

* EPA provides grants to several “Federally Recognized Indian Tribes” that support CA activities. The lack of data for this option represents under-reporting in ICIS for FY 2005, and is attributed, in part, to the newness of the data system and certain limitations on how to report this data.

Total Activity Records: 292

Total Number of Records with a Response (Total Responses): 30 (Response Rate: 10 %)

APPENDIX B

Comparisons of U.S. EPA's CA Activities Planned for Fiscal Years 2001 through 2005

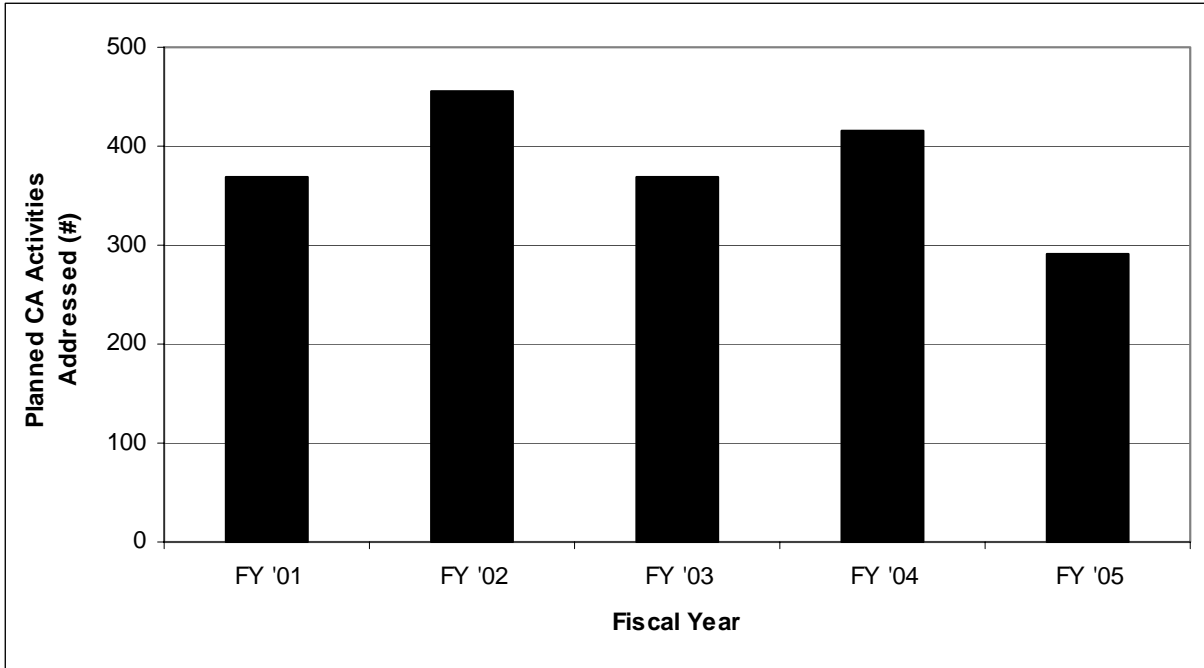
The U.S. EPA Office of Compliance (OC) within the Office of Enforcement and Compliance Assurance (OECA) has completed five annual compliance assistance activity plans, beginning in FY 2001. *Appendix B* contains bar charts and tables that compare data selected from five fiscal years (FY 2001 - FY 2005⁹). Because some CA planning data fields and/or the types of responses used in the new database, ICIS, in FY 2005 differ from those used in prior years, some data elements cannot be compared to previous years' data, or vice versa. Therefore, OC has adapted the analyses in *Appendix B* to reflect the new data fields. Footnotes in this appendix explain those changes.

