AN ADMINISTRATOR'S PERCEPTIONS OF POLITICAL INFLUENCE IMPOSED UPON ADMINISTRATORS OF ENVIRONMENTAL LAW

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ABSTRACT

This paper examines the perceived concepts that administrators of environmental law hold toward political influence imposed on them during the administration of their duties. The investigation was carried out by three basic mechanisms: review of literature, questionnaire survey of administrators of environmental law, and on-the-job experience as an administrator.

The study also examines the relationships of the administrator to legislative bodies, the general public and influence groups. It was found that the administrator should engage in interaction with all of the clienteles, but the agency’s enforcement actions should not be unduly influenced by the interaction. However, most of the administrators cannot or do not differentiate the interaction from the influence.

The analysis of the survey revealed that the bureaucrats think that they receive political pressure and their actions are many times changed as a result of the perceived or actual influence. The agency’s concept of its role in the management of the environment largely determines how it perceives interaction with clienteles, i.e. if the agency believes it should only administer the laws, it is more likely to perceive interaction as influence. Conversely, if the agency assumes the role of management of the environment, which includes formulation of laws as well as administration, it is not as likely to see interaction as influence.

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PREFACE

The subject of political influence is a much talked about item when focusing on policy formulation or legislative activities by elected public officials. But what about after the laws have been formulated and enacted. Does the influence and interaction continue to occur, even with bureaucrats who are charged with the equitable administration of the legislative mandates. As far as this writer could determine, there has not been much inquiry into the subject; therefore, this paper represents research into a relatively new field. Consequently, a large share of the information has been obtained directly from administrators of environmental law and some original ideas and perceptions have emerged.

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William M. Edsel

CHAPTER I
AN ADMINISTRATOR'S PERCEPTIONS OF POLITICAL INFLUENCE
IMPOSED UPON
ADMINISTRATORS OF ENVIRONMENTAL LAW

Introduction

In an address to the Congress of the United States, in December of 1974, President Gerald R. Ford expressed that:

No longer is concern for the environment the dream of a few. Instead, it is reflected in countless actions by many citizens, by industry, and by government at all levels every day. The environmental movement has matured, and the nation and its environment have benefited in the process. Looking to the future, we can expect further accomplishment in enhancing our environment and along with it, further improvement in our quality of life.

Truly, the environmental movement has gained a healthy foothold because, as President Ford has noted in the message stated above, many people, public and private, have aptly recognized the urgent need for the balance of the natural environment in which we must live. Progress toward meeting the goal of a clean environment is not expected by anyone to be an easy task. However, I feel the administrators of environmental laws perceive that they have been the receptors

of pressure which is misguided, i.e. political influence which would be more properly directed towards elected officials who have legislative powers to make amendments or change overly restrictive or poorly written environmental regulations.

Purpose and Scope

It is the purpose of this paper to investigate, determine and report the apparent perceptions that some administrators of environmental law, including the writer, have toward the concept of political influence as it relates to their day-to-day decision-making processes and enforcement actions.

It is important at this point to clarify some basic terms which will be used throughout this thesis. Political influence will mean the act or power of producing an effect without apparent exertion of force or direct exercise of command. Interaction denotes mutual actions or influence which does not result in overt pressure. The concept of perception, as used in this paper, employs the idea of awareness and understanding. However, perception also implies a mental image, which may or may not be accurate. Working with the definitions as outlined, it is the hypothesis of this writer that bureaucrats are caught in the dilemma of maneuvering enforcement measures because of political pressures imposed on them during the course of the administration of environmental regulations.

Although references will be made to political influence directed toward elected public officials, the basic thread of this paper is directed toward the study of the influences and interactions of individual citizens, special interest groups and political influence organizations with the work-a-day government official. Therefore, the supposition is that the administrators referred to in this paper are not supposed to be in a political position as it relates to the formulation and enactment of rules and regulations dealing with the natural environment.

Methodology

The investigation into the political influence problem was carried out by three basic mechanisms. First, the writer reviewed current literature to determine if the situation had been conceptualized by others. The materials included books on environmental issues, magazines, journals and newspapers as well as other recognized sources. In addition, a computer literature search was requested but no useful information was received.2

The second method used was the survey questionnaire technique. The questionnaire was developed for the explicit purpose of learning if other administrators experience instances of political influence which affect their enforcement actions. The twenty-four (24) question form (See Exhibit A) was mailed to one-hundred and sixteen (116) environmental agencies.3

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2Requested through the United States Environmental Protection Agency, Air Pollution Technical Information Center, Research Triangle Park, N. C.

3The questionnaires were mailed on May 30, and most responses were received by July 1, 1975.
represent Federal, State and Local governments in every state and several foreign countries which lie geographically close to the United States.

Finally, perceptions were formed based on personal experience as an administrator, case studies which include person-to-person interviews with officials of a local air pollution control agency in North Carolina and information received from other bureaucrats who have responsibility for management of the environment.

CHAPTER II

AN ADMINISTRATOR'S PERCEPTIONS OF POLITICAL INFLUENCE IMPOSED UPON ADMINISTRATORS OF ENVIRONMENTAL LAW

Role of the Administrator

Modern democratic governments depend on professionally trained civil servants. These people are paid to perform a job which is congruent to the desires of the public. If administrators and the public share value orientations, then the administrator will advocate and pursue courses of action the public would if it were able to congregate and had the administrators' expertise and information.4 Thus, if civil servants hold attitudes identical to the public's, their actions should be within the public's zone of acceptance. This, of course, does not mean that administrative decisions and public opinion will always coincide because administrators have access to information and expertise not available to the bulk of the citizenry. This is the theory of representative bureaucracy.5


5Ibid.
Although representative bureaucracy may be the ideal situation, today's reality is not compatible with the theoretical position for many reasons. For example, people think that bureaucrats are not checked closely enough by legislative oversight, judicial review, etc. Other criticisms include an inadequate definition of representation; the social origins and socialization experiences linkage, social origins and political attitudes problem; the idea that attitudes influence/determine behavior, and the failure to deal with the logical weakness that the entire bureaucratic apparatus must or should be representative of the population as a whole.

Other writers, such as John C. Buechner, state that:

...modern bureaucracies have positions of power in the political arena. Contrary to Weber's view of the bureaucrat as a neutral, today he is politically influential and his actions help direct the course of governmental events. This does not mean, of course, that bureaucrats are evil, sinister, or power hungry individuals. Rather, if he is to fulfill his role as an expert, the bureaucrat must be given some latitude of discretion and a degree of autonomy. There will always be a problem of reconciling power and authority with liberty and freedom in a democratic system. Within the bureaucracy the problem is maintaining an equilibrium between autonomy and control.

6The term 'bureaucrats' used in this paper refers to not only administrators of environmental laws, but other key people who have responsibility for administration of governmental functions.

7Ibid., pp. 2-7.


Relationship to Legislative Bodies

Organizations, including environmental control agencies, in the bureaucracies depend on legislative bodies for their creation and continued existence. The fact that agencies must depend on elected officials or other governing boards for their existence connotes that agency personnel should be sensitive to the concerns of the funding authority.

Although it is conceptually ideal for the administrator to carry out the full legislative intent of the laws which have been enacted, it is many times very difficult to know exactly what the precise purpose is of the legislation. The public decision makers have perforce dealt with environmental questions without the general body of environmental policy for authoritative guidance. And, so the administrator of environmental problems has been compelled to seek some calculus of objectivity that would pass as rationally defensible and would simultaneously afford room to maneuver among the fixed or conflicting political forces - the "pressures" of public life.

