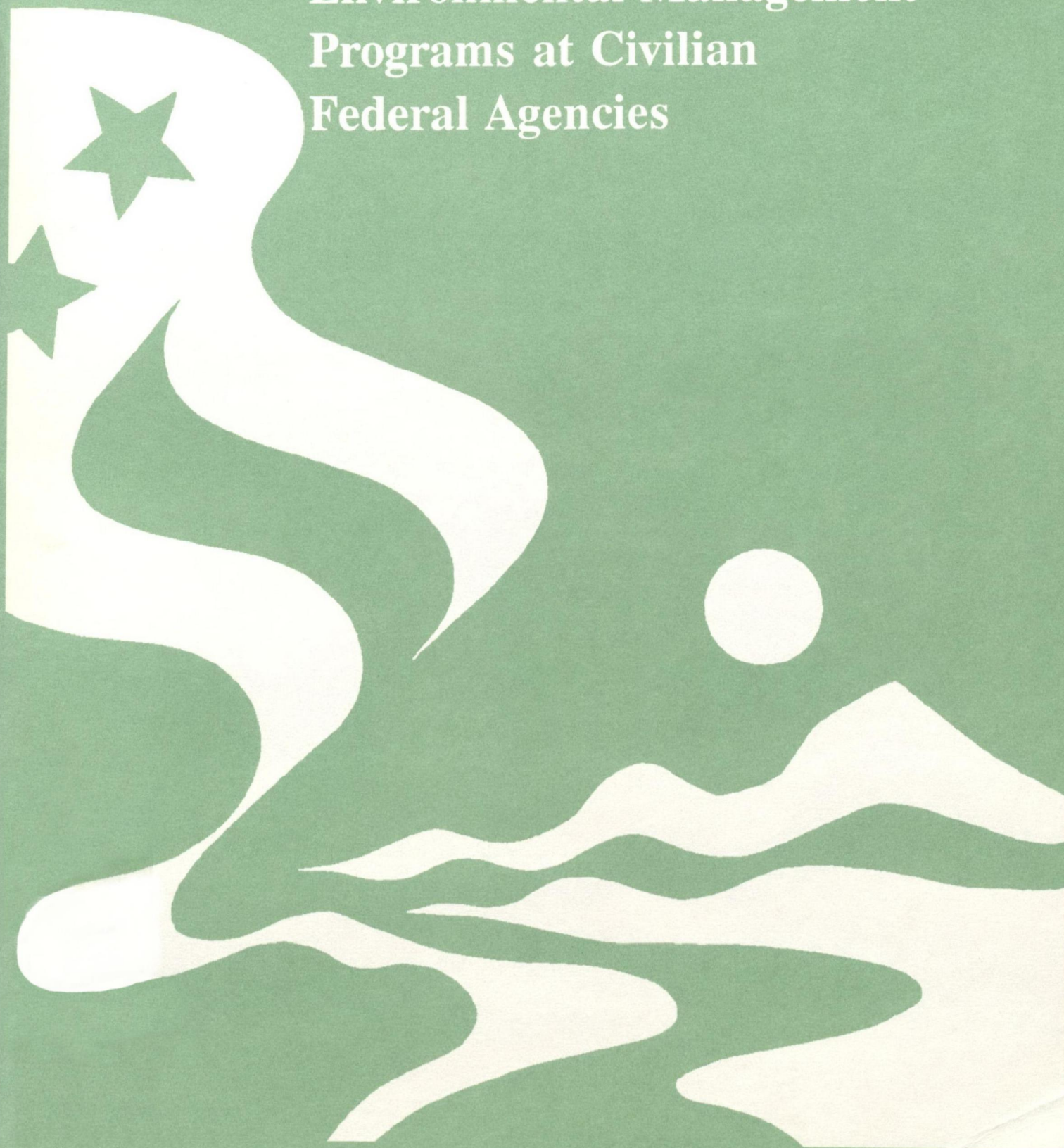




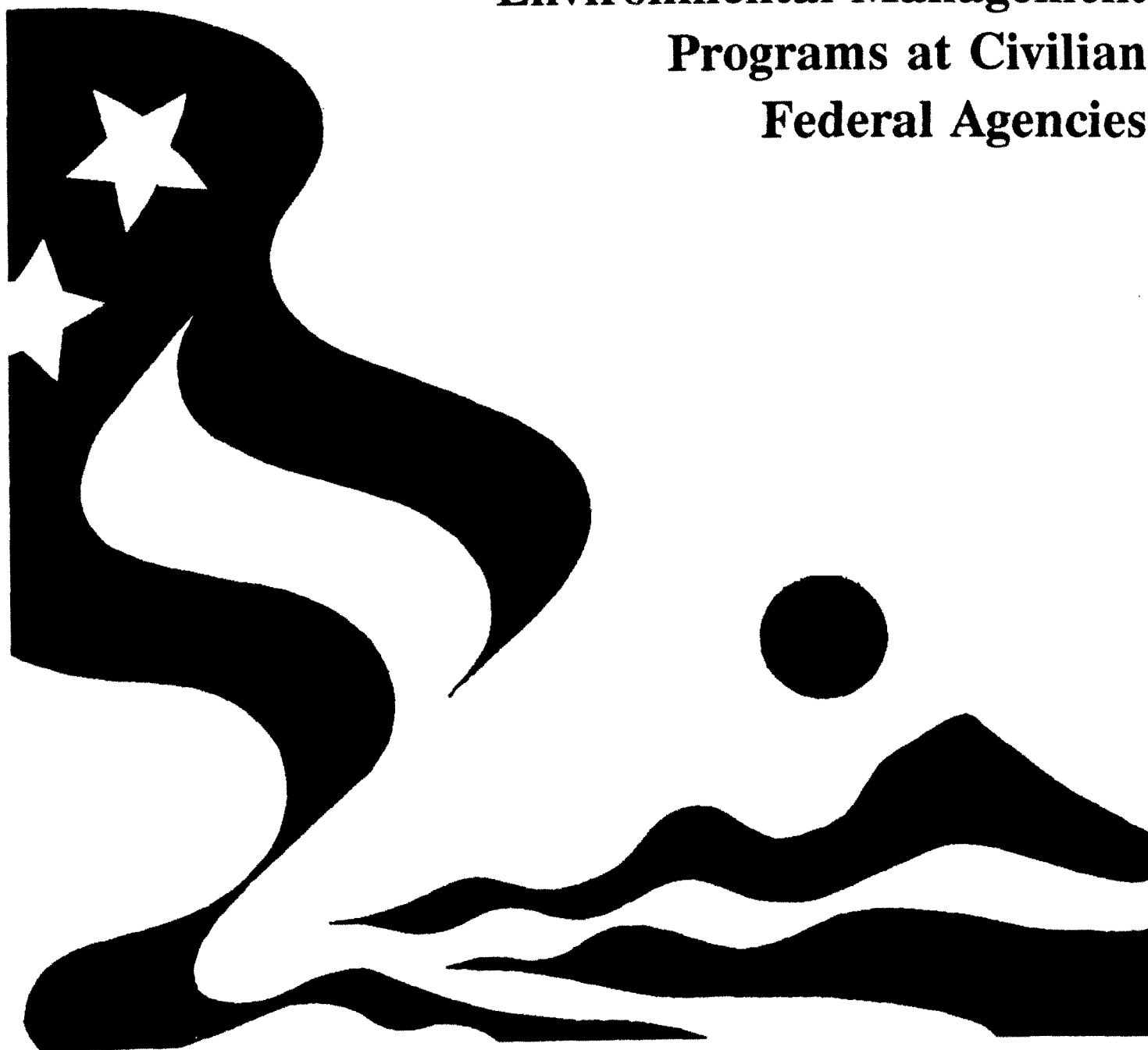
# Strategy for Improving Environmental Management Programs at Civilian Federal Agencies



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**Strategy for Improving  
Environmental Management  
Programs at Civilian  
Federal Agencies**





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

NOV 21 1995

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

Dear Colleague,

Federal agencies find themselves in the midst of a variety of new environmental management responsibilities and reporting requirements. All of this comes at a time when budgets are increasingly constrained and resources pared to a minimum. All the more important, then, is a careful assessment of where the most urgent needs are, how existing resources can be better deployed to meet these needs, and how federal agencies and EPA can work together to achieve higher levels of environmental quality.

The enclosed document, *Strategy for Improving Environmental Management Programs at Civilian Federal Agencies*, provides such an assessment. The document is the product of the Civilian Federal Agency Task Force, convened in 1992 and 1993 to address the problems faced by civilian federal agencies (non-DOD, non-DOE) in meeting their environmental challenges. Membership on the Task Force includes representatives from the Departments of Agriculture, Commerce, Health and Human Services, Interior, Justice, Transportation, Treasury, and Veterans Affairs, the Central Intelligence Agency, Environmental Protection Agency, General Services Administration, National Aeronautics and Space Administration, National Science Foundation, National Security Agency, U.S. Postal Service, and Tennessee Valley Authority. The document itself was prepared by EPA's Federal Facilities Enforcement Office as the chair of the Task Force; it has been reviewed by all members of the group.

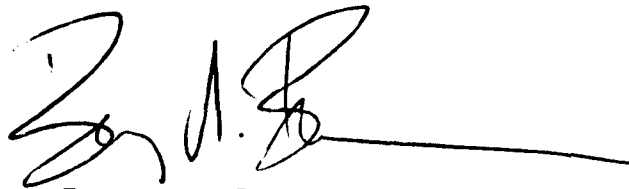
As the strategy notes, despite efforts on the part of some agencies to redefine their missions to include environmental stewardship, most civilian federal agencies still lag considerably behind the environmental performance curve. Six areas of need are identified in this report as the most significant areas of deficiency. Recommendations developed by the Task Force to improve these deficiencies range from the simple -- providing agency points of contacts with an EPA Headquarters telephone directory -- to the more difficult, such as developing compatible, automated systems to track compliance status and maintain environmental documentation. These recommendations are listed in Chapter 2. Short-term measures are discussed in Chapter 3, and longer-term efforts are detailed in



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Chapter 4. The Task Force's recommendations address EPA as well as other federal agencies. Out of 31 recommendations, 21 call for EPA action.

We are all encouraged by the increasing attention that many federal agencies are giving to environmental issues. Civilian federal agencies represent a tremendous potential for environmental excellence and a proactive approach to environmental management. With coordination and effective exchange of information, the resources and talents of federal agencies can be marshalled to provide the source of leadership in environmental management which the President has called on us to provide. This strategy can help us, individually and as a federal community, use our resources more efficiently, prioritize our efforts, and make the goal of federal environmental leadership a reality.

A handwritten signature in black ink, appearing to read 'B. N. Breen', with a long horizontal line extending to the right.

Barry N. Breen  
Director  
Federal Facilities Enforcement Office

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## RELATED DOCUMENTS

*Civilian Federal Agency Environmental Program Needs Analysis*, Final Report.  
November 1993.

CFA Work Group Reports, December 1993.

EPA Region 6 Environmental Program Review Process.

Environmental Program Review Survey Results.

Overview of EQIP Initiative at Region 6; Memorandum of Understanding  
Between EPA Region 6 and Tinker Air Force Base

**These documents are available from:**

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**These documents can also be accessed electronically on a PC computer through the  
FFLEX Bulletin Board System, available on EPA's EnviroSense Environmental Information  
System. EnviroSense is accessible via modem at 703-908-2092 (modem settings 8, N, 1,  
emulation VT-100 or ANSIBBS) and via the Internet (World Wide Web) at:  
<http://wastenot.inel.gov/envirosense>**



# **STRATEGY FOR IMPROVING ENVIRONMENTAL MANAGEMENT PROGRAMS AT CIVILIAN FEDERAL AGENCIES**

## **Executive Summary**

### **Purpose**

This document addresses the environmental needs and potential for improvement at civilian federal agencies.<sup>1</sup> The strategy is the product of the Civilian Federal Agency Task Force, convened in 1992 and 1993 to address the problems faced by federal agencies in meeting their environmental challenges. This document was prepared by EPA's Federal Facilities Enforcement Office (FFEO) as the chair of the Task Force; it has been reviewed by all members of the group.

### **Background**

Recent legislative and executive actions have placed additional legal requirements and reporting responsibilities on federal agencies and have focused attention on their environmental performance. Despite efforts on the part of some agencies to redefine their missions to include environmental stewardship, most CFAs are lagging considerably behind the environmental performance curve and may be responsible for significant cleanup and compliance problems that have not yet received adequate attention. As one example, EPA has determined that between 400 and 500 contaminated sites are owned or operated by 16 CFAs. These sites vary from major research laboratories and illegal drug operations seized by the Drug Enforcement Agency to landfills and mines owned by the Departments of Interior and Agriculture.

CFAs often lack the infrastructure, budget, and technical expertise to effectively manage environmental problems. Resource limitations may force many agencies into a reactive -- rather than proactive -- posture on environmental compliance. Nor are CFAs as closely monitored for compliance by EPA or the states as are the Departments of Defense and Energy. For example, although 56 percent of the federal facilities that EPA

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<sup>1</sup> Civilian federal agencies (CFAs) include all federal departments and agencies other than the Department of Defense and the Department of Energy.

Defense and Energy. For example, although 56 percent of the federal facilities that EPA tracks in its database are owned or operated by civilian agencies, in FY 1994, only 0.4 percent of all CFA facilities were inspected by EPA (38 out of 8,848).<sup>2</sup> Meanwhile, the percentage of CFA facilities among all federal facilities with RCRA Class I violations increased from 13 to 24 percent between FY 1993 and FY 1994.

At the heart of the problem is the failure of many smaller federal agencies to embody environmental compliance in systems that get their employees' attention, such as management commitment, reward systems, or personnel performance evaluation criteria. As a result, when hazardous waste contamination or violations of environmental statutes do occur, these agencies are more likely to produce an inappropriate response to the problem. This in turn compromises the personal liability of the agency's employees and the compliance status of the agency and its facilities, and increases the potential for third party impairment or loss and associated legal complaints.

