

# WOULD NRD PRACTICE BENEFIT FROM MORE STANDARDIZATION?

AD HOC INDUSTRY NRD GROUP  
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REED W. NEUMAN



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- Question Before the House:  
Develop Best Practices/Standards?
- What's Working at the Federal and State Level? What Isn't?
- Common Elements of Lack of Uniformity, Consistency?

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- Would Best Practices Help Address Problem Areas?
- Reinforce, Integrate What is Working?
- Identify Potential Benefits/Drawbacks in Developing Best Practices -- and Processes, Tools to Implement

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- Current Dynamics –  
Forces Driving Current NRD/A Practice:
  - \* Limited # of litigation outcomes
  - \* Deepwater Horizon
- Increased Federal & State Activity -
  - \* Less centralized/centered on federal direction, leadership
  - \* Different objectives, approaches among trustees, stakeholders

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- Proposition/perspective –  
Federal and State NRD/A programs have considerable room for change
- \* Contrast to EPA-lead programs:
  - prescribed rules, procedures;
  - industry accepts, assimilates, adapts
- \* Opportunity in NRD/A to fill vacuum?

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- Can/Should Stakeholders Explore How We Would Change Things?
  - \* Opportunity to explore objectives , problems and foster/lead development of improved practices and tools.
  - \* Tap wealth of experiences, synthesize best of what's been accomplished, transform into articulation of Best Practices

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- Would Practice Benefit from More Consistency, Predictability?
  - \* Standardized approaches, tools, documents?
  - \* Differences among states, federal trustee teams (valuation of service losses, restoration approaches, conduct of assessments, etc.) -- good or bad?
    - justified technically, or legally?

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- CERCLA response program lessons –
  - \* Evolved to point of consistency, predictability; produces clear benefits for stakeholders
  - \* Model for NRD/A programs?
  - \* Encourage common approaches among NRD/A practitioners?



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- Standardized Approaches – Help or Hinder?
  - \* Lessen disputes over concepts, objectives?
  - \* Reduce negotiation time, costs?
  - \* Engender trust, improve communications?
  - \* Find common ground?
  - \* Improve acceptance of outcomes?

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- Take Step (or two) Farther: Develop Approaches, Tools that All Stakeholders can Embrace, Adopt for NRD/A Practice?
  - \* EU best practices experience – vetted with member states and practitioners.
  - \* Revise DOI regulations and/or produce guidance document(s)
    - \* Prescribe Best Practices to which trustees and other stakeholders could buy in?

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- Appeal to Trustees –
  - \* Is current NRD/A practice a hindrance to cooperation or creativity?
  - \* Provide closure incentives for trustees
    - \* defined negotiation periods
    - \* default time frames
    - \* model documents?

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- Take into Workshop:
  - \* What areas would benefit from more standardization? Which ones not?
  - \* What process, tools to make happen?
  - \* How to transform into Best Practices?

# Contact

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