Administrators have difficulties, just as everyone else, in gathering the proper perspective as it relates to interaction with or political influence by individual members of legislative entities. It is highly probable that situations often occur

9Ibid., p. 53.

where public officials seek to gather information from the expert on the environment and the interaction is perceived by the bureaucrat as political pressure rather than the simple matter that it was in fact. When these situations occur, a merger probably occurs between the perceived situation and the actual situation because the administrator construes the interaction as influence and alters his decisions accordingly.

In Kenneth C. Davis' Book, Administrative Law Text, the following observation is made about the concept of legislative supervision of administrators:

...studies are needed of legislative supervision from the standpoint of administrators - whether the legislative inquiries and pressures help or hinder good administration, how much of their time is diverted from their main functions and how far legislators seem to abuse their powers.11

Davis points out that day-to-day influences may be more important than committee hearings, even though much of what goes on without hearings seldom comes to the public's attention.12

It is recognized by this writer that an important aspect of the environmental manager is to serve as 'expert' in the field; however, too many inquiries, especially about individual situations, may cause the bureaucrat to develop the wrong perception and alter or make no decision concerning enforcement measures toward polluters of the environment.

12Ibid., p. 109.

The bureaucrat also, in many situations, should endeavor to utilize advisory boards or committees. Many political situations can be avoided if proper relationships exist between the legislative body, advisory committee and the administrative agency. In a recent Congressional Record article the following comments were stated:

...the use of advisory committees is so widespread, both in the United States and elsewhere, that it can be regarded as a regular and legitimate element in the structure of public administration. Advisory committees exist, moreover, not simply to provide advice and assistance in the administrative process. They are looked to by agencies for generating support from their respective social, economic, scientific, or functional constituencies and for providing a form of public and group endorsement for administrative programs.13

Members of administrative agencies should seek to inform and obtain advice from advisory board members. This process will give the decision a greater credibility and acceptance factor, and the enforcement agency is not as likely to be accused of being arbitrary, especially if the decisions have ramifications of curbing economic growth and employment opportunities.

Environmental Boards also provide a very useful function for agencies. Not only can the Board serve to insulate the agency, but it can become involved in the administrative procedures process. Robert C. Fellmeth, in his book, Politics of Land, recommended that one particular agency be monitored

by a Board empowered to review and revise the agency’s detailed plans. He states that the Board should be independent of special-interest groups. Given the proper and positive attitudes of Board and agency officials, this arrangement should be desirable because checks and balances of administrative discretion procedures would occur. In his book, *The Water Lords*, James M. Fallows says that he does not believe all environmental agencies are sincere, dedicated to the public interest and honest; therefore, agencies should be limited in their administrative discretion.

Fallows also recommends that any environmental agency should have its own legal staff and the power of legal enforcement. He states that:

...when the agency must rely upon other parts of the State's political machinery - usually through the Attorney General's Office - enforcement may become so cumbersome and so mixed in politics, that the agency learns to avoid it.

Relationship to the Citizenry

The administrator should be responsive to the citizens because it is the general public whom he is serving. The environment belongs to all people. Therefore, the mission of an environmental agency should be an environment which is consistent with human health and welfare. Citizen input,

in a democratic society, should count because it is the citizens who should be placing value considerations on public endeavors. Although the bureaucrat is supposed to be one of the knowledge reservoirs, his responsibility should be to provide a "tapping" facility, i.e. provide opportunities for the public to consult with him in his area of competence. All too often, the 'expert' assumes the role of knowing the technical information and claiming to also know the value judgments of the public.

Bureaucrats need to caution themselves to the pitfalls of doing things "in the public interest" because sometimes, officials tend to mix their self-interests with other values. For example, Buechner states that:

...mixed-motive officials are persuaded by self-interest and altruistic loyalties to variations of what they feel is the "public interest." Zealots see the public interest as a means of promoting particular policy goals. Statesmen, in contrast, pursue the public interest by promoting very broad goals regardless of the position they hold. Advocates give the impression that pursuit of the public interest is equivalent to promoting those goals affiliated with their particular office.

Administrators must accept a flexible position when dealing with the public because it is often difficult to determine what the public wants. Aberbach and Rockman write:

...we can be certain that a system with large numbers of bureaucrats who regard the demands of external interest with stiffness and contempt will ensure an inflexible and formalistic bureaucracy disdainful of the constraints of democratic control and the sources of its own legitimacy.


16Ibid.
It is equally certain, however, that administrators who seek to ensure that demands will be listened to without also being captured by specialized clienteles face a difficult and uncertain path.  

It is with the general public that the administrators of environmental law can and should have the most interaction. The newspaper and electronic media provide excellent channels for which the agency can both receive and distribute its message. Interaction with the public is a tool the agency can use to full advantage. The information exchange from agency to citizen and from citizen to legislative groups or policy making bodies is a positive force which can be used to result in a better managed environment. If citizen interaction is properly perceived, then the agency can exercise its 'management' functions rather than acting only as an unconcerned stiff-necked control agency. The 'management agency' views its job as being totally involved with service to the community relating to management of the environment which involves administration, enforcement and development of environmental regulations.

An example of the interaction process was included in the book Patient Earth. The situation involved the City of New York's Environmental Protection Administration and Consolidated Edison Power Company. The company wanted to expand an in-city power plant. The City recognized the need to allow public discussion, especially in this case, where policy decisions have large implications for the environment. At the conclusion of the public dialogue, a decision was reached to allow one-half the requested expansion, with stringent controls imposed on allowable fuels and emissions. The issues that were weighed were the need for reserve electric power, especially during the summer peak loads caused by air conditioning and the backward step such an expansion represents for the environment.

In summary, citizen participation is an important aspect to the function of determining the priorities placed on the quality of the environment. The environmental administrator needs to be cognizant that he is working in a democratic society and that he should seek a level of public dialogue, especially when issues may have a substantial social or economic impact on the community. The important matter to remember, however, is that the interaction should not be perceived as influence, but as input to the overall decision-making process.

Relationship to Influence Groups

The bureaucrat who is attuned to the realities of modern public administration will realize that he is functioning in a pluralistic society. This means that he should learn to accept the fact that he is going to be in contact with special interest groups and similar influence-bearing organizations. 

No activity of any kind occurs without cost. The environmental control equipment is expensive and some polluters who must initially pay the price for the change are likely to balk.

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at the enforcement actions of the agency. On the other hand, if the agency does nothing, the cost of environmental degradation is borne by the general public in terms of health effects, aesthetics and other social costs. Empirical evidence has demonstrated that special interest groups will attempt to effect changes in the way laws are enforced by bureaucrats. For example, an administrator who appears to be acting totally independent may simply be anticipating the reaction of one group or set of groups to his decision. The influence of polluting industries tends to be greater at the state and local level than the national level. Industries can threaten to leave the locality, but they are not likely to threaten to leave the United States.

Looking at the other side of the coin, pro-environmental groups may seek to get more stringent enforcement of the laws. The administrator should weigh his actions between the opposing stratum. He must realize that groups which have the power to force inaction are as powerful as those which possess the power to command action.

The administrator should not act alone in this decision-making process. He should attempt to get input from all available sources. However, in the final analysis, he must make decisions and inevitably various elements of his constituency are going to be affected by his actions. If the affected group is unhappy, then appropriate appeals and grievance procedures should be followed. In this respect, an advisory board should act as a buffer and receive the complaints thereby avoiding the direct influence by specialized groups on bureaucrats.