## Findings

A 1993 survey conducted by the Task Force received responses from 27 CFAs, confirming these problems:

- Over 80% of the CFAs reported that they have no formal compliance training program at either the regional or installation level for employees charged with ensuring agency compliance.
- 77% of the agencies reported that they have no training programs to foster the implementation of pollution prevention strategies as part of the agency's mission.
- Only 22% of the agencies reported having a formal award system that encourages environmental compliance among agency employees.

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<sup>2</sup> U.S. EPA, *The State of Federal Facilities: An Overview of Environmental Compliance at Federal Facilities, FY 1993-94*, November 1995.

- Only 40% of the CFAs have conducted a third-party assessment of the effectiveness of their agency's environmental management program in reducing violations and risks.
- 50% of respondents have not identified environmental liabilities from past operations or are only now in the process of developing a plan to do so.
- 50% of the agencies reported that they do not perform risk evaluations of environmental cleanup contractors prior to award, or that they did not know of such evaluations.
- Only one agency reported having an agency-wide system or database to ensure that proper records (e.g., waste manifests, biennial reports, permit status, etc.) are maintained and updated.

## Goals

As part of the development of a strategy to improve CFA environmental performance, the Task Force articulated the following overarching goals of this effort:

- Assist CFA environmental compliance and management programs in evolving to higher levels of performance by providing accelerated access to resources.
- Improve communications between EPA headquarters, EPA regions, federal agencies and facilities.
- Give federal agencies that have more experience and expertise (i.e., the Department of Defense and the Department of Energy) the opportunity to demonstrate leadership by sharing information and helping other agencies resolve environmental problems.
- Provide EPA with an opportunity to improve federal agency environmental management and compliance performance through technical assistance, compliance assistance, and outreach.

## Needs and Recommendations

The Task Force identified six areas of highest need for improving CFA environmental program management. These are outlined below, together with the Task Force's major recommendations for short-term and long-term action and, where applicable, EPA's commitments to actions that respond to the recommendations.

### (1) ENVIRONMENTAL MANAGEMENT TRAINING

Inadequate training and a shortage of on-board expertise in environmental management are key impediments to compliance. What training programs do exist are not well publicized and are frequently inadequate or duplicative across federal agencies.

#### Recommendations:

- CFAs should promote joint training opportunities across agencies.
- CFAs should identify and publicize training resources available within individual agencies. These resources include training programs, listings of qualified instructors, and training facilities.
- Specific training deficiencies identified in the CFA Needs Analysis Report should be addressed. These include training relative to regulatory affairs and policy development, generic environmental management training, and environmental compliance and contract management.
- Each CFA must find internal support for establishing mature environmental compliance training programs. Specifically, each agency must address how to establish formal compliance training systems, keep employees informed of changing EPA regulations, integrate EPA policies in agency missions and implementation phases, and use awards and performance review mechanisms to encourage environmental compliance.

#### EPA Actions:

- EPA will assist agencies in advertising training opportunities and resources, and will offer training in environmental auditing as well as expanded training through its regional offices.

- EPA will establish an environmental training opportunities bulletin board for federal agencies in FY 1995.

## (2) INFORMATION RESOURCES

Regulatory requirements are voluminous and subject to change. Many CFAs have difficulty finding timely and reliable sources of information on new and proposed regulations and on innovative technologies and management strategies.

EPA Actions: Several initiatives are planned that will enhance CFA access to environmental information:

- EPA's federal facilities electronic bulletin board (FFLEX) will become part of a larger EPA bulletin board system called EnviroSense, that will provide information at-a-glance on new and proposed regulations, executive orders, guidance, interagency work groups, funding sources, and other items of interest to federal agency environmental compliance officers.
- EPA will compile and publicize listings of federal partnership/work group activities through the monthly Roundtable and other computerized network means.
- EPA intends to pursue the development of a Benchmark Communication Network that will allow federal managers to discuss and exchange environmental program management information on-line and to benchmark their programs against the best in the public and private sectors.

For written publications, EPA has developed a *Catalogue of Federal Agency Environmental Compliance/Management Documents*. The Federal Aviation Administration is developing an *Executive's Guide to Environmental Management*; other guidance materials are underway as well. EPA will maintain a library or repository of technical information specifically for federal agency audiences.

**(3) COMPLIANCE MONITORING**

Most CFAs lack a centralized data management system that alerts agency headquarters personnel to changes in facility compliance status, regulatory violations, and pending enforcement actions.

**Recommendations:**

- Agencies that are still using manual systems to manage and track environmental compliance information should begin developing automated systems compatible with other agencies.
- CFAs need to establish minimum grade levels for environmental positions and to develop performance standards for environmental personnel to ensure accountability.

**EPA Actions:**

- EPA will provide CFAs with on-line access to the new Federal Facility Tracking System to permit a multi-media view of compliance activities at federal sites. EPA will also develop a PC-based software program for A-106 submissions, called FEDPLAN-PC.
- EPA will encourage other federal agencies with more advanced environmental programs to share information on computer technologies, innovative approaches, and information management approaches with CFAs.
- EPA will host demonstrations of software and computer systems developed by other federal agencies at meetings of both the Federal Agency Roundtable and the CFA Task Force.
- EPA plans to make better use of FFTS data to increase inspections and enforcement attention at CFA installations. EPA will also provide increased compliance assistance to civilian agency environmental managers and other personnel in FY 1996 and beyond. In addition, federal agencies will be given access to non-enforcement sensitive data in EPA's FFTS that they can utilize for their own performance and tracking purposes.

**(4) EPA ASSISTANCE ON SPECIFIC COMPLIANCE ISSUES**

Smaller agencies would benefit from tapping EPA's environmental management expertise to develop internal compliance programs, pollution prevention strategies, environmental auditing, and other policies.

**Recommendations:**

- The Task Force should continue to develop a set of generic documents that provide guidance on complying with environmental regulations, and examples of how compliance programs can be better managed to reduce the risk of regulatory excursions and environmental releases.

**EPA Actions:**

- Each EPA region will be encouraged to conduct at least one multi-media enforcement inspection at a CFA facility in FY 1996. EPA will also refine FFTS reports to determine how much of an increase in inspections and enforcement attention at CFA facilities is needed.

**(5) SUFFICIENT STAFFING**

Most smaller agencies have a limited number of experienced technical staff. Greater in-house expertise is needed in hazardous material/waste management, pollution prevention technology, and environmental engineering as well as actual experience in hazardous waste site remediation.

**Recommendations:**

- CFAs should encourage designated environmental career paths and the establishment of needed staff positions to achieve the expertise required to address environmental issues.
- EPA and CFAs should consider reciprocating rotational assignments, hiring personnel with CFA/EPA experience, and other mechanisms such as Intergovernmental Personnel Agreements (IPAs) to foster team building and cross fertilization of ideas.

**EPA Actions:**

- EPA will seek opportunities to detail CFA environmental officers into short-term assignments at EPA.

**(6) COMMUNICATIONS**

Many CFAs encounter a confusing lack of consistency on regulatory requirements between EPA headquarters and regional offices. A lack of understanding of each other's organizational structures, budgeting processes, and current priorities is a problem for both CFAs and EPA.

**Recommendations:**

- EPA and CFAs should both seek team building and partnering opportunities on environmental projects of mutual interest.
- CFAs should involve EPA headquarters and regions in internal agency conferences and meetings to explain to their staffs how EPA is structured and where assistance can be obtained for addressing issues. CFAs should also involve EPA headquarters and regions in making presentations to CFA staff on technical issues.
- EPA should develop standardized guidance on how CFAs can best work with both EPA headquarters and regional offices.
- EPA should define a clear-cut dispute resolution process to handle situations where two or more EPA regions interpret the same regulation in different ways and have different enforcement responses.

**EPA Actions:**

- EPA will clarify the federal facilities role of EPA's regional offices. EPA will sponsor a national meeting to facilitate discussions between CFA headquarter personnel and EPA regional coordinators.
- EPA/FFEO and the regional Federal Facility Coordinators (FFCs) will work together to develop standardized guidance for federal agency environmental officers. The guidance will describe roles and responsibilities of FFCs at EPA regions and headquarters. The guidance will also offer advice to federal agency personnel on raising environmental issues to EPA and whether the issue should be raised at the regional or headquarters level. The guidance will also list key regional points of contact including media specialists and FFCs.



EPA will strive to develop a consensus with Task Force members on the most effective ways to implement these and other recommendations. EPA will offer continued technical assistance to foster improvement in CFA compliance programs, building on the success of recent initiatives to establish permanent networks and databases to promote compliance and environmental excellence at smaller federal agencies. More broadly, EPA recognizes the unique environmental management concerns faced by smaller-sized federal agencies and will seek to ensure that these concerns are reflected in the development of national strategies, enforcement policies, and outreach initiatives conducted by FFEO.

These efforts represent a first, albeit significant, step in forming lasting partnerships among federal agencies. Another important collaborative effort will be the development of the Federal Government Environmental Challenge Program mandated under Executive Order 12856. The Environmental Challenge Program will provide a vision to federal agencies to go beyond compliance with the law by developing state-of-the art environmental management programs and implementing pollution prevention concepts into all aspects of their operations.

Both management and staff level employees at federal agencies are continually "on the line" making decisions that affect an agency's compliance status. An environmental management program that is purely reactive to regulations and environmental practices will be a serious handicap for a federal agency in the years ahead. Civilian federal agencies represent a tremendous potential for environmental excellence and a proactive approach to environmental management. With coordination and effective exchange of information, the resources and talents of federal agencies can be marshalled to provide a source of leadership in environmental management.

## I. INTRODUCTION

### A. Background

The emergence of new laws and executive orders over the last several years has focused increased attention on the environmental performance of federal facilities.

Executive Order 12856 requires federal agency compliance with the all requirements of Emergency Planning and Community Right-to-Know Act of 1986 (SARA Title III). Under Executive Order 12088, federal agencies are required to comply with applicable federal, state and local environmental statutes and regulations.<sup>1</sup> The 1992 Federal Facility Compliance Act (FFCA) requires federal facilities to be treated the same as private parties with regard to compliance with the Resource Conservation and Recovery Act (RCRA). The FFCA also allows the imposition of stiff fines and penalties for federal facilities found to be out of compliance by EPA or state inspectors. Recent modifications in federal and many state criminal enforcement laws and policies are likely to encourage federal prosecutors to consider whether violations are criminal offenses and to target officials responsible for environmental crimes.

The task of maintaining environmental compliance is daunting, with over 11,000 pages of codified regulations spanning a full range of multi-media issues. Congress continues to add amendments to existing laws, such as the 1990 Clean

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<sup>1</sup> RCRA and the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) require federal agencies to comply with their procedural provisions including penalties for violations. Prior to passage of the FFCA, EPA took RCRA enforcement actions against federal agencies differently than against private parties, negotiating Federal Facility Compliance Agreements to bring federal facilities into compliance. In passing the 1992 Act, Congress clarified that administrative order authority has been given directly to the EPA Administrator. The waiver of sovereign immunity found in RCRA was amended by the 1992 FFCA. Congress further clarified in the Act that federal agencies are "persons" for the purpose RCRA. Therefore, EPA now has administrative compliance order authority against federal facilities.

Air Act Amendments, and over 100 new major regulations are expected from EPA this year alone. The complexity of the situation is further complicated by the activities of state legislatures, many of which are producing legislation and regulations faster than the federal government. Moreover, most environmental laws are reauthorized every 5-8 years and each new reauthorization represents new requirements and ultimately new compliance expenditures. With nine major environmental laws, at least one statute is up for reauthorization every year.

An environmental management program that is purely reactive to these manifold requirements is a serious handicap for federal agency personnel and their managers. As David Osborne and Ted Gaebler noted in their book, *Reinventing Government*,

"anticipatory governments do two fundamental things: (1) they use an ounce of prevention rather than a pound of cure; and (2) they do everything possible to build foresight into their decision making."

Osborne and Gaebler also observed that "some governments are not only trying to prevent problems, they are working to anticipate the future and to give themselves radar, and to prevent problems before they emerge rather than simply offering services afterward." Many organizations, both corporate and public, have begun to recognize that to reduce liability and unnecessary costs, regulatory compliance should become the floor, rather than the ceiling, of environmental performance.

In all this, the role of the federal agency environmental compliance officer is crucial. He or she must monitor the agency's compliance with environmental statutes and regulations and create and oversee effective programs that promote compliance, protect human health, and preserve the environment. Basic to the compliance officer's completion of responsibilities are the enabling systems or infrastructure within an agency that support environmental compliance as foundation of an effective environmental program. These enabling systems should cut across all planning, organizing, implementing and measuring processes within the agency.

To prevent environmental problems from happening, federal agencies are beginning to redefine their own missions to include environmental stewardship.

Environmental stewardship is environmental management that goes beyond compliance and includes more proactive efforts such as pollution prevention, natural resource conservation, and environmental management programs deemed "state-of-the-art" by organizations, peers and stakeholders.

Two federal agencies, the Department of Defense (DoD) and the Department of Energy (DOE) have allocated sizeable funds and created large internal staff and programs to oversee and ensure compliance. Both DoD and DOE have created an infrastructure to support environmental compliance policies by anchoring these functions at relatively high levels (e.g., Assistant Secretary) within their respective agencies. Within DoD, the Army and Air Force are designing enhanced environmental programs that go beyond compliance by emphasizing pollution prevention and other proactive programs such as the Total Quality Environmental Management (TQEM) concept created by the Global Environmental Management Institute.

Nevertheless, there is growing public concern that federal agencies other than DoD and DOE are lagging considerably behind the environmental performance curve and may be responsible for significant cleanup and compliance problems that have not yet received adequate attention.

Executive Order 12088 (section 1-3) requires EPA to provide technical assistance and guidance to federal agencies to assist them in complying with environmental regulations and statutes. EPA has undertaken a variety of initiatives in response to this mandate (see box on next page). Despite the value of these efforts, however, specific assistance to smaller federal agencies has been lacking. For example, the Federal Agency Environmental Roundtable, because of its large membership size, cannot offer enough opportunities for detailed compliance and technical assistance-related dialogues between EPA and other agency representatives. Representatives from CFAs have also reported that their own concerns become submerged when they raise issues in concert with the larger federal agencies (i.e., DoD and DOE). In addition, databases and publications that are currently available are often not exclusive or specific to federal agencies.