- B-1: Comparison of Total CA Activities Planned for Fiscal Years 2001 through 2005
- B-2a: Comparison of the CA Activities Planned by EPA Headquarters Program Offices for Fiscal Years 2001 through 2005
- B-2b: Comparison of the CA Activities Planned by EPA Regional Offices for Fiscal Years 2001 through 2005
- B-3: Comparison of Planned CA Activities Supporting Agency Priorities for Fiscal Years 2003, 2004 and 2005
- B-4: Trends in Measurement Planned for CA Activities for Fiscal Years 2003, 2004 and 2005

⁹The FY 2005 data on planned compliance assistance activities are preliminary and may change depending on the final budget EPA receives from Congress for FY 2005.

B-1: Comparison of Total CA Activities Planned, FY 2001 through FY 2005

The total number of CA activities planned has gone up and down FY 2001 to FY 2005. The highest number (455) was reported in FY 2002; the lowest number (292) was reported in FY 2005. The decrease in FY 2005 reporting is due, in part, to the newness of the CA portion of the ICIS data system that EPA introduced in February 2004.



Planned CA Activity	FY '01 ¹	FY '02		FY '03		FY '04		FY '05	
	# of Res*	# of Res*	% of Total	# of Res*	% of Total	# of Res*	% of Total	# of Res*	% of Total
New	NA	165	36	106	29	143	34	NA	NA
Ongoing	NA	290	64	248	67	256	62	NA	NA
No Response*	NA	0	0	15	4	16	4	NA	NA
Total Responses	NA	455	100	354	100	399	100	NA	NA
Total Records	368	455	NA	369	NA	415	NA	292	NA

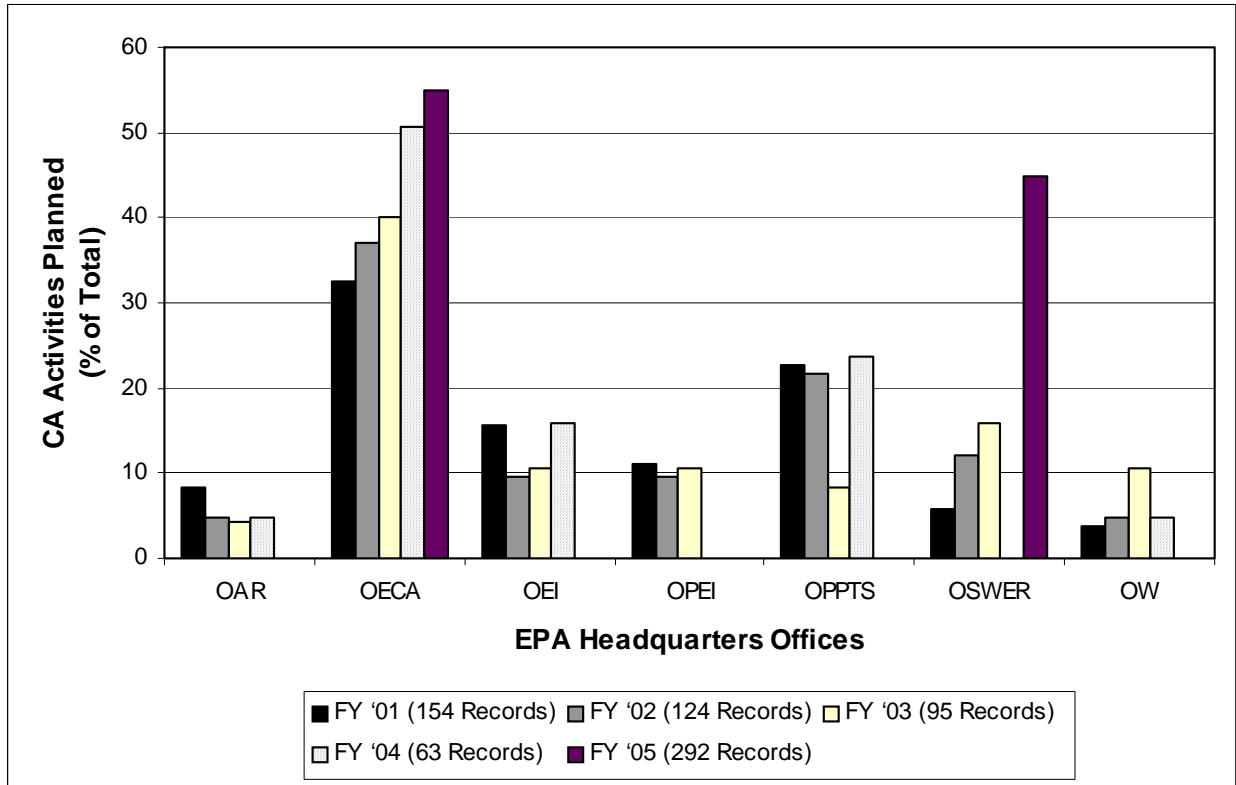
Source: CA planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