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CHAPTER III

AN ADMINISTRATOR'S PERCEPTIONS OF POLITICAL INFLUENCE
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Political Influence Survey Analysis

To this point in this paper, the hypothesis of the dilemma of maneuvering enforcement measures because of political pressures imposed on them has been examined somewhat in the realm of philosophy or academia. In order to draw some less abstract conclusions, a survey was conducted which asked administrators in actual working situations to give their perceptions of the political influence question.

A questionnaire was developed to distinguish at least five major and different areas of concerns. The first area of interest was quality and quantity of interactions, the second area was causes for interactions and the third was the interaction process. The last two areas of concern were economic/environmental divisions and the philosophy of the immediate political body. The questions were stated in various answer styles in an attempt to avoid a train of thought on the part of the respondent that would bias his answer. A copy of the questionnaire is labeled Exhibit A in the exhibits section.

General Characteristics of the Survey

The survey population was segregated by the type of environmental control unit and the responses were tabulated by number and percentage of response.

<table>
<thead>
<tr>
<th>Type of Environmental Control Unit</th>
<th>Number of Questionnaires Mailed</th>
<th>Number of Responses</th>
<th>Percentage of Response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Federal Agency</td>
<td>10</td>
<td>4</td>
<td>40%</td>
</tr>
<tr>
<td>State Agency</td>
<td>50</td>
<td>25</td>
<td>50%</td>
</tr>
<tr>
<td>Local Agency</td>
<td>48</td>
<td>25</td>
<td>52.1%</td>
</tr>
<tr>
<td>Foreign Agency</td>
<td>8</td>
<td>0</td>
<td>0%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>116</td>
<td>54</td>
<td>46.6%</td>
</tr>
</tbody>
</table>

It can be seen from Table 1 that the total response was 46.6%, which is considered by most statisticians as a reasonable response, especially to a questionnaire which was politically oriented. There was no evidence to indicate that the answers to the questions were fabricated by the respondent to distort the validity of the survey. The questionnaire afforded the respondent the option of identity or nonidentity. Some respondents chose to return the questionnaire in plain envelopes, thereby further protecting their identity.23

23For purposes of the tabulation and analysis only, the agency identity was made through the postal seal.
Analysis of Survey

The information from the survey questionnaire forms was reduced to numerical form and coded so that statistical information could be developed. [See Appendix 1 and 2 respectively for Questionnaire Code Sheet and numerical data] The statistical analysis was performed by a computer using Fortran IV language. The statistical analysis included frequency distributions, mean, mode, kurtosis, standard error, standard deviation, skewness, median, variance, range and histograms. [See Appendix 3 and 4 for typical examples of the data analysis] In addition, Pearson's product-moment correlation coefficients analysis was performed in order to determine if the questions exhibited positive or negative relationships to each other. In as much as statistics deal with the relationship of a population and its samples, the information gained from the questionnaires is used as an inference to determine if administrators of environmental law are engaged in the act of balancing their enforcement actions because of perceived or actual political influence.

The first area of examination is the quality and quantity of interaction between bureaucrats and legislative bodies, individual interest, local business interest, community and other faction interests.

<table>
<thead>
<tr>
<th>AGENCY RESPONSE</th>
<th>LEVEL OF LEGISLATIVE BODY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Response</td>
<td>City</td>
</tr>
<tr>
<td>Low</td>
<td>22.2%</td>
</tr>
<tr>
<td>Medium</td>
<td>51.9%</td>
</tr>
<tr>
<td>High</td>
<td>25.9%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100%</td>
</tr>
<tr>
<td>N</td>
<td>27</td>
</tr>
</tbody>
</table>

It can be seen from Table 2 the bureaucrats are engaging in interaction with legislative bodies. Those agencies which responded to the questions reported their level of interaction was 51.9% to 62.1% in the medium category while 25.9% to 31.0% reported their interaction was in the high range. The administrators report that 61.1% of the time this interaction involves the discussion of specific laws. However, the interaction process is healthy because about 75.5% or 40 agencies think the interaction is about right while 18.9% think the level is too little and only 5.7% think the dialogue is too much.

It can be inferred that most of the agencies believe they should be involved with legislative bodies by providing technical
expertise and advice. Most observers agree that better legislation
is drafted and enacted if there is dialogue between all the parties
involved. However, it should be noted that a couple of the
respondents to the survey pointed out some legislative bodies do
not readily accept the input or suggestions of administrators
because the input is not politically advantageous for the law-
maker. This type of situation has also been documented in
other surveys such as in Matthew Crenson's book, The Un-Politics
of Air Pollution: A Study of Non-Decision Making in the Cities,
where he states:

...one health officer in a southern city commented, during
the course of his interview, that he had come close to
losing his job because of his vigorous efforts to secure
the enactment of a local pollution law. In a midwestern
city, a health commissioner said that he had been at odds
with some members of the local Board of Health because of
his persistent and unsuccessful attempts to get the Board's
approval for an air pollution ordinance that he had
drafted and wished to submit to the City Council.  

The actions of environmental agencies touch many groups
of people. Because of this, the agency is likely to be
involved with specialized clienteles. The frequency of this
interaction is detailed in the following table.

25Idem, The Un-Politics of Air Pollution (Baltimore:

<table>
<thead>
<tr>
<th>SPECIFIC CLIENTELE</th>
<th>ABSOLUTE FREQUENCY</th>
<th>NUMBER OF RESPONDENTS</th>
<th>RELATIVE FREQUENCY (Percent)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Individual Interest</td>
<td>25</td>
<td>54</td>
<td>46.3%</td>
</tr>
<tr>
<td>Local Business Interest</td>
<td>18</td>
<td>54</td>
<td>33.3%</td>
</tr>
<tr>
<td>Community Interest</td>
<td>34</td>
<td>54</td>
<td>63.0%</td>
</tr>
<tr>
<td>Other Interest</td>
<td>21</td>
<td>54</td>
<td>38.9%</td>
</tr>
</tbody>
</table>

*Totals more than 100% because most respondents indicated
more than one interaction initiated by specific clienteles.

The data in Table 3 show the agencies experienced a relatively
high degree of interaction with interest groups ranging from 33.3%
with the local business group to 63% with community interest groups.
When asked if the interaction resulted in the alteration of
original decisions, 44 out of 54 or 81.5% of the respondents
reported sometimes the decision was changed. Only 4 agencies
reported they never altered their decisions and 6 respondents
said the interaction always resulted in alteration of the
original decision.

It is important to note at this point the concept of perceived
influence is a major factor in the interaction process. If the
agency perceives the interaction to be influence, the likelihood
of the agency changing its decision is higher. The study revealed there is a statistical relationship to interaction of agency and legislative bodies and alteration of original decisions. There exists a slight correlation coefficient of +.11 between alteration of decisions and interaction with agencies and city legislative bodies. The intensity is greater \( r = +.48 \) with interaction between agency and county legislative bodies. There is also a positive association \( r = +.41 \) and \( +.42 \) between the two variables when the discussion is between the bureaucrat and State and Federal entities. It is difficult to measure the quality of the interaction because of its subjective nature. However, it is reasonable, based on experience, to conjecture that it is not necessarily undesirable to have original decisions altered. In balance, it is good practice to have the actions of the agency reviewed by someone outside of the bureaucratic structure.

The interaction process and the causes for interaction are not always obvious. Question Number 9, "Is the agency affected by the actions of higher levels of government," showed that 50.9% or 27 respondents said the interaction often affects their actions. One of the respondents pointed out that adverse pressure brought against the Environmental Protection Agency is "gentle" and generally comes in the nature of request for information rather than outright pressure. The interaction process involves many intricate political machinations. More than 42.6% indicated they had to at least sometimes consider the political repercussions of their actions and only 13% said they never did. This evidence is strong indication that administrators of environmental law do have a difficult job of enforcing laws because influence by interest groups who have power to effect change without exertion of force or direct exercise of command.