This strategy document is intended to address the environmental needs and potential for improvement at civilian federal agencies. This strategy is the product of the Civilian Federal Agency Task Force, convened in 1992 and 1993

### Existing Technical Assistance Initiatives at EPA

EPA established a Federal Agency Environmental Roundtable to provide a forum for exchanging information on EPA policies and regulations. Fifty federal departments and agencies participate in the monthly meetings. The Roundtable also provides information on pollution prevention, guidance for performing environmental audits, pollution control techniques, as well as successful hazardous waste technologies.

Each EPA Regional Office has appointed a Federal Facility Coordinator (FFC) and held regional federal facility roundtable sessions and annual workshops in an effort to provide technical information and assistance to federal facility installation managers.

EPA has also produced a variety of guidance documents on pollution abatement and cleanup. Some, such as the 1988 EPA guidebook, *Federal Facility Compliance Strategy* (which is currently being updated), were produced specifically for federal agencies. EPA has also produced guidelines for conducting environmental auditing and constructing audit programs at federal agencies. Other public information tools have been developed as well, including EPA dockets, clearinghouses, hotlines, and databases available on both printed and computer media. EPA's Office of Research and Development (ORD) in conjunction with EPA's Technology Innovation Office have begun development of a bulletin board that will provide a listing of environmental training opportunities exclusively for federal agency employees.

to address the problems faced by federal agencies in meeting their environmental challenges. The document was prepared by EPA's Federal Facilities Enforcement Office (FFEO) as the chair of the Task Force; it has been reviewed by all members of the group. The findings and recommendations of the Task Force are outlined in Chapter II, and detailed steps toward implementing the recommendations in Chapters III and IV. The remainder of this chapter discusses environmental program issues at civilian federal agencies and the goals and objectives of the Task Force.

### B. CFA Environmental Program Issues

In September 1993, an accompanying report of the National Performance Review, *Reinventing Environmental Management*, stated: "the federal government, which manages about a third of all land in the United States, needs to clarify its commitment to a clean environment." The report found that environmental management was divided among numerous federal agencies with inconsistent mandates and conflicting jurisdictions that follow bureaucratic, rather than ecological, boundaries. The report concluded that most federal agencies have

focused too little time on the concept of ecosystem management and recommended that federal agencies develop collaborative programs around common goals.

This strategy responds directly to the need for civilian federal agencies (CFAs) to develop a more cooperative approach and develop partnership efforts to solve common problems. The recommendations contained in this document are a result of a collaborative effort of EPA and federal agencies to establish a common goal of improving environmental performance.

Several studies have corroborated that civilian federal agencies have not fully assessed their environmental liabilities nor developed adequate environmental programs (see box on next page). A recent EPA study found that 16 civilian federal agencies own or operate 400 to 500 contaminated sites.<sup>4</sup> These sites vary from major research laboratories and illegal drug operations seized by the Drug Enforcement Agency to landfills and mines owned by the Departments of Interior and Agriculture. To address cleanup at these sites, federal agencies have requested over \$1.1 billion for hazardous waste remediation activities for fiscal years 1991-1995.

CFAs often lack the infrastructure, budget, and technical expertise to effectively manage environmental problems. Facing resource constraints, agency employees may be forced to choose between environmental considerations and accomplishing the agency's mission tasks. Resource limitations may force many agencies into a reactive -- rather than proactive -- posture on environmental compliance. In some cases, federal properties owned by one agency are leased to other federal agencies, leading to interagency disputes regarding contamination assessment and cleanup responsibility. In addition, many CFAs are not closely monitored for compliance by EPA or the states.

As a result, when hazardous waste contamination or violations of environmental statutes do occur, these agencies are more likely to produce an inappropriate response to the problem. This in turn compromises the personal liability of the agency's employees and the compliance status of the agency and its facilities, and increases the potential for third party impairment or loss and

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<sup>4</sup> U.S. EPA, *Market for Innovative Treatment Technologies for Remediation of Hazardous Waste Sites*, September 16, 1992.

### Documenting CFA Program Limitations

A May 1990 study for the Congressional Budget Office reports that in addition to the significant cleanup and compliance problems facing DoD and DoE, other federal agencies have also developed significant environmental liabilities and are also liable for major environmental compliance problems (CBO, *Federal Agency Summaries*, May 1990).

In 1991, the National Research Council (NRC) formed a committee to evaluate the hazardous materials management program of the Bureau of Land Management (BLM) of the Department of Interior (DOI). The committee published the findings and recommendations of this study in a 1992 report, "Hazardous Materials on Public Lands," and cited several substantial inadequacies in BLM's Hazardous Materials Management Program (HMMP). According to the report, the program "...lacked policy direction and initiative; and has been too reactive and too driven by a singular focus on liability avoidance." The report found that the HMMP program effectiveness has been compromised by a shortage of full time professional staff with the necessary training and experience to investigate hundreds of potentially contaminated hazardous waste sites, evaluate the field data, and fully identify its environmental liabilities.

In response to the NRC report, DOI's Office of the Inspector General performed a separate investigation, concurring with many of the same findings reported in the NRC study and recommending specific improvements to correct deficiencies. These recommendations were supported by the U.S. Senate Committee on Governmental Affairs in its September 1993 report, *U.S. Department of Interior: Environmental Problems and Issues*.

Several other reports have substantiated the inadequacies of CFA compliance programs, including: U.S. Government Accounting Office, *Environmental Protection: Solving NASA's Current Problems Requires Agencywide Emphasis*, April 1991; and Argonne National Laboratory, *Assessment of Department of Commerce Hazardous Waste Compliance Programs*, March 15, 1989.

associated legal complaints. A recently released study by EPA confirms that CFAs lag significantly behind industry leaders such as Chevron, Xerox, and 3M, as well as their counterparts in federal defense-related agencies (Departments of Energy, Army, Navy, and Air Force) (see box on page 7).

At the heart of the problem is the failure of many smaller federal agencies to embody environmental compliance in systems that get their employees' attention, such as reward systems or personnel performance evaluation criteria. Agency employees often do not recognize that it is both acceptable and desirable to think environmentally in performing their daily tasks.

### Benchmarking Federal Agencies

An EPA study compared the performance of CFAs, the Department of Energy, the Army, Navy, and Air Force, and three private sector corporations (Chevron, Xerox, and 3M). As part of the study, a series of detailed "Best in Class" descriptors were established in six key areas of environmental performance: organizational structure; management commitment; implementation of programs; information collection, use, and follow-up; internal and external communications; and personnel management. The overall "Best in Class" benchmark elements are as follows:

- *Organizational Structure:* Best in Class organizations have an organizational structure that gives authority, input, and voice to environmental performance.
- *Management Commitment:* Best in Class organizations possess and demonstrate a commitment to environmental excellence at each and every stage of the management hierarchy, and insist on integration of environmental awareness and concerns into all relevant business operations.
- *Implementation:* Best in Class organizations carry out their daily business operations in ways that integrate environmental protection into their business conduct.
- *Information Collection/Management/Follow-Up:* Best in Class organizations continually monitor environmental performance through the use of formal tracking and reporting mechanisms. Information acquired through these mechanisms is evaluated, disseminated, and used to continually improve environmental performance.
- *Internal and External Communication:* Best in Class organizations foster and use formal and informal channels to communicate environmental commitment and performance information. Employee communications is encouraged to develop cooperation and commitment, including bringing together employees from different disciplines.
- *Personnel:* Best in Class organizations ensure that employees are capable of developing and implementing environmental initiatives. Employees are hired, trained, and deployed in ways that ensure that staff understand their environmental responsibilities and receive the training and support necessary to achieve environmental excellence.

Source: U.S. EPA, *Environmental Management System Benchmark Report: A Review of Federal Agencies and Selected Private Corporations* (EPA 300R-94-009), December 1994.



Despite the obvious benefits, a decision to evolve environmental management programs to higher levels of performance is not entirely straightforward. Federal agencies are under enormous pressure to cut spending and increase staff-to-management ratios. Even though the payback from investments in new technologies (e.g., information management system for compliance tracking) is usually significant, the up-front costs may be difficult to justify to senior agency management. Management may also not realize that the costs associated with unexpected emergencies (e.g., spill response, lawsuits) are invariably greater than judicious investments in preventive measures.

### C. Goals and Objectives

The purpose of this strategy is to improve environmental management performance at CFAs. The success of this strategy will be determined by the degree to which the following goals are achieved:

- Assist civilian federal agencies in evolving their environmental compliance and management programs to higher levels of performance by providing access to resources that will improve compliance and reduce environmental liabilities.
- Improve communications among EPA headquarters, EPA regions and federal agencies and their facilities.
- Give federal agencies that have more experience and expertise (e.g., DoD and DOE) the opportunity to demonstrate leadership by sharing information and helping other agencies resolve environmental problems.
- Provide EPA with an opportunity to improve federal agency environmental management and compliance performance through technical assistance, compliance assistance, and outreach.

To accomplish these goals, the following objectives were outlined:

- Establish an effective dialogue between EPA and CFAs in order to gain an understanding of environmental program problem areas and develop an effective strategy to correct these deficiencies.

- Evaluate the needs of CFAs.
- Convene the CFA Task Force to build consensus on the direction and scope of the strategy and to foster a team approach to accomplishing strategy objectives.
- Form work groups to focus on each area of program management need and develop short-term and long-term recommendations to address identified needs.
- Identify resource opportunities both within and outside the federal community to satisfy critical areas of need.
- Bring federal agencies with critical needs together with agencies with well developed management and compliance programs to share information and catalyze improvement.
- Create a comprehensive strategy to serve as an implementing tool for activating the recommendations of the CFA Task Force.

Implementing this strategy should provide the support CFAs need to ensure fully compliant and sustainable environmental management programs through a coordinated and integrated federal partnership. The strategy is intended to help CFAs move beyond compliance and into environmentally beneficial areas, many of which do not lend themselves to traditional "command and control" approaches. These partnerships will assist CFAs in performing their basic environmental work in a more efficient, less costly manner by balancing regulatory responsibilities with good government practices and matching resources to priorities.

## II. TASK FORCE FINDINGS & RECOMMENDATIONS

### A. Defining Six Areas of Need

One of the principal reasons for convening the CFA Task Force was to open a direct channel of communication with civilian agency headquarters personnel to foster an understanding of environmental management problems. FFEO also sought to gain an understanding of how EPA, through its technical assistance and outreach programs, could assist these agencies in improving their environmental management programs.

FFEO began by developing a baseline survey of CFA environmental management problems, budget shortfalls, technical needs, and other environmental issues.

During the first two CFA Task Force meetings held on October 19, 1992, and January 11, 1993, Task Force members held roundtable discussions on key issues related to management including impediments to environmental performance. These discussions resulted in a consensus among Task Force members on six priority areas where improvements are needed in CFA programs and structure.

The six areas of need are:

- (1) *Environmental management training.* Inadequate training and a shortage of on-board expertise in environmental management are key impediments. What training programs do exist are often duplicative across federal agencies.
- (2) *Information resources.* Regulatory requirements are voluminous and subject to change. Many CFAs have difficulty finding timely and reliable sources of information on new and proposed regulations and on innovative technologies and management strategies.

- (3) *Compliance monitoring.* Most CFAs lack a centralized data management system that alerts agency headquarters personnel to changes in facility compliance status, regulatory violations, and pending enforcement actions.
- (4) *EPA assistance on specific compliance issues and needs.* EPA's environmental management expertise could be enormously useful if shared with smaller agencies, for example, in providing guidance to CFAs on developing internal compliance programs, pollution prevention strategies, environmental auditing, and policies on remediating sites not listed on the National Priorities List.
- (5) *Sufficient staffing to provide adequate technical services and support.* Most smaller agencies have a limited number of experienced technical staff. Greater in-house expertise is needed in hazardous material/waste management, pollution prevention technology, and environmental engineering as well as actual experience in hazardous waste site remediation.
- (6) *Communications among EPA offices and regions, and between EPA and other federal agencies.* Most smaller agencies indicated confusion over regulatory requirements due to a lack of consensus between federal agencies, EPA headquarters, and EPA regions.

These six issues represent areas where improvements can be accomplished through technical assistance from EPA or other outside sources. Other enabling systems -- such as improved organizational structures, executive management commitment to environmental programs, improvements in internal communications, and strategic planning -- were also identified by Task Force members as being critical to the success of CFA environmental programs. These enabling systems are not well established at all agencies and therefore may limit the improvements to be gained through outside technical assistance.

## **B. Survey of CFA Environmental Program Needs**

In order to learn how CFAs have structured their compliance programs, and to determine the amount and type of technical assistance needed by these agencies, EPA developed and distributed an evaluation questionnaire to 28 CFAs

in January 1993. Twenty-seven federal agencies and departments responded to the questionnaire. The findings were submitted to the Task Force for review and comment in June 1993, with the final report, *Civilian Federal Agency Environmental Program Needs Analysis*, published in November 1993 and available from EPA/FFEO.

The questionnaire was divided into two parts. Part 1 was designed to profile existing environmental management methods and infrastructure at these agencies. Part 2 sought information on the type of technical assistance needed most to improve environmental performance. The questionnaires were not intended to provide an in-depth or comprehensive study, but rather to point toward particular issues that require attention and to give a sense of the extent of the problem across all civilian agencies. In general, the results of the survey corroborate the Task Force members' findings and views on CFA environmental program needs. At the Task Force's request, respondents were allowed to maintain their anonymity.

The major results of the survey are summarized on the following pages, organized by the six areas of need.

### **C. Work Group Findings**

To respond to the areas of need, the Task Force formed three work groups: (1) training-related issues; (2) information resources and compliance tracking, and (3) communications between federal agencies and EPA. The remaining areas of need (obtaining EPA assistance and sufficient staffing) were deferred to a later date. As a first step, the Task Force suggested using temporary transfers, interagency agreements, and memoranda of understanding to obtain technical skills and services in hazardous materials management from other federal and state government offices. The Task Force also discussed the benefit of either receiving direct technical assistance from EPA or other federal agencies on a cost-reimbursable basis.