* Res = Responses

% = Percentage of total records entered for each fiscal year.

**B-2a: Comparison of the CA Activities Planned by EPA Headquarters Program Offices,
FY 2001 through FY 2005**

Reporting by Headquarters offices has declined over the five year period. For Fiscal Years 2001, 2002 and 2003, all seven Headquarters Offices with compliance assistance responsibilities reported planned CA activities. This number dropped to five offices in FY 2004, and dropped to 2 offices (OECA and OSWER) reporting in FY 2005. The decrease in reporting this year is attributed, in part, to the introduction of the new CA portion of ICIS data system. Over the five year period, OECA has been the EPA Headquarters Office consistently reporting the largest percentage of planned CA activities each year.



EPA Office	FY '01		FY '02		FY '03		FY '04		FY '05	
	# of Res*	% of Total	# of Res	% of Total	# of Res	% of Total	# of Res	% of Total	# of Res	% of Total
OAR	13	8	6	5	4	4	3	5	0	0
OECA	50	32	46	37	38	40	32	51	26	55
OEI	24	16	12	10	10	11	10	16	0	0
OPEI	17	11	12	10	10	11	0	0	0	0
OPPTS	35	23	27	22	8	8	15	24	0	0
OSWER	9	6	15	12	15	16	0	0	21	45
OW	6	4	6	5	10	11	3	5	0	0
Total	154	100	124	100	95	100	63	100	47	100