The environmental issue is a conservation issue and it involves more than short-term economic policy decisions. There is also a social cost to pollution control so decisions on regulations should be based on cost effectiveness. However, only 1.9% of 54 agencies said they always based decisions on cost effectiveness, 35.2% said they often did, while another 35.2% reported that sometimes they did. The remaining 24.1% advised they rarely used cost effectiveness as a criterion for decisions. Perhaps this question isolates one reason why bureaucrats are the subject of political pressure. If there exists little or no mechanism for balancing growth with environmental policy and decisions are not based on cost effectiveness, then enforcement activities are viewed as destructive to the economic stability of various clienteles. Therefore, pressure is exerted on the administrators to have the enforcement actions changed or stopped. It is plausible to state that agencies may well deserve the adverse pressure they receive if they are enforcing regulations blindly. Administrators should be involved in the total management of the environment which includes helping provide mechanisms for balancing growth with environmental issues, setting the priority level of environmental issues, and working to see that regulations are cost effective.
In the survey, 45.3% of the agency representatives reported that environmental issues are receiving medium priority and 39.6% say that high priority is given to ecological matters. The relatively high importance of environmental issues is a natural item for the news media to cover. Nineteen of the 54 agencies said that the news media often publicize issues resulting in political pressure. In summary, the news media has helped the environmental agency because 66.7% or 34 of the 54 reporting agencies stated that the local board/legislative body used the mass media to assist the agency.

The following table summarizes, in general terms, the persons who take the repercussions of the actions which have political overtones.

**TABLE 4**

<table>
<thead>
<tr>
<th>TYPE OF POSITION</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Director or Elected Official(s)</td>
<td></td>
</tr>
<tr>
<td>Administrative or Political Body</td>
<td></td>
</tr>
<tr>
<td>Number</td>
<td>45</td>
</tr>
<tr>
<td>Percentage of Total</td>
<td>86.5%</td>
</tr>
<tr>
<td></td>
<td>7</td>
</tr>
<tr>
<td></td>
<td>13.5%</td>
</tr>
</tbody>
</table>

It can be seen from Table 4 that respondents overwhelmingly reported that non-elected officials received the repercussions. Among the position titles which were listed were the following: Regional and Deputy Regional Director, Health Director, Secretary of Agency, Air Quality Control Director, Environmental Officer, etc. Those elected officials which were listed as receiving the repercussions included: The Board, County Commissioners, Mayor and City Councilmen, Environmental Commission Members, etc.

Although many agencies reported that political repercussions did result when the agency engaged in enforcement actions with polluters, the survey data shows that agencies did not abdicate their responsibility because 34 agencies or 63% reported they have sometimes been in confrontation situations with industry. Fifteen or 27.8% of the 54 reporting agencies state the agency has often been in confrontation situations. Approximately 61% reported the agency sometimes have to involve the judicial system while only 14.8% advise the agency only rarely has had to use the court system. The evidence gained from the survey suggests the largest percentage of environmental enforcement agencies have faced the issues, despite political pressure, and have sought judicial remedies when the agency and the polluter could not establish equitable solutions to the problems.

The relationship between the Environmental Regulation Commission and the administrative agency is of importance when considering the political ramification of enforcement action.
If the Regulatory Commission understands the workings of the agency, it is less likely the agency will receive as much political pressure because mechanisms could be established to provide for hearing of grievances, thereby limiting the potential for unfavorable interaction between agency and polluter. Twenty-nine agencies or 53.7% of the 54 reporting agencies stated the local Board/legislature only moderately understands the working of the agency. An equal percentage, 22.2%, said some had a low understanding in contrast to a very high understanding.

The philosophy of the Board, as it relates to results-orientation in its dealing with the agency, tended to yield a substantial degree of interaction which resulted in the alteration of original decisions. The correlation coefficient between the two variables is +.39 which is not overwhelming but is significant. It can also be seen from the statistical data that when the Board does not insulate the agency from other political institutions, a moderate negative correlation (r = -.31) exists in relationship to changes in original decisions because of citizen grievances. This situation indicates the agency is more likely to change its decision as a result of citizen grievances if it feels the citizen may complain to another political institution and the local Board will not support or insulate the agency. The data strongly indicates that the philosophy of the immediate political body does have a bearing on the enforcement policies of the environmental control agency.

Conclusions of Survey

It was found the interaction between environmental agencies and legislative bodies is relatively high and most agencies perceive the situation as desirable. Recent Federal legislation has placed emphasis on high interaction between the Environmental Protection Agency and state and local governments. It is not unusual for this interaction to result in the alteration of original enforcement decisions, especially if it was initiated by special interest groups.

It was learned that agencies do not often base their decisions on cost effectiveness and this factor, as well as others, may be responsible for some of the problems encountered by the agencies. Non-elected officials are the most likely candidates to receive the political repercussions. The bureaucrats feel the legislative bodies should provide more political insulation for the agencies because the agencies, as professionals, are administering the regulations enacted by the public lawmakers. Without this insulation, administrators indicate they are more susceptible to undesirable interaction from specialized clienteles.

In the course of examining the perceived influence factor as seen by administrators of environmental law, it is clear that some bureaucrats are indeed concerned about the situation. A number of respondents to the questionnaire survey included newspaper articles and letters explaining their thoughts about the matter. For example, Dennis P. Koehler, esq., Environmental Control Officer of Palm Beach County, Florida wrote:

...as you will note from the enclosed late 1974 news articles recounting my unsuccessful attempts to remove a highly political exemption for agricultural pollution sources from local environmental control, political considerations often overwhelm all other considerations at the environmental policy-making level. I was simply trying to point out to our Board of County Commissioners that the fact and the law weighed heavily against the continued existence of this 'agricultural exemption.' It has become quite clear to me in the approximately one year that I've been employed as the County's Environmental Control Officer, that all of my own policy-tinged enforcement efforts will be subject to close political scrutiny.

A copy of Mr. Koehler's letter and newspaper articles concerning the sugar industry exemption may be located in the Exhibits Section labeled Exhibits B, C, and D respectively. In reviewing the newspaper article, it can be seen that this is a case in point where a local administrator perceives his job as one which should be involved in offering advice relative to the formulation of environmental law which would serve to protect the public's interest. Mr. Koehler reminded the elected officials that agricultural pollution sources are no different than other pollution sources. He said there is no difference in smoke from a sugar company's smoke stack or a power and light company. [See Exhibit C] As a result, one County Commissioner asked that Koehler be instructed to keep out of policy matters and stick to administration. The County Environmental Control Act charges the enforcement officer with making "recommendations" concerning the improvement of environmental control. [See Exhibit D] This case highlights the involvement of administrators in environmental management and shows that political considerations will come into focus when the regulations affect special interest groups.

In another case of special influence pressure, a powerful textile industry exerted pressure toward the State's Environmental Management Commission to change monitoring requirements so as to exempt the textile industry from ambient air monitoring, except on a case-by-case basis. In this case, the administrators generally agreed with the special interest group because the change would not affect standards for the quality of air itself, nor would it remove the requirement for monitoring devices inside smoke stacks. [A full account of the situation may be found in Exhibit E]
The significance of the textile situation is that the pressure was not directed toward the administrators, but toward the State's Environmental Management Commission which is the quasi-legislative body. The administrators were able to voice their opinions in an objective manner. This type of situation is felt to be the most desirable because the legislative body has the advantage of being able to hear opinions from both sides of the fence. In this case, it happened that the administrators did not object to the legislation being changed. This is a case where the influence was properly directed.