The three work groups met during 1993 and forwarded their findings and recommendations to the CFA Task Force in December 1993. Each work group was chaired by an EPA representative, who solicited volunteers from within the Task Force. The findings and recommendations of the work groups represent a consensus view of the CFA Task Force on what has to be done to address the six

### Results of the CFA Environmental Program Needs Survey

#### 1. *ENVIRONMENTAL MANAGEMENT TRAINING*

- Over 80% of the CFAs report that they have no formal compliance training program at either the regional or installation level for employees charged with ensuring agency compliance.
- Although most CFAs recognized the need to develop formal training programs to improve environmental performance, 77% of the agencies reported that they have no training programs to foster the implementation of pollution prevention strategies as part of the agency's mission.
- 56% of respondents provide written guidance to instruct and advise installation employees on environmental requirements.
- Only 22% of the agencies reported having a formal award system that encourages environmental compliance among agency employees.

#### 2. *INFORMATION RESOURCES*

- 56% of respondents have not formally compared their environmental programs with the programs of other federal agencies or private organizations to identify strategies for improvement.
- 50% of respondents have not identified environmental liabilities from past operations or are only now in the process of developing a plan to do so.
- 22% of the agencies indicate that they do not participate in the OMB A-106 process.
- 50% of the agencies reported that they do not perform risk evaluations of environmental cleanup contractors prior to award, or that they did not know of such evaluations.
- Only 40% of the CFAs have conducted a third-party assessment of the effectiveness of their agency's environmental management program in reducing violations and risks.

#### 3. *COMPLIANCE MONITORING*

- Only one agency reported having an agency-wide system or database to ensure that proper records (e.g., waste manifests, biennial reports, permit status, etc.) are maintained and updated.
- 64% of respondents reported that there is no central inventory -- either electronic or manual -- that profiles hazardous waste/hazardous material inventories, emissions or the compliance status at individual agency installations.

### Results of CFA Environmental Program Needs Survey (cont'd.)

- 40% of survey respondents reported that they do not have an environmental auditing or tracking system in place to oversee and monitor agency compliance activities.
- 4. IMPROVED COMMUNICATIONS**
- Agencies reported needing a better understanding of EPA's enforcement and regulatory role in enforcing compliance at federal agencies.
  - Respondents indicated a need for more clarification on statutory reporting requirements for federal facilities (e.g., CERCLA 120 Docket and RCRA 3016).
  - Nearly 40% of the agencies reported that they have not analyzed the potential impact of environmental issues on the future mission of their agency.
  - 69% of the agencies reported that they do not have well publicized procedures for reporting environmental problems, violations or criminal conduct within the agency without fear of retaliation. Several respondents indicated that only employees (not contractors) are apprised of reporting procedures.
- 5. NEED FOR EPA ASSISTANCE ON SPECIFIC COMPLIANCE ISSUES**
- 45% of the agencies indicated a critical need for EPA assistance in developing strategies to oversee and monitor environmental management for their agency.
  - Agencies reported a growing need for EPA advice and assistance with on-site remediation technologies, environmental sampling, and data analysis.
- 6. SUFFICIENT STAFFING**
- 50% of agencies surveyed reported that compliance with environmental requirements is not part of their overall performance standards and evaluations of facility managers or regional directors who have operational and/or property management responsibilities.
  - Only 56% of respondents felt that their executive management demonstrates support for environmental compliance programs. Six responses indicate "no" or "minimal support," with several specifically commenting on a lack of budgetary commitment and staff for environmental compliance programs.
  - Agencies reported an increasing need for technical expertise and staffing to assist with environmental cleanup efforts, including preparing accurate estimates for tracking costs of cleanup from mobilization to closure; establishing effective contractual agreements; and understanding terms and conditions of alternative contract types.

primary areas of need. The CFA Task Force as a whole reviewed the work group reports and forwarded written comments to the work group members for consideration. The final work group reports are available from EPA.

The work group findings are outlined below.

### **1. *Environmental Management Training***

The Training Work Group recognized that several challenges in developing environmental compliance programs exist across agencies. These include the following:

- Environmental officers generally have little formal training and often must complete their responsibilities as part of many other collateral duties;
- Duplication of training programs appears to exist across agencies, yet programs and information are not shared across agencies;
- Shrinking resources across agencies leave training programs vulnerable, and failure to leverage federal training investments may result in fewer training opportunities.

The Civilian Federal Agency Needs Analysis Draft Report issued in June 1993 provided further support to these findings.

### **2. *Information Resources***

The Information Resource Work Group focused on the enabling aspect of adequate information resources, i.e., defining what constitutes a good environmental management information system and examining the consequences of having inadequate information systems in place. The following problem areas were identified:

- Solutions to environmental compliance problems at federal agencies have, in many instances in the past, resulted in duplicating efforts at other agencies (reinventing the wheel).



- Information about guidance, training, and sources of technical assistance and expertise available to federal environmental compliance officers is either unavailable or, at best, disjointed and inconsistent.
- Federal agencies are usually not staffed with enough knowledgeable environmental professionals to manage adequate environmental programs. In addition, many agencies have reported being understaffed with even minimally trained personnel. As a result, a significant number of federal agency personnel at every level lack an awareness of legal responsibilities or appropriate management controls that support compliance and reduce liabilities.
- Many agencies are not equipped with automated environmental databases to ensure proper records are maintained and that reliable data is available to make informed decisions.
- Many agency compliance officers struggle to receive reliable and timely notification of pending regulations and other pertinent information that affects environmental performance (e.g., advanced notification of pending regulations, changes in policies and executive orders) and legislative actions.
- Agency officials lack information and training on how to evaluate the performance of their environmental compliance programs and the appropriate metrics that are necessary to make these evaluations.

### **3. *Communications***

The Communications Work Group defined a vision of effective communications as a benchmark for identifying current deficiencies and impediments to communications between CFAs and EPA. Following are the major impediments identified by the work group:

- The use of jargon/acronyms specific to individual agencies.

- A lack of understanding of agencies' organizational structures, budgeting processes, current requirements and priorities (e.g., lack of line-item appropriations for environmental compliance activities).
- Many CFA environmental staff are by necessity generalists. They may not have the same in-depth knowledge as EPA's subject-matter specialist employed in the various program offices.
- A lack of understanding of (or desire to understand) technical issues on the part of some individuals involved in the communication process.
- A lack of consistency across EPA regions regarding policy positions and enforcement responses for similar scenarios. (Examples cited include differences across regions, as well as different states within the same region, regarding cleanup criteria to be used at hazardous waste sites, and different regulatory approaches in two or more EPA regions in the vaulted tank issue of 1991. Other examples include docket reporting under CERCLA 120 and federal facility hazardous waste site reporting under RCRA section 3016.)
- A lack of prior planning and agreement on the ultimate purpose of an activity or action, and whether it is worth pursuing.
- A lack of follow-through to ensure that desired results of agreements and cooperative relationships were understood and achieved.
- A lack of internal communications regarding coordination efforts between CFAs and EPA occurring at different levels within these agencies, and a lack of clear identification of the expectations resulting from this coordination.
- Differing expectations on the part of EPA and other federal agencies on what constitutes sound environmental management. (For example, EPA's emphasis on "going beyond compliance" can

lead to frustration and poor communication if a CFA's goals and budget aim at achieving compliance.)

- A lack of standardized computer operating systems among federal agencies, thus inhibiting the viability of sharing data and automated communication. (For example, most federal agencies use DOS as an operating system; some agencies, such as the U.S. Coast Guard, have incompatible systems.)
- A lack of understanding on the part of CFAs (and Congress) of the resources actually needed to adequately manage environmental programs required by statute or regulation. (As an example, environmental responsibilities are often assigned as a collateral duty, and employees are given the job as a short-term, 1-2 year assignment.)
- Some agencies keep a "low profile" or do not have a good relationship with outside organizations and regulators regarding environmental matters.

#### **D. Task Force Recommendations**

The following recommendations represent the viewpoint of the Task Force members on actions that need to be taken by EPA and civilian agencies to address each area of need and improve environmental performance. As such, they form the framework for the CFA Strategy and should become key factors in the short and long-term planning processes of CFAs. These recommendations also represent key elements of EPA/FFEO's long range planning for providing effective technical assistance to federal agencies.

The recommendations, grouped by the six areas of need, are also divided into short-term actions (actions that can be implemented within 18 months to two years) and longer-term actions (3-5 year timeframe). The recommendations are listed in order of who should initiate or implement the action: EPA, CFAs, or a combination of both.

**(1) ENVIRONMENTAL MANAGEMENT TRAINING***Short-Term Actions*

1. **EPA should ensure that the "Clu-In" network currently under development by the Accelerated Training Subgroup of EPA, DoD, and DOE incorporate notification of individual agency training opportunities.** (The Clu-In network is an electronic bulletin board display of all environmental training opportunities available through EPA, DoD, and DOE.)
2. **CFAs should promote joint training opportunities across agencies.**
3. **CFAs should identify and publicize training resources available within individual agencies.** These resources include training programs, listings of qualified instructors, and training facilities.
4. **Each CFA must find internal support for establishing mature environmental compliance training programs.** Specifically, each agency must address how to establish formal compliance training systems, keep employees informed of changing EPA regulations, integrate EPA policies in agency missions and implementation phases, and use awards and performance review mechanisms to encourage environmental compliance.
5. **CFAs and EPA must ensure that basic environmental compliance standards and curricula are developed and shared with environmental officers across agencies.**

*Long-Term Actions*

6. **CFAs and EPA should address specific training deficiencies identified in the CFA Needs Analysis Report.** These include training relative to regulatory affairs and policy development, generic environmental management training, and environmental compliance and contract management.

7. **EPA and CFAs should create or designate training clearinghouses to share information on training opportunities.**

**(2) INFORMATION RESOURCES**

*Short-Term Actions*

8. **EPA should create a federal facilities electronic bulletin board that provides information at-a-glance on new regulations, executive orders, new guidance under development for federal agencies, interagency work groups and other activities on environmental issues, potential sources of funds for program improvements, and other items of interest to federal agency environmental compliance officers.**
9. **EPA should develop an interagency bibliography listing all federal documents that provide guidance on environmental management and compliance.**
10. **CFAs should continue to seek and take advantage of opportunities offered by both federal and private organizations to **benchmark** information management systems and procedures.**

*Long-Term Actions*

11. **EPA should create a clearinghouse or other mechanism for federal agencies to share information on environmental policies, procedures, guidance, training, and consulting services/contracts. Sharing the workload would ease the resource shortage and avoid duplication of effort.**
12. **EPA should create a federal agency benchmarking opportunity database that allows agency environmental personnel to seek out and identify others who have an interest in comparing organizational, operational, and strategic approaches to environmental compliance and management. The database could consist of both a document repository and a federal agency registry of persons and issues.**

13. **EPA should maintain technical information in a federal agency library or repository and make it available to requesting agencies.** This would include guidance and literature developed by EPA as well as other federal agencies. The bibliography developed by the Task Force should serve as a clearinghouse for these documents and should be maintained on an electronic bulletin board in order to be more accessible.
14. **Agencies with incompatible computer operating systems should convert to systems that are more compatible with other agencies** to allow for the sharing of software and information as well as better communications.

### **(3) COMPLIANCE MONITORING**

#### *Short-Term Actions*

15. **EPA's Federal Facility Enforcement Office should provide CFAs with on-line access to the new Federal Facility Tracking System.** Agency officials can use the data (pre-screened and sanitized by EPA for enforcement-sensitive information) to identify facilities and installations that are out of compliance. CFA officials should notify EPA of any discrepancies between the database information and other information. EPA should also consider providing access to other EPA databases, such as the database used for the A-106/FEDPLAN process.

#### *Long-Term Actions*

16. **CFAs that are still using manual systems should develop automated systems that track facility compliance status and store and retrieve pertinent environmental documentation.**

**(4) EPA ASSISTANCE ON SPECIFIC COMPLIANCE ISSUES***Short-Term Actions*

17. **The Task Force should continue to develop a set of generic documents** that not only provide guidance on complying with environmental regulations, but also provide examples of how environmental compliance programs can be better managed to reduce the risk of regulatory excursions and environmental releases.
18. **CFAs and EPA should use tools such as Memoranda of Agreements** to record terms and conditions agreed upon to resolve significant environmental issues. This will avoid confusion and duplication of effort.

*Long-Term Actions*

19. **EPA regions should consider standardizing some processes** (e.g., the stages of investigation and cleanup of sites on the Federal Facilities Docket) to the maximum extent possible.

**(5) SUFFICIENT STAFFING***Long-Term Actions*

20. **CFAs should encourage designated environmental career paths** and the establishment of needed staff positions to achieve the expertise required to address environmental issues. Agencies also need to establish minimum grade levels for environmental positions.
21. **EPA and CFAs should work on ways of apprising Congressional and White House officials (as well as CFA upper management) of the resources required by CFAs to manage environmental programs** that ensure compliance with federal, state and local statutes and regulations. EPA and CFAs should provide these officials with an assessment of the current level of effort being dedicated to environmental program management.

22. **EPA and CFAs should encourage rotational assignments, hiring personnel with CFA/EPA experience, and other mechanisms to foster team building, cross fertilization of ideas and respect for other's situations. Intergovernmental Personnel Agreements (IPAs) should be used to the maximum extent possible.**

**(6) COMMUNICATIONS**

*Short-Term Actions*

23. **EPA should provide CFA points of contact with an EPA Headquarters telephone directory and updates as they are available.**
24. **EPA regional Federal Facility Coordinators (or their designees) should brief their senior management on communications problems CFAs face in working with EPA, along with solutions to these problems.**
25. **CFAs should involve EPA headquarters and regions in internal agency conferences and meetings to explain to their staffs how EPA is structured and where assistance can be obtained for addressing issues (e.g., the FFCs within each region). CFAs should also involve EPA headquarters and regions in making presentations to CFA staff on technical issues.**
26. **CFAs should explore the tools of the Alternate Dispute Resolution process within their agencies to establish methods for working with EPA (where these do not already exist) when resolving issues.**
27. **CFAs and EPA should use the tools of TQM such as facilitators, an agenda and an established process (e.g., Focus, Analyze, Develop and Execute) to guide meetings toward trackable, measurable results, and to identify follow-on actions and accountability. Meeting participants should have the opportunity to obtain feedback on results achieved.**



28. **EPA and CFAs should seek team building and partnering opportunities on environmental projects of mutual interest and goals.**

*Long-Term Actions*

29. **EPA should develop standardized guidance on how CFAs can best work with both EPA Headquarters and EPA Regional Offices. This guidance can be provided in the form of a brochure that can be easily updated, reprinted, and distributed in bulk. Key regional points of contact (FFCs, media specialists, etc.) and phone numbers should be provided.**
30. **EPA should define a clear-cut dispute resolution process to handle situations where two or more EPA regions interpret the same regulation in different ways and have different enforcement responses. EPA should arrange separate meetings for the technical, as opposed to the legal, issues needing resolution.**
31. **EPA should provide recognition for agencies that are "doing something right" (proactive approaches, pollution prevention, innovative technologies) rather than recognizing only violations of environmental compliance. EPA should report on such environmental successes (e.g., reduced enforcement actions due to better environmental practices).**

### III. SHORT-TERM STRATEGIES

This section of the strategy discusses in greater detail those recommendations that can be implemented immediately in order to improve compliance programs at civilian agencies.