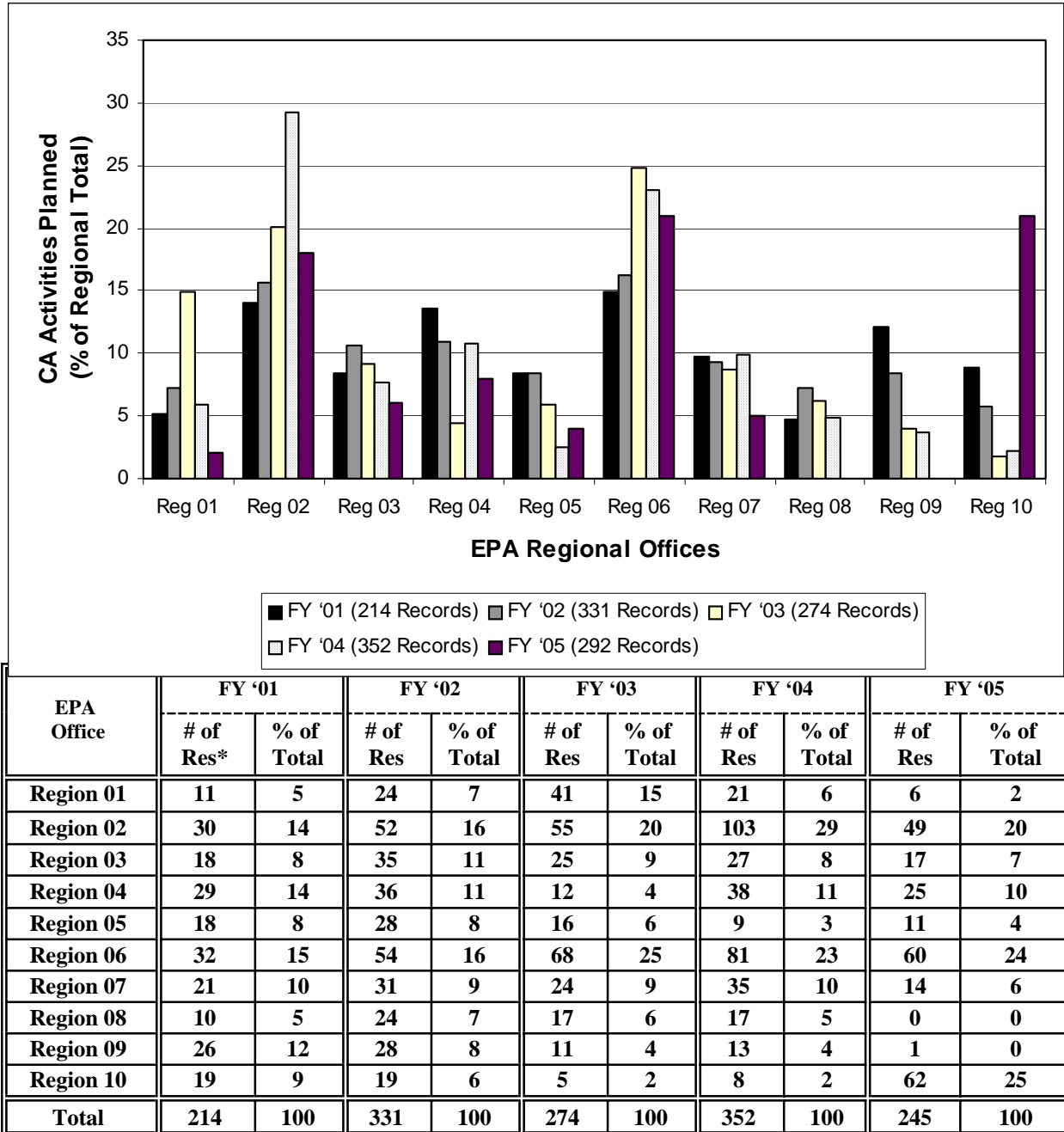
Source: CA planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

* Res = Responses

% = Percentage of total records entered by Headquarters Offices for each fiscal year.

**B-2b: Comparison of the CA Activities Planned by EPA Regional Offices,
FY 2001 through FY 2005**

Overall Regional reporting decreased by about 30% between FY 2004 and FY 2005, with nine of ten EPA Regional Offices reporting. Regions 2, 6 and 10 together account for 60% of the Regional total in FY 2005, with Region 10 showing a major increase in reported activities (62).