In other cases, evidence shows that interaction is not always directed toward the proper persons and the result amount to political pressure levied toward the agency bureaucrat. An example of this type of situation is described in detail in Exhibit F. The case involved an air pollution control administrator who tried to secure compliance schedules from a school system whose smoke stacks were emitting too much smoke. The director of the agency almost lost his job because a school board member was able to influence the director's boss to reprimand him for enforcing regulations against a public institution.

Judicial or legislative review of administrative enforcement activities is, according to most observers, a healthy process. An example of this type of situation is outlined in a newspaper article titled "Law is Unfairly Enforced Here, Barbecuers Say." [See Exhibit G] In this situation, the barbecue establishment operators claimed that an air pollution law was being arbitrarily enforced against them. They took their case to the local newspapers to gain support. Eventually, the situation was brought to the Board of County Commissioners who adopted the original air pollution regulations. Under pressure from the barbecuers, the Commissioners agreed to ask the county's Air Quality Control Advisory Board to: (1) Review the ordinance to decide whether it applied to barbecue establishments or just to industry, (2) If it did, to amend it to exclude barbecue restaurants. As of the writing of this paper, the regulations have not been altered.

Although the case involves legislative review, the agency involved in this particular case may not be able to discern the review objectively and may conclude the agency was the subject of political influence pressure. On the other hand, the agency could view the situation as part of the environmental management process and accept the interaction as desirable input, which resulted in change. The distinction between interaction and influence is an important factor in this incident. If the negotiations in this case had been conducted behind closed doors or the influence levied directly toward the bureaucrat, then it could have been reasonably construed as unfair influence toward the administrator.

Interviews With Administrators

Influence in this report is considered to be anything the bureaucrat believes it to be. Therefore, the questions in the interviews with the administrators call upon these perceptions
and not upon the objective facts. Since only two actual interviews were conducted, the remarks are not meant to be universal or conclusive, but only serve to examine the perceptions of the administrators of whom are associated with the agency about which portions of this field-based research paper reports. A formalized questionnaire sheet was developed and used in order to guide the structure of the interviews. [See Exhibit H]

Analysis of Interviews

The administrators were asked if they felt they should have freedom to administer the laws as set forth by the legislature. Both respondents said yes, but approached the question from different angles. The Director said that public sentiment toward environmental issues is an important factor in determining freedom to enforce the law. He noted the energy crisis as an example, indicating many parameters must be considered. The Assistant Director for Program Coordination insisted the administrator should keep in mind the original intent of the law and not add his own values or interpretations. Both administrators felt the law as written in their jurisdiction left little room for interpretation or administrative discretion.

When asked if they felt political groups or individuals should monitor their enforcement actions, both respondents said yes in a very positive tone, indicating they feel administrators may become too independent or powerful if they are not observed by someone outside the bureaucratic structure. However, it was pointed out that a balance is needed. Too much interaction or overseeing activity could hinder the day-to-day functions. The responses to the question indicates an understanding of their relationships between various clienteles.

The administrators agreed that one of the problems with environmental regulations is a lack of understanding of the enforcement mechanisms by the legislative bodies. One said that it was evident to him by the way some of the laws are written...there is no feasible way to enforce them. It was pointed out that no legislator understands the details of implementation as well as administrators, so administrators should advise the legislators and get good laws written.

"Inquiries" from politicians may help or hinder the administration of the law depending on the purpose of the inquiry. If the inquiry is to learn about the agency, positive results generally come about. However, if the politician seeks special favor, then the bureaucrat is put into the position of listening to individual interest rather than the collective legislative interest and the net result is usually negative.

It was learned the civil servants believe administrators of environmental law should be professionals and not politicians; therefore, they should be insulated from political pressure and repercussions. Neither felt the bureaucrat should be afraid to state his professional judgments in ecology issues because of possible repercussions.

In brief, the interviews indicated the administrators possess an understanding of the machination process and have evolved a working relationship with their clienteles.
CHAPTER V
AN ADMINISTRATOR'S PERCEPTIONS OF POLITICAL INFLUENCE
IMPOSED UPON
ADMINISTRATORS OF ENVIRONMENTAL LAW

General Discussion

The problem of whether or not administrators of environmental law perceive that they are subjects of political pressure has been discussed so far in this paper by examining different aspects of the administrators' job relationships. It is the purpose of this Chapter to look at the administrator in his role as he fits into the total administrative picture. A model has been developed to graphically illustrate the environmental quality legislative and enforcement process. [See Figure 1]

The model starts with the basic assumption that the natural environment is of low quality. The general public, whether it be composed of individuals, special interest groups or other segments of the citizenry, must become involved enough to get laws passed in order to protect and conserve the natural resources. If efforts are not successful, the ecology remains status quo or continues to degrade. The legislative body has the option of seeking advice and input from knowledgeable sources, the public and other interests which may be affected by environmental regulations. After the input, appropriate laws may or may not be enacted. If no laws are passed, the environment suffers. If regulations are enacted, an administrative agency must be charged with the implementation process.

It is at this point that the potential to become involved with political pressure faces the bureaucrat. He must seek to administer his mandate fairly and equitably. If the polluters accept the responsibility of abating their emissions to the environment all is well, and society is on its way to an improved environment. However, if the polluters balk efforts to alter enforcement activities or have regulations changed will occur. If the polluter takes his case to the elected legislative body, advisory board or the courts, the bureaucrat is generally spared the direct influence as it has been discussed in this paper. However, if the polluter attempts to exert direct or indirect pressure on the agency officials via political channels, such as persuading a politician to privately seek changes in enforcement techniques, then undue influence is imposed upon the administrator of environmental law.

If the sources of pollution accept the responsibility to clean up, inspections need to be made on a continuing basis to determine if the quality of the environment is acceptable. If the conditions are acceptable, the flow sequence would end - or loop to a maintenance schedule. However, if the conditions are not acceptable, it is the responsibility of the public, either through elected officials, special environmental interest groups or some other monitoring segment, to determine if extra efforts are needed. If efforts are not needed, the loop ends; if yes, then actions should be initiated toward persuading the
legislature to strengthen the environmental laws. As an alternate route, efforts could be made to get more enforcement of laws already on the books. Here again the civil servant may be subject to direct or indirect pressure. This type of situation is not undesirable in and of itself. It depends on how the administrator perceives the interaction and how he reacts to the situation. In brief, the environmental quality legislative and enforcement model can be summarized by the eight (8) decision nodes which are circled on Figure 1.

Conclusions

The examination of the concept of political influence as perceived by administrators of environmental law has revealed that decision-making processes and enforcement actions of the agencies are affected. Over 80% of the reporting agencies said interaction sometimes caused them to change their original enforcement decisions. The level of effect depends on many variables such as intensity and purpose of interaction or influence, the parties involved, the attitudes of the enforcement agency, citizen attitudes, and other elements which may have a bearing on the issues.

It is reasonable to conclude that because environmental agencies are relatively new creatures in government, administrators have not fully comprehended their role relationships to legislative bodies, the citizenry, and influence groups. These misconceptions may have contributed to their perception that they have been the receptors of political influence. In many cases, their contacts with the clienteles should have properly been considered as
interaction. The bureaucrat should engage in dialogue with clientele who have interests in environmental regulations or who are affected by the laws. The bureaucrat should realize that he has political power to help formulate regulations which manage the environment in a responsible manner. At the same time, the legislator should acknowledge the bureaucrats' need for latitude and discretion in administering regulations.