#### A. Enhanced Regional Activities

*(Recommendations #6, 18, 19, 24, 25, 27, 28)*

EPA has established Federal Facility Coordinators in each of EPA's ten regional offices. The regional FFCs are primarily tasked with compliance oversight and enforcement related duties; however, nearly all coordinators also sponsor technical assistance and other outreach at federal facilities. The regional FFCs regularly conduct meetings and conferences similar to the monthly Federal Agency Roundtable held at EPA headquarters. In addition, each region conducts annual multi-media technical workshops for federal facilities. These workshops are coordinated by the regional coordinator with participation by regional media program offices.

Regional coordinators have expressed interest in the activities of the CFA Task Force and several have been involved in work group activities. Each EPA region and regional Federal Facility Coordinator can, and should, determine the best way of implementing this strategy in that particular region. However, in order to develop a holistic national response to this strategy and to more completely address the Task Force recommendations, EPA at both headquarters and regional offices should seek opportunities to open direct lines of communication with CFA Task Force members.

*National Meeting.* To initiate this effort, EPA will sponsor a national meeting to facilitate discussions between CFA headquarter personnel and EPA regional coordinators. As a follow-up to the meeting, both CFA representatives and EPA regional coordinators will be advised to brief their respective executive management on opportunities to improve communications between CFAs and EPA and partnership projects of mutual interest.

*Partnering.* Beginning in 1995, FFEO is encouraging all EPA Federal Facility Coordinators to seek more team building and partnering opportunities between EPA and CFAs on environmental projects of mutual interest. FFEO will set aside funding for each EPA Region to conduct partnership projects with CFAs. Partnership projects to be funded may include regional conferences and workshops, site visits to identify environmental management deficiencies, etc.

*Training.* EPA regional conferences and workshops should focus on areas of deficiency most evident in CFA training programs that were identified by the CFA Training Work Group. These would include regulatory requirements and the development of effective policies and programs, environmental contract management, generic training topics related to statutory requirements and media areas (e.g., RCRA requirements, wastewater management). EPA's regional training efforts cannot and should not become a substitute for CFA initiated training programs; however, they can begin to provide the necessary training to ensure adequate awareness of environmental requirements among federal agency personnel until smaller federal agencies develop more formal training programs.

FFEO will also encourage EPA personnel at both EPA headquarters and regional offices to attend CFA conferences and meetings in order to foster an understanding of how EPA regions operate and discuss opportunities, constraints, and priorities. EPA envisions that these new regional activities and programs will help CFA installations evolve to higher levels of compliance with environmental laws and work toward achieving programs that are more proactive in environmental management areas.

The boxes on the accompanying pages highlight samples of successful CFA partnership projects that have been conducted in several EPA Regions.

The Environmental Program Reviews and EQIP agreements in Region 6 (see box) are one example of how both CFAs and EPA Regions can gain an understanding of the root causes behind the occurrence of violations at CFA installations, and provide EPA decision makers at regional offices with data to influence EPA policies and outreach activities directed toward federal agencies. In addition, the Environmental Program Reviews and the resulting dialogue between EPA regional staff and CFA facility management personnel can improve overall communications and foster mutual understanding of organizational

## Regional Initiatives

**Region 6 Program Review.** Region 6 personnel have conducted environmental Program Review visits at several CFA facilities in order to provide direct technical assistance to CFA facility managers and advise CFA personnel on improving overall environmental management and performance. The purpose of the environmental Program Review visit is to assess the overall health of the facility's environmental management program and to facilitate communication between the facility and EPA. In addition, the Region 6 Federal Assistance Section Chief chaired the Task Force work group on communications and also sponsored a pollution prevention training program exclusively for smaller Federal agencies.

Program Review visits are not regulatory enforcement inspections; instead, through discussions with the facility environmental management and staff, Program Reviews are designed to improve environmental performance by troubleshooting problems, recommending specific program improvements to reduce violations, and strengthening and formalizing facility environmental management programs. These recommendations could include improvements in training, self-inspection and auditing activities, and pollution prevention measures such as source reduction. Opportunities for economizing resources and improving management efficiencies can also be identified. An overview of the Region 6 Environmental Program Review Process is available from FFEO.

Region 6 has provided EPA Headquarters with data that indicate the Program Reviews have also been highly effective in improving communications between EPA and the participating Federal facility. The rapport developed between the EPA region and the facility will also lay the foundation for developing team building and partnering opportunities between EPA headquarters and headquarter units at Federal agencies.

Region 6 personnel have also initiated the Environmental Quality Improvement Partnership (EQIP) concept at several Federal installations including Tinker Air Force Base in Oklahoma. The primary purpose to the EQIP process (formerly known as Comprehensive Environmental Management Programs or CEMPs) is to provide a structured forum for meaningful dialogue between federal agencies and the EPA regional office. The forum and resulting dialogue will then facilitate the creation of a network among EPA and agency management for solving significant compliance problems and other issues related to environmental management. The EQIP is designed to involve multiple facilities at the Command (DoD) or Bureau or Departmental (regional) level. This higher level of involvement further enhances communication and cooperation between EPA and other federal agencies and allows both EPA and the Federal agency the ability to analyze trends in multiple facilities. A copy of the MOU between EPA Region 6 and Tinker Air Force Base in Oklahoma is available from FFEO.

### Regional Initiatives (cont'd.)

**Region 2.** In a joint partnership with EPA Region 2 and the U.S. Postal Service, a Pollution Prevention Opportunity Assessment was conducted at the Postal Service General Mail Facility and Vehicle Mail Facility in Buffalo, NY. EPA arranged for and funded the assessment, which identified source reduction and recycling opportunities and areas for additional research. The economic and technical feasibility of selected opportunities and techniques were investigated and a limited implementation plan was developed.

**Region 4.** In 1992, EPA Region 4 and NASA agreed to an accelerated cleanup program for NASA's Stennis Space Center where 34 potentially contaminated sites were discovered. NASA has prepared a consolidated remediation plan describing a facility-wide approach to follow-up investigations and remedial actions. Region 4 has agreed to review remediation plans and reports.

**Region 7.** In a joint partnership with EPA Region 7 and the U.S. Postal Service, pollution prevention opportunity assessment workshops were conducted at postal facilities in Kansas City, KS. EPA headquarters (FFEO) arranged for and funded professional trainers to conduct a three-day training conference attended by 50 Postal Service employees. The Postal Service Midwest Area Vice President urged all employees to put into practice the concepts learned from the training session and authorized a Performance Incentive Award for employees who develop and implement significant pollution prevention projects at midwest facilities.

capabilities and limitations. Memoranda of Understanding or Agreements can be used to commit to writing terms and conditions agreed upon to resolve significant environmental issues. These arrangements can ensure that the agreement(s) endure changes in agency personnel and any length of time required to implement the solution by providing responsible parties a record of exactly what was agreed upon.

Once agreements are arranged, EPA and CFA participants should hold periodic meetings to track and measure results in reaching the goals of the agreement and to identify any additional actions and roles to ensure accountability. Feedback on the progress of the agreement and the results of the initiative should be provided to all participants. The use of TQM techniques should be employed at meetings between EPA and agency representatives to ensure effective participation and progress.

**B. Catalogue of Federal Agency Publications**  
(Recommendation #9)

One of the key findings of the CFA Task Force is that the development of solutions for environmental compliance problems at many civilian agencies often results in duplication of work already done elsewhere in the federal government. To avoid this, CFA environmental managers must become more familiar with environmental programs developed at other federal agencies and with guidance and resources available.

At the request of the CFA Task Force, EPA/FFEO developed a bibliography called the *Catalogue of Federal Agency Environmental Compliance/Management Documents*. Produced in June 1994, the catalogue contains over 210 federal agency environmental compliance and management documents published by EPA, the Department of Defense (including documents developed by the Departments of the Air Force, Navy and Army), the Department of Energy, the Department of Transportation, the Postal Service, the Department of Commerce, and the Tennessee Valley Authority.

Most of the documents and guidebooks included in the Catalogue have been developed and tested by federal agencies that are regulated by EPA. These materials can be adapted by CFAs that have not yet developed guidance or strategies of their own.

**C. Executive Guidance for Civilian Agency Senior Management**  
(Recommendation #17)

To achieve the goal of advancing civilian federal agencies' environmental management programs, the CFA Task Force recognized that furthering the awareness of environmental requirements among agency executives was also needed. One way to fulfill this need is to provide agency executives with a primer which outlines their environmental requirements. Most civilian agencies have not attempted to develop such a document on their own due to the personnel time and funding required for the task. Members of the Task Force agreed that by producing one generic document, civilian agencies could further the environmental awareness of agency executives, while achieving resource efficiencies through a multi-agency effort. The development of an *Executive's*

*Guide to Environmental Management* by the Federal Aviation Administration is intended to meet those needs.

The *Executive's Guide to Environmental Management* will present the basic issues of facility environmental compliance and offers brief information regarding the statutory and regulatory requirements of achieving and maintaining compliance. Information regarding an executive's environmental duties, responsibilities, and potential liabilities will be provided as they relate to issues that impact CFAs' facilities and operations.

The document is not intended to be a desk-top environmental manual for operations managers. Each agency's environmental and legal staff must determine if the agency's activities are conducted in a manner consistent with the environmental statutes, and then convey that information to their management. This primer will simply facilitate the information process.

The document will be distributed to the CFA Task Force members for review and comment, with the final guide provided to the agencies as a word processing file. Individual agencies can then customize the document with additional information prior to production.

#### **D. Technical Assistance in Environmental Auditing**

Although not a formal recommendation of the Task Force, EPA will strive to provide more focused technical assistance to CFAs in the area of environmental auditing. EPA has actively promoted environmental auditing at federal agencies and issued its Environmental Auditing Policy Statement in 1986.<sup>3</sup> In addition to defining environmental auditing and encouraging all regulated entities to audit, the policy contains a separate section (§ III, C) that explicitly addresses and encourages environmental auditing at federal agencies. In 1989, EPA published the document *Generic Protocol for Environmental Audits at Federal Facilities* and a companion document *Environmental Audit Program Design Guideline for Federal Agencies* to provide a starting point for agencies that did not have an environmental audit program and that were in need of guidelines to establish a program and performance requirements for

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<sup>3</sup> *Federal Register* Notice, July 9, 1986 (51 FR 25004).

environmental auditors. Periodically EPA has also sponsored training exercises and provided presentations to federal agencies to further environmental auditing activities.

The Government Accounting Office (GAO) released a report in April 1995<sup>6</sup> which found that many CFAs, including some with potentially large environmental liabilities, have made "limited progress" in developing effective audit programs. GAO noted that civilian agency managers may have little incentive to support environmental auditing because their agencies run little risk of being inspected by EPA or the state. Another obstacle cited by GAO is the lack of technical expertise among civilian agencies to implement audit programs.

To respond to the problems uncovered, in April 1994, EPA convened an interagency work group to revise the generic audit protocol document, with the advice of auditing experts throughout the government. The revised protocol includes a checklist to evaluate compliance with federal regulations at federal facilities, as well as a means of assessing the effectiveness of all environmental management programs at both the installation level and at senior management and agency headquarters levels. The revised audit protocol manual is available on diskette and on-line to all federal agencies. EPA is also revising the companion document on audit program design guidelines.

In October 1993, at the request of the CFA Task Force, DOE's Office of Environmental Audit conducted environmental management assessment training for Task Force members. The training program initiated agency environmental officers to the key characteristics of effective environmental management systems and the role environmental audits play in maintaining these systems. Coordinated by both EPA and the Federal Aviation Administration, the training session also provided an opportunity for environmental managers at civilian agencies to benchmark their audit programs and techniques with those at the Department of Energy.

EPA will continue to sponsor and support training activities to promote the value of performing environmental audits at federal agencies. In March 1995, EPA co-sponsored an environmental auditing seminar and training

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<sup>6</sup> U.S. GAO, *Environmental Auditing: A Useful Tool That Can Improve Environmental Performance and Reduce Costs*, GAO/RCED-95-37, April 1995.



conference for federal facilities with the Institute for Environmental Auditing. The agenda focused on the auditing needs of civilian agencies and include breakout groups on building effective environmental auditing programs. The conference also provided training on fundamentals of environmental auditing as well as more advanced training on performing management systems.

**E. Establishing Informational Networks**  
(Recommendations #1, 3, 7, 8, 11)

One of the key areas of concern expressed by member agencies of the CFA Task Force is the need for better information resources to facilitate improved coordination between EPA and civilian agencies and to avoid duplication of effort.

*FFLEX and Enviro\$en\$e.* EPA has developed an electronic bulletin board system called Enviro\$en\$e, which allows downloading and screen viewing of full text and abstracted documents. Enviro\$en\$e includes professional contacts and services; training and education opportunities; federal facilities information; summaries and bulletins; a calendar of events; case studies and other documents; and dialogue and electronic mail utilities. The system is routinely updated and expanded based upon user interest and input. The FFEO component of the system is known as the Federal Facility Leadership Exchange, or FFLEX, which can be accessed through Enviro\$en\$e.