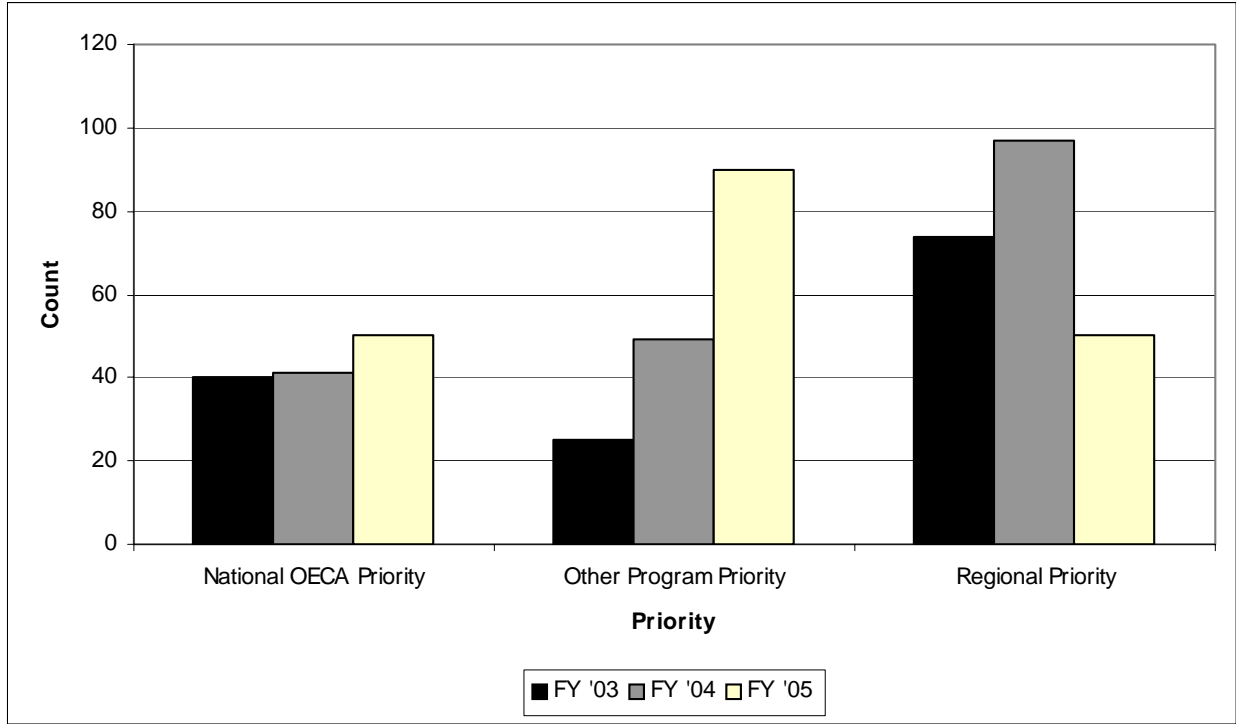
Source: CA planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

* Res = Responses

% = Percentage of total records entered by Regions for each fiscal year.

**B-3: Comparison of Planned CA Activities Supporting Agency Priorities
for FY 2003 through FY 2005**

One hundred (100) of the 292 planned CA activities reported for FY 2005 support either an EPA national enforcement and compliance assurance priority and/or a regional priority. Because this data field changed significantly in FY 2005 in ICIS, it is not possible to compare 2005 data to earlier years; hence, those data are excluded from this analysis.