As time passes, and as the agencies gain experience in developing and using the mechanisms for interfacing with legislative bodies, citizens and specialized clientele, it is likely the agencies will not perceive normal interaction as pressure because they will be able to discern the difference. However, because of the nature of enforcement agencies, there will probably always be attempts from special interest clients to receive select consideration. This process will involve political pressure on the agency. The agency should move to minimize the potential for pressure. First, the agency could seek support and appreciation from its legislative body, thereby providing a level of insulation for the professional which will allow him to unbiasedly state his position without fear of undue repraisal. The agency should develop and document administrative procedures which spell out enforcement policies and guidelines. This action can prevent many instances of political repercussion because of arbitrary or discretionary administrative decisions. Finally, environmental agencies could use advisory boards or commissions as sounding instruments to receive appeals or grievances from parties who are not pleased with the enforcement actions of the agency.

The interaction between citizen, politician, and bureaucrat many times results in perceived political pressure when the politician attempts to help the citizen. The bureaucrat may perceive the inquiry as pressure because he has a desire to facilitate the wishes of the politician, especially if the elected official has influence with the agency funding sources.

Elected officials are in a balancing position also and often experience difficulties in handling citizen complaints. The complaints consume their valuable policy making time, while at the same time deprive the bureaucrat or lower boards of the opportunity to handle the problem without assistance from the politician. [See Exhibit J] One possible solution to handling citizen complaints is through the use of the ombudsman concept. This mechanism has been used successfully in Sweden and has recently been adopted in Hawaii and Nebraska and by several American cities.27

Summary

A study has been conducted which examined the perceived concepts that administrators of environmental law hold toward political influence imposed on them during the administration of their duties. The investigation was carried out by three basic mechanisms: review of literature, questionnaire survey of administrators of environmental law, and on-the-job experience with an enforcement agency.

The study also examines the relationships of the administrators to legislative bodies, the general public and influence groups. It was found that the bureaucrat should engage in interaction with all of the clientele, but the agency’s enforcement actions should not be unduly influenced by the interaction.

The analysis of the survey revealed that many bureaucrats think they receive political pressure and their actions are many times changed as a result of the perceived or actual influence. The agency's concept of its role in the management of the environment largely determines how it perceives interaction with clientele. If the agency believes it should only administer the laws, it is more likely to perceive interaction as influence. Conversely, if the agency assumes the role of manager of the environment, which includes formulation of good laws as well as administration of same, it is unlikely the agency will interpret interaction as influence. The hypothesis that administrators of environmental law have engaged in maneuvering their enforcement actions because of perceived political influence was proven.
EXHIBIT A

William M. Edsel
4636 Walden Drive
Winston-Salem, NC 27106
May 30, 1975

Your assistance is needed! I am conducting a study to determine the level of political influence imposed upon Administrators of Environmental Law as part of an independent study for a MA in Political Science. Would you please take a few minutes from your busy schedule to answer the following questions. It is important to me that the questionnaire forms be returned by June 15, 1975 in order that I can compile and analyze the information.

Thank you in advance for your prompt cooperation.

QUESTIONS

(1) Is there any interaction between your agency and a legislative body of:
☐ City ☐ County ☐ State ☐ Federal

(2) Is this level of interaction:
☐ Low ☐ Medium ☐ High

(3) Does the interaction involve the discussion of specific laws?
☐ Yes ☐ No ☐ Sometimes

(4) Is the interaction initiated by:
☐ Individual interests ☐ Local business interests
☐ Community interests ☐ Other ______________ (Specify)

(5) Does this interaction result in the alteration of original decisions?
☐ Never ☐ Sometimes ☐ Often ☐ Always

(6) Do you feel that the level of interaction is:
☐ Too much ☐ Right ☐ Too little

(7) Are changes made as a result of citizen grievances?
☐ Yes ☐ No ☐ Sometimes

(8) How often do non-political institutions influence the operation of your agency?
☐ Rarely ☐ Sometimes ☐ Often

EXHIBIT A [CONTINUED]

(9) Is the agency affected by the actions of higher levels of government?
☐ Rarely ☐ Sometimes ☐ Often

(10) Are decisions on regulations based on cost effectiveness?
☐ Always ☐ Often ☐ Sometimes ☐ Rarely

(11) Do you consider the political repercussions of your decisions?
☐ Never ☐ Rarely ☐ Sometimes ☐ Often

(12) Do newspapers and mass media publicize issues that result in political pressure?
☐ Often ☐ Sometimes ☐ Rarely

(13) Does the local Board/Legislative use the mass media to assist your agency?
☐ Often ☐ Sometimes ☐ Never

(14) Who takes the repercussions of actions that have political overtones?
☐ Air Quality Control Director
☐ Health Director
☐ Other ______________ (Specify)

(15) Has the agency been in a confrontation situation with industry?
☐ Never ☐ Sometimes ☐ Often

(16) Is there a mechanism for balancing growth policy with environmental policy?
☐ Yes ☐ No ☐ Other ______________

(17) Is the agency involved in dealing with the judicial branch?
☐ Rarely ☐ Sometimes ☐ Often

(18) Does the local Board/Legislature understand the working of the agency?
☐ Very well ☐ Moderate ☐ Low

(19) Does a change in the composition of the Board affect the operation of the agency?
EXHIBIT A [CONTINUED]

(20) What is the priority level of environmental issues?
- [ ] High
- [ ] Medium
- [ ] Low

(21) Is the local Board/Legislature result-oriented in its dealings with your agency:
- [ ] Strongly
- [ ] Moderately
- [ ] Slightly

(22) Does the local Board insulate the agency from other political institutions?
- [ ] Yes
- [ ] No
- [ ] Sometimes

(23) Name of Agency _______________________________ (optional)
Address _______________________________
- Federal
- State
- Local
- Other

(24) Other information included. If you know of books, magazine articles, etc., or newspaper documentation regarding instances of political influence imposed upon administrators of environmental law, I would appreciate being advised of same.

Thank you!

EXHIBIT B

June 4, 1975

Mr. William M. Edsel
4636 Walden Drive
Winston-Salem, North Carolina 27106

RE: Your questionnaire letter, dated May 30, 1975

Dear Mr. Edsel:

I hope that my hastily-scrawled response to your questionnaire accomplishes your purposes. As you will note from the enclosed late-1974 news articles recounting my unsuccessful attempts to remove a highly-political exemption for agricultural pollution sources from local environmental control, political considerations often overwhelm all other considerations at the environmental policy-making level. In the sugar industry case, I was simply trying to point out to our Board of County Commissioners that the fact and the law weighed heavily against the continued existence of this "agricultural exemption". It has become quite clear to me in the approximately one year that I've been employed as the county's Environmental Control Officer that all of my own policy-tinged enforcement efforts will be subjected to close political scrutiny. The best guideline, of course, is to conscientiously and vigorously apply Environmental Control Laws wherever necessary.

Sincerely,

Dennis F. Koehler, Esquire
Environmental Control Officer
Palm Beach County

DPK/ket
Sugar Industry
Still Exempted

An attempt to place local pollution controls on sugar cane growers and other agricultural interests in Palm Beach County failed yesterday.

County commissioners voted, 6-1, to allow an agricultural exemption to remain in the county's environmental control act after a lengthy plea from representatives of the sugar industry.

The motion to retain the exemption was made by Commissioner E. W. Weaver, who said the sugar industry has done "too well" by regulating itself.