FFLEX allows EPA to begin addressing the need for better communication and coordination among federal agencies, and to implement several recommendations made by the CFA Task Force. As recommended, FFLEX includes listings of EPA contacts in various program offices and the regions, as well as environmental contacts at other federal agencies.

The FFLEX system also includes a feature that provides summaries of new and pending environmental requirements as an early warning mechanism to help federal agencies forecast new requirements (pending regulations), *Federal Register* notices, and Executive Orders. The electronic format allows environmental officers and staff to directly dial in for information on new regulations and other requirements in order to anticipate agency planning needs and resources.

Another feature of FFLEX is a catalogue index, informing users of compliance-related reports and publications produced by EPA and other agencies. The index could ultimately include new EPA initiatives for technical assistance and outreach, partnership programs, technology demonstrations, *Federal Register* notices, and legal settlements and court cases involving federal agencies. The system allows documents to be scanned in and forwarded to the requesting agency in electronic format. FFLEX will also contain a benchmark bulletin board service (see Chapter IV.C for more details).

*Training Bulletin Board.* EPA will develop an environmental training opportunities bulletin board for federal agencies in FY 96. EPA will pursue two alternatives to address this need. One option is to salvage the effort started by the Accelerated Training Subgroup (ATSG). The ATSG had proposed in 1993 to develop a training opportunities bulletin board to provide public information regarding training programs and courses at EPA, DoD, and DOE, via the Clu-In bulletin board system developed by EPA's Technology Innovation Office. However, the ATSG has since been discontinued and the status of the bulletin board is in question. Should the Clu-In option become viable again, EPA will pursue it. Otherwise, EPA will create a separate training opportunity bulletin board on FFLEX to publicize training information for CFAs.

**F. On-Line Access to EPA's FFTS and Other Databases**  
(*Recommendation #15*)

In 1996, FFEO will complete the development of the new Federal Facility Tracking System (FFTS). The FFTS system is intended to provide a multi-media view of activities and projects planned within the purview of FFEO. It provides a method for viewing cross-program, multi-media data from other data systems maintained by EPA's Office of Water, the Office of Solid Waste and Emergency Response, the Office of Enforcement and Compliance Assurance, and EPA Regions.

FFTS is a local area network compatible system that is PC-based and incorporates many automated features for maintaining a multi-media view of compliance activities at federal facility sites. FFTS derives data from EPA headquarters and EPA Regions. These capabilities allow EPA personnel to view a more complete representation of activities at federal Facility sites. In addition, FFTS can also extract information from other independent data bases, such as

the Permit Compliance System from the Office of Water Enforcement and Compliance, the RCRA Information System (RCRIS), and the CERCLA Information System (CERCLIS). FFTS allows users to extract information on enforcement actions, permits/compliance status, violations, inspections, and other key information on federal facilities.

In FY 96, FFEO plans to provide federal agencies with limited on-line access to nonsensitive enforcement data contained in FFTS. The data can be used to facilitate an exchange of information regarding the facilities compliance status. This would include lists of facilities that have been inspected by EPA and received enforcement actions. This information will be sent to a designated point of contact in each federal agency and allow agency personnel to become more aware of the overall compliance status of facilities under its purview. The federal agency would then follow up with appropriate internal queries or investigations to resolve outstanding issues between the EPA region and the facility. CFA agency personnel would provide EPA with information on actions taken and list any discrepancies in EPA's data. This exchange will facilitate better communication and coordination between the federal agency headquarters and the regional facilities, and also develop dialogue between EPA and the agency to help resolve outstanding compliance issues.

FFEO has also developed a new PC-based management information database, called FEDPLAN-PC, that contains all federal agency environmental project information that supports the budgeting and planning process for environmental compliance (formerly known as the A-106 process, now called FEDPLAN). FEDPLAN-PC will be fully implemented during FY 1996. The database provides a powerful data analysis capability to regional media program review personnel and regional Federal Facility Coordinators. EPA staff will be able to perform relational analyses between the project level compliance and budget information contained in FEDPLAN-PC with inspection and compliance information contained in the new Federal Facility Tracking System coming on-line. CFA involvement was vital to the Interagency Advisory Committee that recommended changes to the A-106 process, and CFAs are expected to maintain their involvement in and access to FEDPLAN-PC.

**G. Information on Training Opportunities**  
*(Recommendations #2, 5)*

The CFA Task Force has recommended the establishment of joint training opportunities across CFAs in order to economize and reduce duplication. Joint activities can include cost sharing of contractor training courses, or developing informal or formal agreements to open training courses up to other federal government personnel in exchange for reciprocal training opportunities. Civilian agencies should also exchange empirical information on training resources and curricula and lists of qualified instructors and facilities. EPA will assist agencies in advertising training opportunities and resources by developing the training opportunities bulletin board system as described above. In addition, FFEO activities such as the Federal Agency Roundtable and CFA Task Force meetings can help distribute training information and opportunities.

**H. Internal Improvements at Civilian Agencies**  
*(Recommendation #4)*

The CFA Task Force has also developed recommendations that can be immediately implemented internally at CFAs independent of EPA leadership. One such area is the development of more mature and formal environmental compliance training programs and budgets to assure adequate training of agency employees tasked with environmental responsibilities. Specifically, executive management at civilian agencies should ensure the development of formal compliance training systems and mechanisms to keep employees informed of changing environmental requirements, oversee the integration of Presidential executive orders and EPA policies into agency missions, and develop oversight mechanisms (including awards and performance reviews) to encourage environmental compliance and performance. In the long term, CFAs need to devise a strategy that will ensure the development of formal and mature compliance training systems equal to, and compatible with, "state-of-the-art" training programs in the public and private sector.

#### IV. LONGER-TERM MEASURES

In the 1994 *State of Federal Facilities Report*, EPA pledged to integrate the principles of environmental stewardship into enforcement agreements and into federal agency operating missions. EPA has also pledged to work with states, federal agencies, and the public to achieve federal environmental leadership. EPA's Office of Enforcement and Compliance Assurance openly encourages the building of partnerships between EPA, federal agencies and the public to build a mutual relationship based on trust and respect for each organization's mission and responsibilities. If the positive and cooperative relationships established by EPA and the CFA Task Force are to endure beyond those created during the Task Force meetings and work group activities, EPA and the CFAs must install a formalized permanent structure to the Civilian Federal Agency Strategy that endures beyond the immediate agenda of EPA and the civilian agencies. This structure would also encourage permanent improvements in environmental management and compliance performance at smaller federal agencies.

This chapter of the strategy outlines initiatives to be developed over a longer period of time (3-5 years) to not only improve environmental programs at CFAs but also to form more permanent cooperative relationships between EPA and CFAs. Although these initiatives are not as detailed as those described as immediate actions in the previous chapter, they serve as important guideposts and visions to keep the overall strategy on track toward improving CFA environmental management programs.

##### **A. Promoting Environmental Management Training** (Recommendations #5, 6)

Training agency personnel in environmental responsibilities is one of the most important areas that needs to be addressed by CFAs. The National Performance Review is encouraging federal agencies to move decision-making downward in the organization to encourage empowerment. This will allow federal employees who are closest to the agency's operations and environmental management concerns to influence the decision-making process. The quality of

their decisions, however, can be no better than the training and experience the agency provides through formal training programs, and the duties assigned to that employee.

It is thus imperative that formal training programs be developed by federal agency managers. The adequacy of these training programs is directly dependent on the agency's commitment to compliance and ability to communicate that commitment to its employees.

In addition to immediate actions to increase opportunities for training at CFAs and the quality of the training, ongoing processes need to be put in place to ensure an adequate level of awareness among employees who are assigned environmental management and compliance responsibilities. For this reason, EPA will develop informational resources (i.e., clearinghouses, bulletin-board systems) to help civilian agencies identify training opportunities for their employees. EPA's FFEO will also continue to encourage DoD and DOE to demonstrate their leadership by offering and reciprocating training opportunities with CFAs. FFEO can also act as a communication conduit to the EPA Training Institute or other federal agency providers to express the needs of smaller federal agencies for specific types of training as well as more training opportunities.

In addition, EPA and CFA Task Force members need to track the progress of various national and international standard setting organizations who are currently drafting qualifications and standards to address concerns related to environmental training, staffing and qualifications of environmental professionals (ISO 14000, Canadian Standards Association, National Sanitation Foundation, etc.). Once final standards regarding these issues are published, federal agencies should consider subscribing to these standards in an effort to seek continuous improvement in environmental performance.

**B. Developing and Retaining Experienced Environmental Staff**  
*(Recommendations #20, 22)*

To ensure that seasoned experience is reflected in environmental management decisions, it is also imperative for federal agency executives and managers to carefully plan the infrastructure of the environmental management units within a federal agency. To retain experienced personnel, agency

managers need to create an infrastructure with designated career paths, and establish the necessary amount of full time equivalents (FTEs) within agency environmental compliance units. These measures will ensure adequate attention is given to environmental issues.

*Personnel rotations.* The CFA Task Force has determined that a greater understanding needs to be developed between EPA and civilian agencies as to each other's organization, approach, needs, and problems. To address this issue the Task Force recommended that EPA and civilian agencies consider reciprocating rotational assignments, hiring personnel with CFA/EPA experience and other mechanisms to foster team building, cross fertilization of ideas, and respect for each party's position and situation. To accomplish this goal, EPA and the CFA Task Force should seek utilizing Intergovernmental Personnel agreements (IPAs) to the maximum extent possible.

As a long-term strategy, EPA will seek opportunities to detail CFA environmental officers into short-term assignments at FFEO or the Office of Federal Activities. Personnel could be assigned to non-enforcement sensitive duties such as assisting FFEO personnel in pollution prevention or other outreach activities. EPA has experienced success in similar arrangement with DoD personnel who have been detailed to FFEO and various EPA regions and program offices. EPA has already begun to detail staff from FFEO to perform short-term assignments at DOI and DoD as direct technical assistance to these agencies and to foster better communication and understanding between the agencies.

*Minimum grade levels.* The Task Force also determined that CFAs need to establish minimum grade levels for environmental positions and to develop performance standards for environmental personnel to ensure accountability of environmental responsibilities. Careful consideration also needs to be paid to the practice of assigning environmental compliance responsibilities to agency personnel as a collateral duty or part-time basis. Overburdening staff and management with too many duties increases the chance of environmental issues being ignored or under-prioritized. EPA encourages all federal executives to implement this recommendation within their own agencies.

### **C. Satisfying Broad-Based Needs for Information on Technology and Program Methods**

As mentioned earlier in this strategy, CFAs need to become more familiar with the successes and failures experienced at other federal agencies in order to move their programs beyond compliance based performance and toward environmental excellence. As noted, EPA has already begun developing mechanisms to improve access to information for CFAs, such as the electronic bulletin board system and the monthly EPA/Federal Agency Environmental Roundtable.

#### **1. *Coordination Among Partnership Groups* (Recommendation #28)**

Beyond the immediate informational needs that the electronic BBS will satisfy, CFA representatives also expressed a need for information on the activities of the numerous committees, teams, task forces, work groups, etc. at other federal agencies that address a variety of environmental issues of interest to federal environmental managers. These groups can be ongoing or short-lived, and may have limited or open membership. Often, the existence and work of some partnership groups goes unknown beyond a small circle of people. This leads to duplication of efforts when each agency attempts to resolve the same problems, and groups are formed concurrently and consecutively to address the same issue.

In response to the Task Force's request, EPA will increase efforts to communicate partnership group activities and progress through the monthly EPA/Federal Agency Environmental Roundtable and through one of several electronic bulletin board systems. EPA will also compile a list of partnership groups active in the federal government, as the information becomes known to FFEO. The list will contain information regarding a point of contact and a description of the purpose, goals, and products of each group. EPA will provide public access to the list through a monthly newsletter or via electronic bulletin board. EPA will also invite representatives of partnership groups to the Federal Roundtable meetings to report group activities directly to roundtable participants.



As a second phase, EPA will conduct annual partnership meetings either as a special meeting of FFEO and federal agencies or as a special session of the Environmental Roundtable. The annual partnership meeting will encompass a multi-day agenda where partnership groups present panel sessions, workshops, and open-door sessions.

## **2. *Improving Automated Information Management Systems*** ***(Recommendations #4, 16)***

EPA and the CFA Task Force have begun to identify new approaches and technologies that can improve existing information management systems at civilian agencies. In September 1993, the CFA Task Force held a special session at DOE headquarters to demonstrate a DOE database system that enhances environmental management and compliance tracking. (The document, *Improving Access to Information Resources at Civilian Federal Agencies*, is available from FFEO on request.) The CFA Task Force also observed demonstrations of similar systems utilized by DoD. The purpose of these demonstrations was to foster awareness among Task Force members of information management systems employed by DOE and DoD, exchange ideas and lessons learned on the successes, limitations and costs of these systems, and explore the potential for these systems to enhance environmental information management and compliance tracking capabilities at civilian agencies.

EPA supports the Task Force recommendation that federal agencies that are still using manual systems to manage and track environmental compliance information should begin developing automated systems to accomplish this task. As an immediate method of relief, EPA will provide on-line access to FFEO's newly developed FFTS. However, this initiative is not a panacea for all information management needs at CFAs. More long-term solutions that carefully consider all of the environmental information management needs of an agency must ultimately be developed. Agencies must also determine the types of operating systems needed to cross-talk with computers systems at EPA and other federal agencies. This capability is particularly critical if the agency desires to become linked to the EPA bulletin board systems, FFTS, and EPA public databases (eg, Clu-In, PIES, FAME, etc.).

EPA will continue to assist CFAs in identifying solutions to information management problems. EPA will also encourage other federal agencies with

more advanced environmental programs to share information on computer technologies, innovative approaches, and information management approaches with CFAs. EPA will also host demonstrations of software and computer systems developed by other federal agencies at meetings of both the Federal Agency Roundtable and the CFA Task Force.

**3. *Creating an EPA Library of Technical Documents***  
*(Recommendation #13)*

To supplement the CFA catalogue effort, EPA will maintain a technical library or repository of technical information exclusively written to guide federal agencies toward compliance and environmental program improvement. These materials would include guidance documents, technical literature, and brochures developed by EPA and other contributing federal agencies. EPA will also attempt to collect information on innovative technologies on pollution prevention and site remediation and cleanup developed by industry and other government agencies. The documents in the repository would be made available electronically to federal agency personnel who wish to consult literature covering a variety of topics including environmental compliance, environmental management tools and techniques, site restoration and pollution prevention technologies.