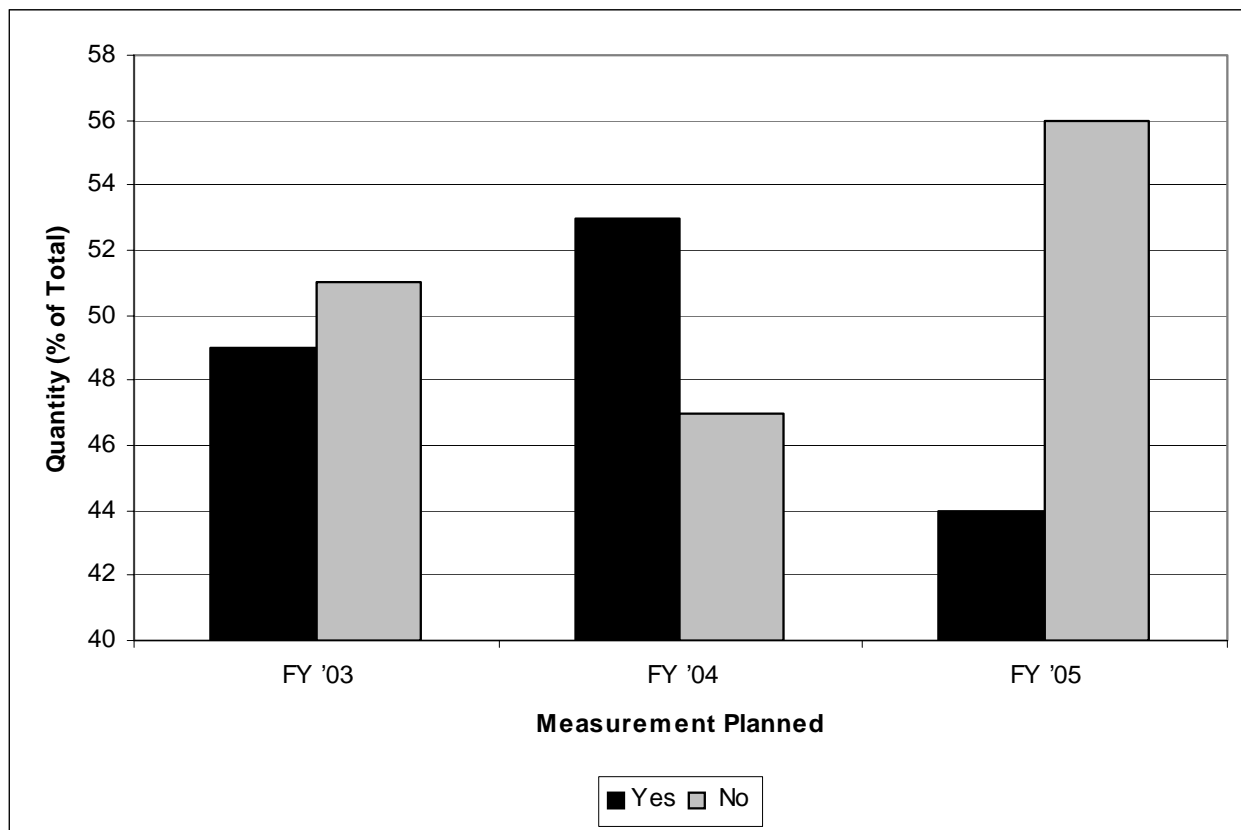
Agency Priority	FY '03		FY '04		FY '05	
	# of Responses	% of Total	# of Responses	% of Total	# of Responses	% of Total
National OECA Priority	40	26	41	20	50	NA
Other Program (OAR, OW, OPPTS, OSWER) Priority	25	17	49	24	NA	NA
Regional Priority	74	49	97	48	50	NA
Total of Agency Priorities	151	100	203	100	100	NA

Source: CA planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

Note: This data field was first added in FY 2003 to the older Compliance Assistance Planning Database (CAPD); therefore no data on this topic were collected in CAPD before FY 2003. Then, the new ICIS database redefined this data field for FY 2005, providing different responses than in previous years. As a consequence, some FY 2005 ICIS data are not comparable to FY 2003 and FY 2004 data and are not shown in this table.

B-4: Trends in Measurement Planned for CA Activities for FY 2003 though FY 2005

The number of CA activities for which EPA is planning some type of impact measurement is 129. This represents a 9% decrease in planned measurement activities, compared to FY 2004. The decrease is due in part to changes in the way that ICIS captures data on this topic. Regions responded to these changes by entering “Yes” only for those activities for which they had a very high degree of certainty that they had the resources and could measure the impact of a particular planned CA activity.



Measurement Expected	FY '03		FY '04		FY '05	
	# of Responses	% of Total	# of Responses	% of Total	# of Responses	% of Total
Yes	182	49	221	53	129	44
No	187	51	194	47	163	56
Total	369	100	415	100	292	100

Source: CA planning data from EPA's Integrated Compliance Information System, (ICIS) as of October 18, 2004.

Note: This data field was first added in FY 2003 to the older Compliance Assistance Planning Database (CAPD); therefore no data about this topic were collected prior to FY 2003. Then, the new ICIS database redefined this data field for FY 2005. As a consequence, the FY 2005 data are not strictly comparable to the FY 2003 and FY 2004 data.