Four amendments aimed at strengthening the environmental control act were unanimously approved for presentation to the county's legislative delegation.

Commissioners were urged to recommend removal of the agricultural exemption by Assistant County Atty. William Jacobson, Environmental Control Officer. Dennis Koehler and Ken Beall, chairman of the county's Environmental Control Hearing Board.

"Palm Beach County's hands are literally tied because of the exemption," said Koehler. "Agricultural pollution sources are really no different than other pollution sources."

Koehler said there is no difference in smoke from a sugar company's smoke stack and smoke from Florida Power & Light Co.'s Riviera Beach plant.

Koehler said the sugar industry has a good job of self-regulation, but said there is a need for local controls as well as state regulations.

If the exemption were removed, it would limit the county to controls no more stringent than existing state regulations.

George Wedgworth, chairman of the Environmental Quality Committee of the Florida Sugar Cane League, said the public interest could best be served "by agriculture's own internal actions working" with regulatory personnel.

Wedgworth said representatives of the sugar industry have tried to defend the exemption because of a "misunderstanding" of the law.

George Wedgworth Defends . . . industry's anti-pollution actions by the press and some small groups who maintained that the industry is not concerned." He said that beliefs that the state Department of Pollution Control does not enforce regulations on the industry are "unfounded."

"During the almost four-year life of the Palm Beach County Pollution Control Act, containing the agriculture exemption, the sugar industry has materially reduced pollution emissions by strict adherence to open field burning regulations which is a result of the industry's rigid self-policing action," Wedgworth said.

One of the other amendments, for which commissioners recommended approval, would allow the Environmental Control Hearing Board to levy civil penalties up to $500-a-day against violators of the county act who fail to take preventive or corrective measures.

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Rezoning Proposal Stymied

By JOHN OPEL
Assistant Writer

Efforts to "reopen the dialogue" on the code exempting agricultural industries from Palm Beach County pollution control regulations ran into a stone wall at yesterday's County Commission meeting.

Two commissioners voted strongly to Environmental Control Officer Dennis P. Koehler's letter on the agricultural exemption to George H. Wedgworth, president of the Florida Sugar Cane League. After detailing problems caused by the exemption which the sugar industry strongly supports, Koehler suggested a meeting "to discuss a solution to what has truly become a mutual problem."

Commissioner Robert Johnson asked that Koehler be instructed to keep out of policy matters and stick to administration. The county Environmental Control Act charges the enforcement officer with making recommendations concerning the improvement of environmental control.

The Glades area representative, Commissioner E. W. Weaver, argued that because sugar is a four-county industry, it should stay under state regulation "where everyone is afforded the same treatment."

Weaver said he is "angered by people who have never seen a stalk of sugar cane yet are going to sit in judgment of the sugar industry."

Koehler's letter generally acknowledged that point and agreed with it.

"The sugar industry," Koehler said, "quite properly should be required to conform with any one set of air pollution standards and should vigorously oppose any legislation which could upset the uniform balance of regulatory controls."

However, he pointed out that the Environmental Control Act specifically prohibits the adoption of standards that are more stringent than state standards.

Koehler also noted that the "broad scope" of the exemption also prohibits the county from attacking other agricultural pollution problems such as livestock contaminants that could impair public water supplies.

Wedgworth said yesterday that he had not received Koehler's letter but that he continues to oppose removal of the agricultural exemption. He feels that sugar industry regulation should be handled on a regional or an industry basis.

"We grew cane in four counties and process it in three," Wedgworth said. "Even though the regulations couldn't be more stringent, they could be different and subject to interpretation by four different control officers."

He said that both from an industry standpoint and from a regulatory standpoint, it would be "much simpler" to concentrate standards in one agency. He also noted that the sugar industry is pledged to install the county in obtaining federal pollution controls funds "in any way" short of removing the exemption.

A $2,000 Environmental Protection Agency (EPA) grant to the county is at stake in the current debate over the agricultural exemption. Koehler said that "EPA has stated unequivocally that because of the exemption, federal air pollution grants are no longer available to the county."

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Air Pollution Law Change Would Hit 7
By Nash Herndon

The SENTINEL, Winston-Salem, N. C., Wednesday, May 28, 1975

Changing in air quality regulations proposed by the state's powerful textile industry would exempt seven of eight industries and institutions in Forsyth County from conducting street level air quality monitoring.

The industry opposes the regulation citing it as unnecessary and inflexible. A monitoring station would cost between $5,000 and $10,000 a year to operate.

The law requiring "ambience monitoring" stations was passed last year and requires air quality monitoring near smokestacks where particle emissions exceed 25 tons a year.

The stations monitor levels of several specific pollutants in the air and are similar to 11 stations operated by Forsyth County Office of Air Quality Control.

The law has not been enforced, sources say, because the Department of Natural and Economic Resources (NER) anticipates a change in regulations being pursued by the N.C. Textile Manufacturing Association.

"Case-by-Case" Basis

The textile industry is reportedly pressuring NER to change regulations so such monitoring stations will only be required on a "case-by-case" basis. Such criteria as plant size, location and relationship to total environment would be used.

Robert R. Fulp, director of Environmental Affairs for Forsyth County, said eight plants and institutions in Forsyth are now required to install "ambience monitoring" stations under the law.

"As I understand the anticipated change (in regulations), only the R. J. Reynolds power station (in downtown Winston-Salem) would still be required to conduct such monitoring," Fulp said.

The other institutions that would no longer be required to conduct such monitoring if the regulations are changed are Hanes Dye, the Stratford and Weeks plants of Hanes Co., R.J. Reynolds Whitaker Plant, Winson-Salem State University, Wake Forest University and N.C. Baptist Hospital.

Fulp said none of the eight institutions have been asked to comply with the law because changes are soon to be considered by the state Environmental Management Commission.

"We are ready to implement it, then we heard or this proposal (to change regulations), so we are holding off until the regulations are resolved," he said.

"Should Be Required"

"We in Forsyth (County government) oppose the law when it came out. I think it's good to require monitoring in certain cases, such as when dangerous materials are being emitted, but such monitoring is fairly expensive and should be required on a case-by-case basis, not across the board," Fulp said.

"The change will not affect standards for the quality of air itself, nor will it remove the requirement for monitoring devices inside smokestacks. The textile industry argues that some 200 stations would be needed across the state under the present regulation. Such stations cost between $5,000 and $10,000 a year to operate," Fulp said.

Lewis R. Martin, director of NER's Environmental Management Division, said the present law is "overambitious" and "overzealous."

"He said the state's own monitoring network and state and federal regulations that factories measure pollution inside smokestacks are sufficient to protect the state's air."

"The state operates 149 such monitoring stations, according to James A. McCollan, chief of air quality for the division."

CASE EXAMPLE OF POLITICAL INFLUENCE
IMPOSED UPON AN ADMINISTRATOR
OF ENVIRONMENTAL LAW

This case involves a Regional Air Pollution Control Agency and its efforts to secure compliance schedules from a consolidated city-county public school system in its area of jurisdiction.

The facts for this case were received from the agency personnel, file information and newspaper accounts of the situation.

In early 1971, the air pollution control agency requested compliance schedules from the school system's Board of Education because a number of the school's facilities were not in compliance with the smoke laws. After months of negotiations, the Agency advised the Board that if it did not submit a plan of action to correct the problems, appropriate enforcement activities would proceed and at such time the facilities of the school system were found in violation of applicable air pollution standards and regulations, the Agency's Director would recommend litigation, subject to the approval of the Regional Air Quality Control Board.