The catalogue of federal agency publications will list the majority of these documents. As previously mentioned, the catalogue will be maintained on the FFLEX bulletin-board system to be more accessible to requesting agencies. EPA will begin collecting the library materials during the next update of the federal agency publication catalogue.

**4. *Establishing a Benchmark Communications Network***  
*(Recommendation #12)*

Through the discussions held at CFA Task Force meetings and work group sessions, many civilian agencies have already become familiar with environmental program activities at other federal agencies and pursued opportunities to exchange ideas on technology, compliance program management, and site cleanup. If federal agencies are to achieve environmental excellence, such collaboration must continue and strengthen. Federal agency environmental officers also need to communicate with other environmental

professionals to solicit ideas and proposals that can be applied toward improving their own environmental programs.

Recently, the concept of benchmarking has gained widespread recognition from both government and industry as a tool to improve environmental management programs, particularly in the area of pollution prevention. Benchmarking, in the context of this discussion, can be defined as a continuous process of measuring environmental performance at one organization to the environmental performance of an organization considered "Best-in-Class" by customers, peers and stakeholder.

As a long-term strategy, the CFA Task Force has proposed -- and EPA intends to pursue -- the development of a benchmark communication network for the federal government that allows federal managers to discuss and exchange environmental program management information on-line. This kind of interaction would help agency environmental officers determine whether their own programs are better or worse than those at other agencies, and by how much. Improved methods in program management and budgeting, pollution prevention, cleanup, and program support can be exchanged. Benchmarking can also provide a fresh source of ideas for improvement as well as critical data needed to track and gauge progress in implementing environmental program changes.

Data collected from other agencies would allow environmental officers to analyze future requirements and to influence planning decisions based on anticipated requirements. For example, aging infrastructure such as wastewater treatment plants and other pollution abatement equipment can be more effectively replaced once future requirements are anticipated and benchmarking with other peer agencies and organizations provide data to decision makers as to equipment capabilities and limitations. The Benchmark Communications Network would also allow environmental managers to survey current program improvement activities employed by other agencies and determine the costs and other resources (training, staffing) needed to implement needed changes. Through benchmarking the agency will also be able to determine impacts on other mission activities and develop effective transition plans for implementing changes.

The Benchmark Communications Network would include a government-wide registry of agency environmental personnel seeking benchmarking opportunities as well as a registry of federal personnel responsible for successful changes, ideas and practices. A document repository will also be available to provide text or "white-paper" explaining the principles of the concept or change. EPA will consider various options for funding the development of this network, including the possibility of seeking contributing funds from interested users.

**D. Environmental Challenge Program**  
*(Recommendation #31)*

Reaching a level of environmental excellence within the U.S. Government will only occur if EPA and federal agencies and departments develop and share a common ethic on environmental protection. This ethic will be embodied in EPA's Federal Government Environmental Challenge Program that recognizes and rewards outstanding environmental management performance at federal agencies and facilities. The Challenge Program is being developed by EPA as mandated by Executive Order 12856, section 4-405.

The program challenges federal agencies to: (1) agree to a code of environmental principles emphasizing pollution prevention, sustainable development and "state of the art" environmental management programs; (2) submit applications to EPA for individual federal facilities for recognition as "Model Installations;" and (3) encourage individual federal employees to demonstrate outstanding leadership in pollution prevention. The program will recognize those departments, agencies, and federal installations where mission accomplishment and environmental leadership have become synonymous, and will spotlight these accomplishments as models for other organizations.

The Environmental Challenge Program has several purposes, including:

- The development of a national, voluntary program to recognize and reward a long-term commitment to sustainable development by departments, agencies and federal installations.
- Providing positive incentives to the federal sector to encourage achievement of the highest possible environmental management

performance that is ranked as a benchmark by peers, customers and stakeholder alike.

- Encouraging the federal government to go beyond compliance with the law by incorporating proactive environmental management programs such, as pollution prevention, into all aspects of their operations.
- Ensuring that federal agency participation in these programs is credible and verifiable by establishing basic standards and public measures of success.

The Code of Environmental Principles represents the first step in the Environmental Challenge Program for establishing a framework for establishing an environmental management standard for federal agencies. The program will ensure that:

1. Federal agencies and departments install enabling systems that establish environmental compliance as a basic foundation for an effective environmental program rather than as a final goal. These enabling systems should cut across and become embedded in all planning, organizing, implementing and measuring processes.
2. Federal agencies and departments are provided with a guide for implementing Total Quality Environmental Management (TQEM) from the ground-floor up.
3. An assessment tool is developed for federal agencies or departments that can be used internally or externally to measure progress toward environmental management excellence as well as opportunities for improvement.
4. A public recognition process is established for those agencies and departments of the Federal Government that accept the challenge to agree to the Code of Environmental Principles.

The CFA Task Force has recommended that EPA develop a mechanism for recognizing positive environmental management approaches taken by federal

agencies instead of recognizing only the effects of noncompliant behavior toward environmental requirements (issuance of violation notices, and enforcement agreements). The Task Force specifically requested that these positive relationships be based on environmental successes such as facility-specific programs and initiatives that have resulted in reduced enforcement actions due to better environmental practices like pollution prevention and the use of innovative technologies.

EPA will use the Federal Government Environmental Challenge Program to seek more proactive and positive relationships between EPA and CFAs. EPA intends to structure the Environmental Challenge Program in a tiered approach in order to encourage the participation of CFAs. Chapter V of this document explains how the Environmental Challenge Program will be used to measure the success of the CFA Strategy.

#### **E. Providing a Forum for CFA Concerns**

By developing this strategy, EPA formally recognizes the unique environmental management concerns faced by smaller-sized federal agencies. EPA recognizes that CFAs with smaller numbers of environmental management staff, inadequate resources, and underdeveloped management programs are falling further behind in their attempts to comply with environmental regulations and manage liabilities associated with contaminated sites. FFEO considers the impacts of these circumstances to its federal facility strategy as significant.

EPA seeks to ensure that these conditions are reflected in the development of national strategies, enforcement policies and outreach initiatives conducted by FFEO. EPA has already begun to preserve the concerns of civilian agency issues in several recent activities.

- In February 1994, EPA issued the report, *The State of Federal Facilities*, and identified several strategic visions for CFAs, including more support for federal agencies with large land holdings and natural resource responsibilities, (e.g., DOI, USDA). The report also recognizes the CFA Task Force as a primary mechanism to promote environmental excellence in the federal government.

- EPA is structuring the Environmental Challenge Program's model facility component in a tiered approach to give recognition to federal agency programs that are not yet advanced but that are striving to improve performance.
- In outreach activities, EPA will fund training and other non-punitive activities on the part of its regional offices, including advisory services, forums to improve communication and dissemination of information, and encouraging more self-regulation and accountability at federal facilities.
- EPA is committed to funding the development of electronic bulletin boards to meet the information resources needed by CFAs.
- In revising the generic environmental audit protocol, EPA has made the document more "user friendly" to assist small federal agencies in understanding and implementing complex regulations.

The CFA Task Force will become a permanent partnership group and serve as the primary conduit of communication between EPA and CFAs. EPA intends to continue periodic, informal meetings of the Task Force after this strategy is published. The Task Force will meet to discuss progress made by both CFAs and EPA in implementing the actions called for in this strategy and continue to identify and attempt to resolve the unique environmental compliance issues of concern to the smaller federal agencies. It is expected that Task Force members participating in other partnership groups will communicate the activities of the Task Force to these groups and vice versa. Thus the CFA Task Force should serve as a conduit for dispersing information among its membership and as a vehicle for brainstorming solutions to problems unique to civilian agencies.

CFA Task Force members are also encouraged to organize special events or produce issue papers, reports, or other products of interest to the group. EPA intends to serve as an equal participating member of the ongoing Task Force, and encourages other members to take the initiative in arranging agendas, serving as meeting leaders, etc. EPA will volunteer to retain the list of Task Force members and arrange for room space to facilitate meetings of the Task Force.

**F. Making EPA a More Responsive Partner**  
(Recommendations #21, 26, 29, 30)

*Standardized guidance.* In response to the Task Force's recommendations, EPA/FFEO and the regional Federal Facility Coordinators (FFCs) will work together to develop standardized guidance for federal agency environmental officers. The guidance will describe roles and responsibilities of FFCs at EPA regions and headquarters. The guidance will also offer advice to federal agency personnel on raising environmental issues to EPA and whether the issue should be raised at the regional or headquarters level. The guidance will also list key regional points of contact including media specialists and FFCs.

*Streamline policies, dispute resolution.* EPA will also identify opportunities to standardize and streamline enforcement policies and procedures to the maximum extent possible, and will outline a procedure that federal agencies can follow to help resolve disputes between two or more EPA regions on regulatory interpretation and enforcement response.

*Budgets.* Task Force members also pointed out that misunderstandings develop between EPA and federal agencies over environmental requirements and the budget resources needed to meet these requirements. These misunderstandings are further compounded when differing expectations arise between EPA and other federal agencies on what programs should be operative to ensure sound environmental management. EPA's emphasis on "going beyond compliance" and toward environmental excellence often conflicts with the approach of an agency that is struggling just to obtain a budget to manage baseline compliance activities.

Task Force members informed EPA that the budget provided to CFA environmental officers from agency budget officers often has nothing to do with the compliance officer's evaluation of budget needs to meet baseline compliance functions or to go beyond compliance. The actual budget for environmental management is too often a function of what is left over after other mission oriented activities and programs are funded.

To address this concern, the Task Force requested EPA's assistance in working with federal agencies to apprise Congress and White House officials and other concerned parties (e.g., OMB) of the resource requirements needed to



manage environmental programs mandated by statute or regulation. These resource requirements -- such as funding for training programs or environmental compliance auditing -- are often considered as "overhead."

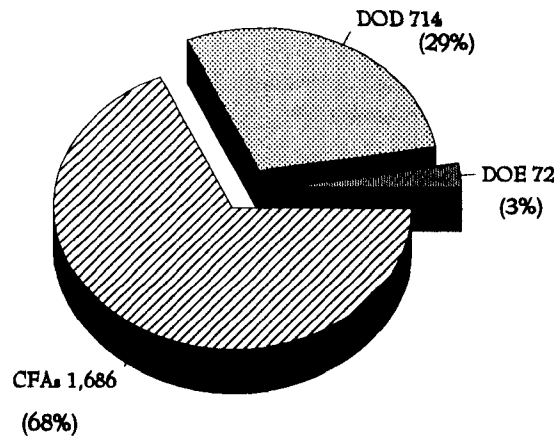
EPA has taken an important first step in addressing this set of issues by proposing the establishment of a "Class 0" priority for funding such overhead costs under the new Federal Environmental Management Program Planning (FEDPLAN) guidance. The new program management (PGMT) priority classification is intended to fund expenses considered by environmental officers as essential for managing environmental programs. They include personnel and labor costs of environmental managers and their staffs, travel, per diem, supplies, computer hardware and software, leases, permits and fees, and other administrative costs including resources, organization, communication, and training. In addition, program management projects will be assigned a high priority for funding when the project is considered essential for developing and sustaining effective management of the environmental program.

EPA recognizes that more needs to be done to ensure adequate environmental compliance budgets at federal agencies, and will work with CFAs and other agency representatives to further this goal. Through CFA Task Force and other meetings, EPA will help identify additional opportunities to communicate agency budget needs to a higher levels of visibility and also identify mechanisms that meet resource requirements with minimum budget impact (e.g., cost sharing through partnership opportunities).

#### **G. Inspections and Enforcement at CFA Installations**

Traditionally, CFAs have been given a low-priority status in EPA's enforcement activities. However, new information is changing EPA's perspective. CFA facilities comprise a steadily-rising percentage (currently 49%) of the sites listed on EPA's Federal Facilities Hazardous Waste Compliance Docket (CERCLA, Section 120). In addition, of the 2,472 federal facilities included on EPA's E.O. 12856 EPCRA Covered Facilities List, 1,686 or 68 percent are CFA facilities (see Exhibit 1).

**Exhibit 1**  
**Number and Percentage of E.O. 12856 Covered Facilities**

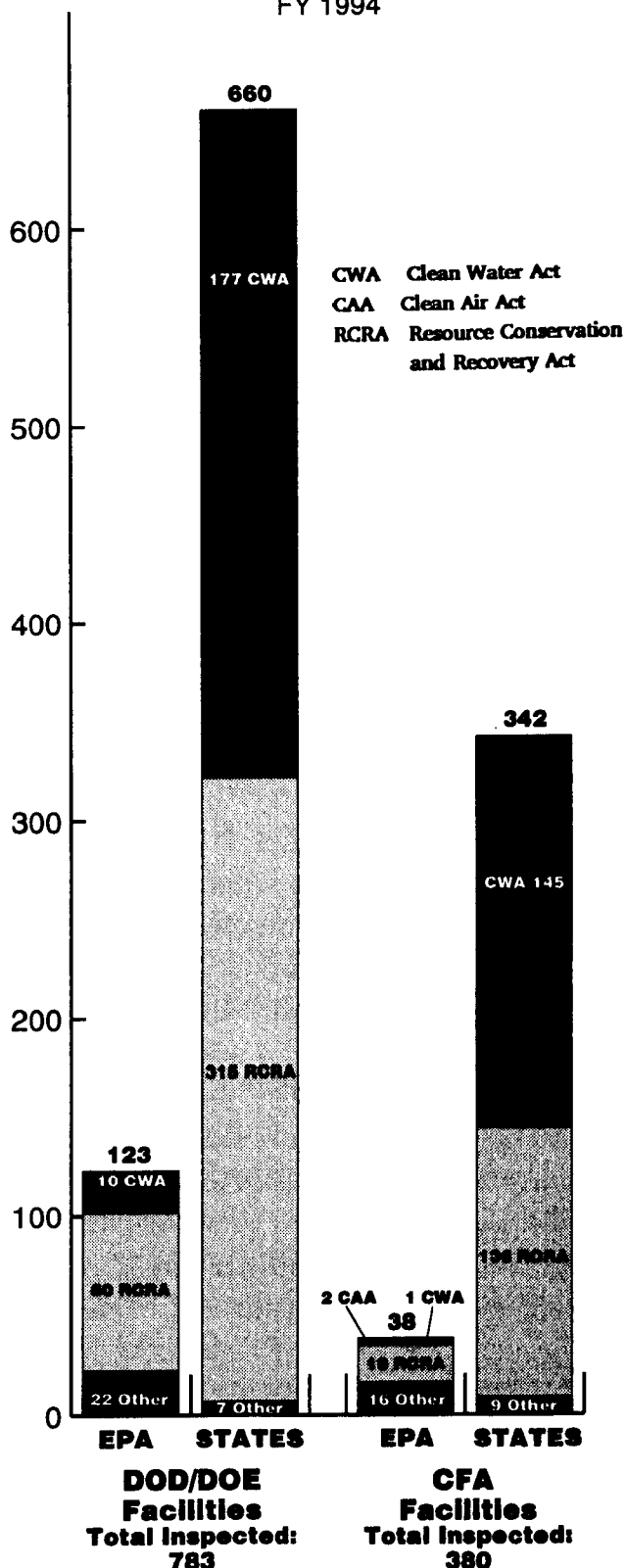


Similarly, enforcement data from FFEO's Federal Facilities Tracking System (FFTS) show that in FY 1994, 15,800 federal facilities reported engaging in some type of activity directly affected by environmental requirements. Of these facilities, 56 percent (or 8,848) are owned or operated by civilian agencies. The remaining 44 percent, or 6,952 facilities, are owned or operated by DoD or DOE.

