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Dated: May 9, 1997.

**Paul Baltay,**

*Acting Director, Municipal Support Division.*

[FR Doc. 97-12479 Filed 5-12-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-5824-9]

### Schedule of Stakeholders/Regulatory Partners Meetings on the National Performance Measures Strategy for Enforcement and Compliance Assurance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** As part of its National Performance Measures Strategy, EPA has completed two public meetings and held briefings with relevant House and Senate staff. The two public meetings were held in Washington, D.C. on February 3, 1997, and in San Francisco, California on March 17, 1997. At these meetings, a wide variety of stakeholders and regulatory partners offered their ideas, and suggestions about measuring the performance of EPA's enforcement and compliance assurance program. In addition to comments EPA received at these presentations, EPA also received suggestions from various stakeholders through independent submissions. This stakeholder input has helped EPA identify broad principles to guide development and implementation of enhanced performance measures, as well as identify specific performance measures for further consideration. As

part of the next phase of the strategy, EPA will hold a series of public meetings with its regulatory partners and the stakeholder groups to further discuss and examine suggested enforcement and compliance performance measures. These meetings will be held through July. A final capstone conference is planned for September. A proposed schedule of these meetings is provided in this notice.

**FOR FURTHER INFORMATION CONTACT:**

James McDonald, U.S. Environmental Protection Agency, Office of Enforcement and Compliance Assurance, 401 M Street, SW (2201A), Washington, DC 20460; telephone (202) 564-4043, fax (202) 501-0701 or via the INTERNET at McDonald.James@EPAMAIL.EPA.GOV.

**SUPPLEMENTARY INFORMATION:**

#### I. Background

For many years, EPA has counted annual enforcement outputs (e.g., inspections conducted, number of civil and criminal cases, penalties assessed) as the predominant measure of performance for the enforcement and compliance assurance program. While these outputs will continue to be used as an important measure of environmental enforcement, EPA seeks additional measures to assess the status and trends of regulatory compliance, as well as environmental improvements resulting from enforcement and compliance assurance activities. This need was recognized during EPA's enforcement reorganization in 1993, and a commitment was made during that process to develop additional measures. In addition, the requirements of the Government Performance and Results Act (GPRA) offer an opportunity to review and improve performance measures.

For almost three years, the Office of Enforcement and Compliance Assurance (OECA) has been taking steps to improve its performance measures for enforcement and compliance assurance activities. During that time, OECA: (1) Convened a Measures of Success Work Group comprised of EPA and Regional officials, (2) developed and implemented a Case Conclusion Data Sheet (CCDS) to gather new types of information about completed cases, (3) developed and implemented a reporting measure for compliance assistance activities, and (4) realigned single-media databases to enable reporting of enforcement data by industry sector.

Through these steps, OECA has made progress in developing an enhanced set of performance measures. Specifically,

OECA is now able to supplement traditional enforcement output measures with other measures, including: (1) Actions taken by violators to return to compliance, (2) quantitative environmental impact and qualitative environmental benefit of those actions, (3) types, amounts, and impact of compliance assistance activities, and (4) industry-specific compliance rates. These elements were fully operational together for the first time in FY 96, and the results of these efforts are being compiled in a national accomplishments report. However, with the initiation of the Strategy, OECA recognizes further improvements can, and should, be made with regard to reporting the state of national compliance and trends of environmental enforcement and compliance. The series of public stakeholder meetings and the ideas OECA has collected from them is an attempt to further enhance and refine the measures OECA uses.

#### II. The National Performance Measures Strategy

The purpose of the National Performance Measures Strategy is to develop and implement an enhanced set of performance measures for the enforcement and compliance assurance program. The Strategy includes: (1) Soliciting new ideas from regulatory partners and stakeholders for more meaningful and sophisticated measures of program performance, (2) developing a common understanding with regulatory partners and stakeholders about a set of national measures and the short and long-term steps necessary to implement them, and (3) carrying out an implementation plan to put the new set of measures into practice.

EPA is interested in hearing and considering ideas from regulatory partners and a wide range of stakeholders regarding the state of compliance and additional ways to measure the performance of EPA's enforcement and compliance assurance program. EPA accepts the idea that its current approach of counting annual enforcement outputs needs to be supplemented by other approaches that measure improvements in environmental quality and the state of compliance. As such, the Agency wants to focus the outreach effort on identifying and implementing new approaches rather than on the limitations of its current approach.

In the February and March public meetings, stakeholders and regulatory partners were asked to focus on the following issues of special interest to EPA:

1. What innovative approaches are being used (or could be used) by other environmental agencies, other regulatory agencies, and law enforcement agencies to measure the effects of their enforcement and compliance assurance programs?

2. What innovative approaches are being used by regulated facilities, companies, or trade groups and associations to measure the effect of their efforts to achieve and maintain compliance and protect the environment?

