

office be created to meet this requirement in the 2002 law." Susan Eckerly, NFIB.

4. Catalogue of Required Reporting

- "One thing that we * * * consistently argued for is the catalogue of reporting requirements * * * I think that it doesn't make sense to me that you can't go one place, maybe not every single paperwork requirement, but most of them, divided by SIC code. It just doesn't make sense to me that you can't have that." Susan Eckerly, NFIB, p. 81-2.

- "But in addition to that idea of a catalogue, a nifty electronic edition that be (sic) an export system along the lines of Tax Cut, where you put in your SIC code and start answering very basic questions that would then take you to the regulations that would apply to you." Fern Abrams, IPC, p. 84-5.

- "The catalogue of reporting requirements. That system of information, that database already exists. It shouldn't be hard * * * it should not be a task." Bob Coakley, p. 86.

- "The Task Force should clearly identify and recommend that any catalog of regulatory paperwork collection requirements be broken down according to these different manufacturing processes. Creating a catalog in such a manner would greatly enhance the ability of small business owners to comply with underlying laws and regulations on paperwork and information collections." Danielle Waterfield, Screenprinting and Graphic Imaging Association International.

- "The federal government should have in one place a definitive list of the paperwork requirements imposed on small business. * * * Given the paperwork and regulatory demands placed on small business, the federal government should be able to fulfill its end of the bargain and publish a list categorized by the NAICS code. It would be wonderful if businesses could access this via CD-ROM, through their trade association, or off the internet, among other places." Susan Eckerly, NFIB.

5. Agency Accountability/Review of Agency Compliance With Paperwork Laws

- "[w]e really have to look at what the agencies are spending and dedicating their efforts to * * * I know we have a section 610 under SBREFA that asks agencies to review rules. Why shouldn't there be a 610 for paperwork, where they actually have to review the paperwork requirement every so often within the agency? And this should be under the guise of OMB to enforce this." Giovanni Coratolo, U.S. Chamber of Commerce, p. 18-9.

- "I recommend that this Task Force have some sort of recommendation of a 610-like provision where agencies could have a certain period of time where they would have to review their forms * * * so when I refer to 610 I'm not referring to 610 out of SBREFA but something similar that would be recommended by this Task Force to the agencies that every so often they would have to review these forms and have certain assets dedicated to examine whether this information is useful or not or is being used."

Giovanni Coratolo, U.S. Chamber of Commerce, p. 33-4.

- "The mantra of the small business community is we don't need new laws, we don't even need new administrative initiatives; what we need is an executive branch to follow up on the laws that exist so that we give integrity to the regulatory process and we can participate meaningfully * * * we need to get rid of the benign neglect and that'll take political leadership * * * we need the president to ask the agencies to make it a priority to follow the procedural requirements of law that we already have won and put in place and that ought to be done." Bob Coakley, p. 45-6.

- "My brother works for the Federal Trade Commission and he was reviewing a regulation one time with one of his colleagues and his colleague—this was before SBREFA was passed, by the way—he said, well what about this Reg Flex review? He said, 'Don't worry about that. It's not enforceable anyway, so we don't have to do that.' I think unfortunately that's the attitude of a lot of federal officials, not all of them certainly, but many of them * * * I would suggest that you look at ways to implement the paperwork requirements that go beyond simply having them review them. Maybe some type of judicial review or maybe you need to create some kind of incentive from the agency's perspective." Brad Frisby, National Mining Association, p. 55-7.

6. Penalty Waivers/First Time Abatement of Penalties

- "I do a lot of OSHA issues and instead of having so many people that are there playing gotcha for a manufacturer that might have a paperwork violation, why not instead have someone go there and try to assist them in not just the recordkeeping but trying to make it a safer workplace instead of giving them a violation for not having their material safety data sheets or something like that * * * let's take some of the resources from a lot of their heavy-handed enforcement to compliance assistance." Chris Tampio, National Association of Manufacturers, p. 23.

- "I also work with OSHA issues * * * and I actually view OSHA as much more of an outreach and helpful to small businesses and the like, and I'd like to see EPA go more that way, that OSHA actually has programs where they reach out and help businesses comply * * * " Fern Abrams, IPC, p. 26.

- "[t]here's a lot of problems with contractor-staffed hotlines where the people answering the questions don't really know the answers. They're making stuff up. And then the agencies, and I believe this is true of the IRS, as well, don't have to be held to the advice that is given out by their hotline. So someone can get advice, take it, and still be slapped later with an enforcement violation." Fern Abrams, IPC, p. 27-8.

- "[w]hat's important * * * not only is the person accountable but the agency's accountable, and this is a problem that came up during the last administration and I can't remember how it was resolved in the Department of Labor but they put out compliance guides and you could follow the compliance guide but you could still be cited if you follow the compliance guide because

there was an error in the guide. So the agency was not accountable for having accurate assistance materials. The person wasn't accountable, the person or the program wasn't accountable, and the materials, there was no reliability in them." Anita Drummond, ABC, p. 74-5.

- "I think it's incumbent on the Task Force to actually strengthen [the suggestion of first-time abatement of penalties] and recommend that [agencies] come out on record as saying that they will have a first-time abatement of penalties based on minor paperwork infractions." Giovanni Coratolo, U.S. Chamber of Commerce, p. 75-6.

- "[w]hat is the ultimate goal of the regulatory system? * * * The ultimate goal is voluntary compliance * * * so to the extent that agencies make it easy to comply, then they are furthering their goal, whether it's a safer workplace or whether it's a better environment, what have you. So I think that the agency mindset still needs to be that voluntary compliance is their goal, not how many citations have they made * * * " Larry Fineran, National Association of Manufacturers, p. 90-1.

7. Electronic Paperwork Reporting

- "I'll be the first to say our members are way behind in [technology]. The average size of our membership * * * is very small, less than 10, and a lot of these people are now having computers but they don't use their computers necessarily to be on the Web, so they're not going to get on EPA's Web site and all of a sudden have one magic form and fill all that out." Susan Eckerly, NFIB, p. 29-30.

- "[a]gencies * * * see a great opportunity in making everything electronic, that somehow this is going to achieve the greatest type of reduction and it's also perhaps the most cost-efficient for an agency, but the reality of small business, the reality of those that actually have to go through this if they're going to fill out their own forms, more often than not the electronic option isn't available to them. So although [electronic reporting] is often the main way * * * in which agencies choose to reduce their overall burden numbers * * * it still isn't taking care of those who have the toughest part of the burden, which is those that are still filling out paper." Rosario Palmeri, House Committee on Small Business, p. 533.

- "I think there's still very large problems with the [EPA's] e-docket. I think it was a tool that was established to try to help small business * * * I even find it complicated and I've done this for 15 years. I get lost in it. I can't find some of the e-docket materials that EPA says are on the various dockets." Theresa Pugh, American Public Power Association, p. 65.

- "[t]here are a lot of people who are still on paper, especially in the small businesses who don't have computers or worse yet, have computers but they're dial-up computers and they're on one person's desk and when you start looking at 500 or whatever page things, it could take them hours to download it. So I think we need to look at the high-tech solutions that we didn't have a few years ago but we're not quite ready to replace the paper." Fern Abrams, IPC, p. 84.