As Exhibit 2 shows, in FY 1994, EPA and the states performed a total of 783 inspections at DoD and DOE installations and facilities, while only 380 inspections at CFA facilities. An analysis of these inspections is presented in Table 1. Of the 380 inspections of CFA facilities, 38 were conducted by EPA, and only 13 of them were followed by enforcement actions. Thus, out of the universe of 8,848 CFA facilities affected by environmental requirements, only 0.4 percent of total CFA facilities were inspected by EPA in FY 1994 (see Exhibit 3). The percentage of EPA inspections is significantly lower for CFA facilities than DoD and DOE facilities: of the 6,952 DoD and DOE facilities, EPA inspected 1.7 percent (123 facilities).

**Exhibit 2**  
**FEDERAL FACILITIES**  
**INSPECTED BY EPA AND STATES,**  
**FY 1994**

50



**Note:** "Other" includes TSCA, EPCRA, FIFRA.

**Source:** EPA FFTS, 6/95

The data also suggest that EPA oversight at CFA facilities is limited when compared to state monitoring. EPA provides relatively more oversight of DoD and DOE facilities. There are a variety of possible reasons for this difference, including the size and complexity of the facilities involved. In any case, the absence of sufficient EPA presence at CFA facilities may be a contributing factor in the comparative lack of environmental performance at CFA facilities.

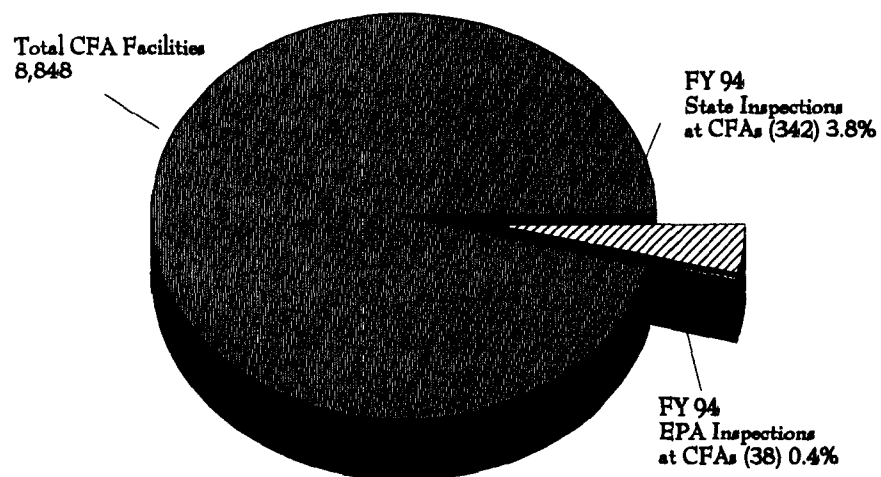
In its April 1995 report, the General Accounting Office recommended that EPA "ensure that civilian federal agencies receive a measure of enforcement attention commensurate with the environmental risks posed by their operations."<sup>7</sup> This recommendation responded to GAO's finding that senior managers at CFAs have little incentive to support environmental auditing programs, since few CFAs are targeted for inspections by the states or EPA. GAO added that if EPA is serious about fostering better environmental compliance and

<sup>7</sup> U.S. GAO, op. cit., p. 6.

**Table 1**  
**EPA and State Inspections & Enforcement Actions, FY 1994**

Agency	Number of Facilities	States		EPA	
		Insp.	Enforce.	Insp.	Enforce.
DoD & DOE	6,952	660 (9.4%)	218	123 (1.7%)	45
CFA's	8,848	342 (3.8%)	107	38 (0.4%)	13
<b>TOTAL</b>	<b>15,800</b>	<b>1,002</b>	<b>263</b>	<b>161</b>	<b>120</b>

**Exhibit 3**  
**EPA and State Inspections at CFA Facilities, FY 1994**



supportive programs (such as environmental auditing), EPA must ensure that CFA facilities receive additional inspections by federal and state inspectors.

In response to the analysis of EPA's FFTS data, the GAO recommendations, and EPA's environmental benchmark report,<sup>8</sup> EPA plans to make better use of FFTS data to determine how much of an increase in inspections and enforcement attention at CFA installations is in order. In FY 1996, EPA will conduct more detailed analysis of compliance and enforcement trends to determine the extent to which EPA must increase its enforcement presence at CFA facilities.

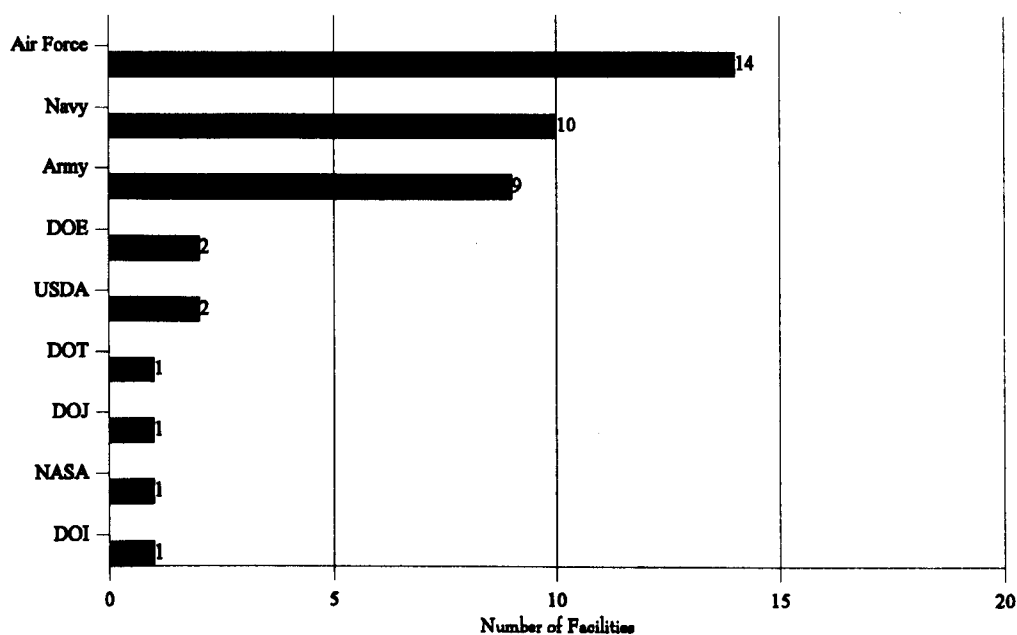
EPA will also provide increased compliance assistance to civilian agency environmental managers and other personnel in FY 1996 and beyond. In addition, federal agencies will be given access to non-enforcement sensitive data in EPA's FFTS that they can utilize for their own performance and tracking purposes.

Since passage of the Federal Facilities Compliance Act in 1992, EPA has increased the attention given to federal agencies and their compliance with environmental laws. In 1993, EPA implemented the Federal Facilities Multi-Media Enforcement/Compliance Initiative (FMECI) for the purpose of targeting federal facilities for multi-media inspections under a combination of statutes. EPA and the states exceeded the minimum number of required multi-media inspections for FY 1993 by 33 percent. The FY 1993 FMECI initiative resulted in the completion of 41 multi-media inspections of federal facilities and installations. Six of the 41 facilities inspected were installations owned and operated by CFAs; the majority of the remainder were DoD facilities (see Exhibit 4). EPA will evaluate its resource commitment to ensure that adequate attention is being distributed broadly across all sectors of the federal facility universe.

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<sup>8</sup> U.S. EPA, *Environmental Management System Benchmark Report: A Review of Federal Agencies and Selected Private Corporations*, op. cit.

**Exhibit 4**  
**Number of Inspected Facilities by Agency**  
**FY 1993 Federal Facilities Multi-Media Enforcement Initiative**



Depending on further analysis of compliance data, future targeting for inspections and enforcement may call for an increased enforcement presence at CFA facilities and installations in each region. EPA will take this measure to ensure that the entire universe of federal facilities has been included in EPA's Federal Facilities Multi-Media Enforcement and Compliance Initiative and to prevent bias in its enforcement targeting scheme.

## V. MEASURING SUCCESS

In the next several years, EPA will be investing significant time and resources into the CFA Environmental Improvement Strategy. Both EPA and member agencies of the CFA Task Force need to be accountable for ensuring the success of the program. That success will depend on the ability of each Task Force member, including EPA, to implement the actions proposed in this strategy within their own sphere of influence and as completely as possible.

In the past EPA has relied heavily on traditional measures of success to determine EPA's influence upon federal agencies to improve compliance behavior and environmental management programs. These traditional measures normally included the issuance of violation notices and progress made by regulated entities on meeting compliance schedules. These kinds of measurements were, and still are, necessary because EPA is primarily responsible for ensuring regulatory compliance with environmental statutes and laws. However, EPA also understands the value of examining root causes of non-compliance and making more permanent impacts on compliance performance through technical assistance and outreach. To be successful, EPA's attempts at providing technical assistance and outreach must demonstrate positive results federal agency compliance and in the cleanup and restoration of contaminated sites. Finally, EPA's technical assistance and outreach efforts can be effective only if regulated entities demonstrate a strong environmental ethic.

To monitor the success of this strategy, EPA must develop metrics other than a reduction in the numbers and frequency of violation notices and the number of agreements issued at civilian agencies. Performance measures must focus on how CFA environmental programs are evolving toward a proactive, state-of-the-art level. State-of-the-art programs are those environmental management systems deemed by peers as being best-in-class or world-class in both quality and function. Reaching this level will require each federal agency to develop and demonstrate top-level commitment to a strong environmental ethic. EPA and the CFA Task Force should seek agreement on milestones appropriate for marking accomplishments toward this level. A useful approach

for measuring progress is the program evolving matrix provided for in the Federal Environmental Challenge Program (see Chapter IV.D).

This matrix is important to federal agencies for several reasons. First, in the spirit of change and improvement, it is important that an agency demonstrate that it recognizes deficiencies in its environmental management program as well as the consequences of such deficiencies. Once inadequacies are recognized, agency staff and management will be able to identify the improvements necessary to remedy the defects. An implementation plan with key milestones should be developed to demonstrate that the agency has formed a vision of its own evolution in environmental management and has developed a roadmap to keep the agency on track toward reaching its goals.

Second, the program evolving matrix allows federal agencies to track their progress in improving environmental management programs and in eliminating inefficiencies (e.g., pollution abatement vs. pollution prevention measures). Management can then make any necessary adjustments needed to effect improvements. In the coming years, CFAs should be able to demonstrate progress from their current position on the matrix to each program improvement milestone along the path to improved performance and compliance. Once a decision is reached by the agency on the direction that needs to be taken to improve the agency's environmental management program, a plan should be developed, committed to in writing, formally adopted by the agency, and communicated to the employees and the public.

Data will be collected from both EPA regions and headquarters offices to provide feedback to CFAs on improvements and accomplishments, as evidenced through multi-media compliance inspections at facilities and installations. Other metrics will also be needed to provide a comprehensive evaluation. By performing program reviews as outlined in Chapter III.A of this strategy, EPA regions can assist federal environmental managers in evaluating the effectiveness of their programs. EPA and CFAs should also discuss both the accomplishments and setbacks to the program improvement process at periodic meetings of the CFA Task Force or in individual agency meetings between CFA and EPA personnel. EPA will continue to provide support to agencies in meeting environmental program improvement milestones and serve as liaison with other federal agencies, such as OMB, in securing funding and other resources needed to ensure the success of improving CFA environmental programs.



## VI. CONCLUSION

The Federal Government has made significant strides in achieving environmental compliance and implementing programs to address its own environmental responsibilities. However, more progress needs to be achieved. Civilian federal agencies represent a tremendous resource for leadership in environmental management. With coordination and effective exchange of information, resources and funds can be leveraged to provide maximum benefits.

One lasting result of the CFA Task Force's work is the realization among participants that EPA and federal agencies must open and maintain a dialogue in order to develop and disseminate a common environmental ethic. If federal agencies are to achieve environmental excellence, collaboration across agencies is the only approach that offers the chance of success.

Ultimately, both to meet the challenges of increasingly stringent regulations and to reduce liability, federal agencies and departments must maintain a proactive stance toward environmental management. Proactive programs require a continuous process and uncompromising standards of self-inspection and assessment. Both management and staff level employees at federal agencies are continually "on the line" making decisions that affect an agency's compliance status. The result of these decisions determines the type and extent of environmental liabilities facing management today and in future years. The quality of these decisions will only be as good as the training and experience provided to agency personnel, and as the level of commitment on the part of top-level agency management.

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