

Next Generation Compliance: Environmental Regulation for the Modern Era

By Cynthia Giles

Most environmental policymakers believe that compliance with environmental rules is high and assume that enforcement can take care of the violators. Both beliefs are wrong. An examination of the evidence shows that serious violations of environmental regulations are widespread and have real consequences for people's health.

Rule design is by far the most important driver of compliance results; enforcement, by itself, will never close the huge compliance gap created by poorly constructed regulations. Rules that make compliance the path of least resistance will have good outcomes. Rules that create opportunities to evade, obfuscate, or ignore will have dismal performance records that no amount of enforcement will ever fix.

"Next Generation Compliance: Environmental Regulation for the Modern Era" reveals the widespread noncompliance with environmental rules and the paradigm shift necessary to turn that around. The series launches with an Introduction, which explains what Next Generation Compliance is, and Part 1, which shows that rule design is the most important factor in compliance outcomes.

[Introduction](#)

[Part 1: Rules with Compliance Built In](#)

Compliance outcomes are the result of good – or bad – compliance design: eight examples.

Part 2: Noncompliance with Environmental Rules is Worse Than You Think

Rules with bad compliance performance are not anomalies; they are the norm.

Part 3: Strategies for Making Compliance the Default

The many ways we can design rules that have much better compliance outcomes.

Part 4: The Guidance You Never Heard of That is Undermining Pollution Rules

Buried in EPA's cost benefit guidance for rules is a provision that kills Next Gen ideas.

Part 5: Updating Federalism

Our 1970s federalism model is getting in the way of innovation and improved compliance.

Part 6: Next Gen and Climate Change

Our next move has to work. Next Gen can show us what makes that more, or less, likely.

Part 7: Environmental Enforcement in the Next Gen Era

Tough enforcement is essential. Here's what revitalized enforcement can do in the Next Gen era.

View the series at: <https://eelp.law.harvard.edu/2020/01/next-generation-compliance-environmental-regulation-for-the-modern-era/>. You can subscribe to the Harvard EELP email list to be notified when future articles in the series are published.