3. What can EPA use to measure the impact of its enforcement and compliance assurance program in low-income/minority population communities?

4. How can EPA measure industry performance in complying with environmental laws and regulations?

5. How can EPA measure the deterrent effect of its enforcement-related activities, including conducting inspections, taking enforcement actions, and publicizing those actions?

6. How can EPA measure the impact of compliance assistance activities and compliance incentives, such as its audit and self-disclosure policy?

EPA will use the upcoming stakeholders/regulatory partners meetings to further explore these issues.

### III. Next Phase of the Strategy

As part of the Strategy, EPA now intends to meet with sets of stakeholders through the month of July to further discuss ideas and proposals for improved measures. Stakeholder participants will be asked to discuss guiding principles or specific measures that have been suggested to EPA at a prior public meeting or through independent submission. EPA will identify these discussion areas and circulate agenda items to participants or potential participants in advance of each meeting. Participants might be asked to prepare written comment on the specific issues and ideas identified in the meeting agenda and related materials.

These meetings will be open to the public, will be a half or full day in length, and will be limited to a maximum of 25 stakeholder participants. The meetings will take place in a "roundtable" format to promote interaction and more detailed discussion.

### IV. Schedule of Stakeholders/Regulatory Partners Meetings

Listed below is the schedule of meetings as currently developed by EPA. The schedule is subject to revision if necessary to avoid unforeseen

conflicts or to accommodate additional meetings with stakeholders and regulatory partners.

- (1) Wednesday, May 28, 1997, Federal Oversight Groups, (GAO, IG, OMB, and Congressional Appropriations Staff), 9:00 am—1:00 pm, Ariel Rios Building (Room #6045), 1200 Pennsylvania Avenue, NW, Washington, D.C.
- (2) Thursday, May 29, 1997, Mixed Stakeholders, (Industry, Environmental and Environmental Justice Organizations), 9:00 am—5:00 pm, Washington, D.C., (Location to be determined)
- (3) Wednesday, June 4, 1997, State Environmental Agencies 9:00 am—5:00 pm, EPA Region V—Chicago, IL, Great Lakes Conference Center (Lake Erie Room), 77 West Jackson Boulevard, Chicago, IL 60604-3507
- (4) Thursday, June 12, 1997, Federal Regulatory Agencies, (FDA, OSHA, IRS, Customs, Coast Guard, etc.), 9:00 am—5:00 pm, Washington, D.C.
- (5) Wednesday, June 25, 1997, Mixed Stakeholders, (Additional State Environmental Agencies, State AGs, Tribes, Media-Specific Associations, and Local Government Associations), 9:00 am—5:00 pm, (Location to be determined)
- (6) Beginning of July (if necessary), Mixed Stakeholders, (Industry, Environmental and Environmental Justice Organizations), Washington, D.C.
- (7) Late July or Beginning of August 1997, Meeting with House Staff, Meeting with Senate Staff, Second Meeting with Federal Oversight Groups
- (8) Week of September 15, 1997, Capstone Conference in Washington, D.C.

### V. Information for Participants

Parties interested in participating in these meetings should contact James McDonald at (202) 564-4043. In addition, EPA will be soliciting participants through various organizations and associations. Participants interested in more detailed information about the Strategy or the two public meetings, including transcripts and statements of stakeholders, can review documents at EPA's Information Resource Center, which is located at 401 M Street, SW (Room #M2904), Washington, DC 20460 (202) 260-5921, or access these documents on-line at EPA's EnviroSense web site. (The address is: <http://es.inel.gov/oeca/perfmeas>)

Dated: May 5, 1997.

**Michael M. Stahl,**

*Deputy Assistant Administrator, Office of Enforcement and Compliance Assurance.*

[FR Doc. 97-12477 Filed 5-12-97; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[PF-731; FRL-5714-3]

### Notice of Filing of Pesticide Petitions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment of regulations for residues of certain pesticide chemicals in or on various food commodities.

**DATES:** Comments, identified by the docket control number PF-731, must be received on or before June 12, 1997.

**ADDRESSES:** By mail submit written comments to: Public Information and Records Integrity Branch, Information Resources and Services Division (7506C), Office of Pesticides Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460. In person bring comments to: Rm. 1132, CM #2, 1921 Jefferson Davis Highway, Arlington, VA.

Comments and data may also be submitted electronically by following the instructions under "SUPPLEMENTARY INFORMATION." No confidential business information should be submitted through e-mail.

Information submitted as a comment concerning this document may be claimed confidential by marking any part or all of that information as "Confidential Business Information" (CBI). CBI should not be submitted through e-mail. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice. All written comments will be available for public inspection in Rm. 1132 at the address given above, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** By mail: Philip Errico, Product Manager (PM-25), Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 401 M St., S.W., Washington, D.C. 20460.