In only a few days after the request, one of the Board of Education members publicly branded the Director of the Agency "the Zenith of Bureaucratic Arrogance." In addition to the politically oriented and abrasive articles in the newspapers, the Chairman of the Board of Education contacted the Chairman of the Board of County Commissioners and pursued the Commissioner
to strongly reprimand the Director to the point that his job was in severe jeopardy.

In the ensuing months, progress was extremely slow because of the adverse political pressure. Today, in 1976, five years later, the school system still has not fully complied with applicable regulations.

The Forsyth County commissioners talked about barbecue for an hour yesterday and then ate some.

Seven operators of barbecue establishments, wholesale and retail, attended the commissioners' weekly briefing to complain that they think air-quality laws are being arbitrarily enforced against them in Forsyth County.

To demonstrate how much it would mean to be able to go back to the old preordinance days of hickory-cooked barbecue, they brought some succulent samples for comparison tasting.

Although Paul Myers, a caterer, told the commissioners that he is clandestinely cooking over hickory in the dark of night, the hickory-cooked sample used yesterday was brought in across the county line from High Point.

Commissioner David L. Drummond couldn't tell the difference between the old style and the new style, cooked with electricity. Commissioner John C. Kiger could tell right away.

Kiger also said the law that is interfering with the cooking of barbecue is "asinine" and promised to do something about it.

In an hour-long discussion, flavored by some less-than-polite remarks by the barbecue men to Robert H. Fulp, who is charged with enforcing the ordinance, the commissioners agreed:

-To ask the county's air-quality advisory board to review the ordinance to decide whether it applies to barbecue or just to industry.

-Fulp said that barbecue operations have been major contributors to air pollution in the county and that the law is being enforced all over the state.

-The barbecue men argued that others pollute as much as they do, but that they have been led out since the ordinance took effect in January 1972.

-The reserved their strongest comments for Fulp's contention that the law is being enforced elsewhere. Myers said he will take Fulp around to open-pit operations in other counties, adding:

"When people don't know, they need to be shown." Myers said there are several open-pit operations going at night in Forsyth County.

Kiger asked if Fulp enforces the ordinance against the few tobacco growers here who use wood for curing. Fulp said he had never occurred to him. A check yesterday showed that there are a few growers who still use wood, including one with four barns near Rural Hall.
EXHIBIT H

PERSON-TO-PERSON QUESTIONS
FOR INDIVIDUALS INVOLVED WITH
ADMINISTRATION OF ENVIRONMENTAL LAW

Person Interviewed: ___________________ Title: ___________________
Date: ____ Time: _____ AM/PM until _____ AM/PM
Place of Interview: ____________________

Statement of Purpose
This interview is for the purpose of gathering information and getting your perception of how much, if any, political pressure is imposed upon administrators of Environmental Law.

1. Do you feel that administrators should have freedom to administer the law as set forth by the Legislature?
   (A) Overt Response: ____________________________________________
   ____________________________________________________________
   ____________________________________________________________

   (B) Latent Response: __________________________________________
   ____________________________________________________________
   ____________________________________________________________

2. Does the law in your jurisdiction, as written, leave the administrator discretion to make interpretations in areas where the administrator exhibits expertise? Explain.
   (A) Overt Response: ____________________________________________
   ____________________________________________________________
   ____________________________________________________________

   (B) Latent Response: __________________________________________
   ____________________________________________________________
   ____________________________________________________________

3. Do you feel that political groups or individuals should monitor the actions of administrators if they are vigorously and fairly enforcing the law? Explain.
   (A) Overt Response: ____________________________________________
   ____________________________________________________________
   ____________________________________________________________

   (B) Latent Response: __________________________________________
   ____________________________________________________________
   ____________________________________________________________
4. Do you think most developers (legislators) of Environmental Law understand the mechanisms of Enforcement?
   (A) Overt Response: ____________________________________________
       ____________________________________________
       ____________________________________________
   (B) Latent Response: __________________________________________
       ____________________________________________
       ____________________________________________

5. Do you think that "Inquiries" from politicians help or hinder the administration of the law, and what do you think is the net effect of these inquiries?
   (A) Overt Response: ____________________________________________
       ____________________________________________
       ____________________________________________
   (B) Latent Responses: __________________________________________
       ____________________________________________
       ____________________________________________

6. Do you think administrators of Environmental Law should be insulated from political repercussions?
   (A) Overt Response: ____________________________________________
       ____________________________________________
       ____________________________________________
   (B) Latent Response: __________________________________________
       ____________________________________________
       ____________________________________________
Mr. William M. Edsel
4636 Walden Drive
Winston-Salem, NC 27106

Dear Mr. Edsel:

I have endeavored to answer your questionnaire with positive answers based on my four years' experience as Director of Congressional and Intergovernmental Relations of Region VIII of EPA.

In order that you may have the full benefit of the Agency's experience, I am writing to expand on the answers, since they are couched in terms of pressure on us. Fortunately, this situation is generally reversed. It is this Agency that applies pressure of one kind or another on others, not necessarily governmental. In the first six questions, you have placed emphasis on interaction which, by reason of the changes in Federal legislation, have been high between EPA and state and local governments.

In regard to question 24, the newspapers are full of requirements put upon state and local governments by Federal legislation and regulations. I cannot document or comment on any adverse pressure brought against EPA, since such pressure is, even if asserted, very gentle indeed, and comes more in the nature of requests for information rather than outright pressure.

I could write a book for you on the subtleties of political machinations but will not do so at this time.

Very truly yours,

Dean E. Norris, Director
Congressional and Intergovernmental Relations
BIBLIOGRAPHY

SOURCES CITED OR CONSULTED

Books


Newspapers


"Rezoning Proposal Stymied." The Palm Beach (Fla.) Post, 18 December 1974.

"Sugar Industry Still Exempted." The Palm Beach (Fla.) Post, 18 December 1974.

Unpublished Papers


Interviews

Fulp, Robert R. Forsyth County Environmental Affairs Department, Winston-Salem, NC, Interview, 17 March 1976.

Marimpietri, Anthony B. Forsyth County Environmental Affairs Department, Winston-Salem, NC, Interview, 2 April 1976.

ENVIRONMENTAL BIBLIOGRAPHY (Limited)

Books


Periodicals


Water Pollution Control Federation, Journal of. Washington: Water Pollution Control Federation, published monthly.


### APPENDIX 1

#### QUESTIONNAIRE CODE SHEET

<p>| COLUMN 1: Is there any interaction between your agency and a legislative body of: City | 1 = Low | 2 = Medium | 3 = High |
| COLUMN 2: Is there any interaction between your agency and a legislative body of: County | 1 = Low | 2 = Medium | 3 = High |
| COLUMN 3: Is there any interaction between your agency and a legislative body of: State | 1 = Low | 2 = Medium | 3 = High |
| COLUMN 4: Is there any interaction between your agency and a legislative body of: Federal | 1 = Low | 2 = Medium | 3 = High |
| COLUMN 5: Does the interaction involve the discussion of specific laws? | 1 = No | 2 = Sometimes | 3 = Yes |
| COLUMN 6: Is the interaction initiated by: Individual interests | 1 = Yes |
| COLUMN 7: Is the interaction initiated by: Local business interests | 1 = Yes |
| COLUMN 8: Is the interaction initiated by: Community interests | 1 = Yes |
| COLUMN 9: Is the interaction initiated by: Other | 1 = Yes |
| COLUMN 10: Does this interaction result in the alteration of original decisions? | 1 = Never | 2 = Sometimes | 3 = Often | 4 = Always |
| COLUMN 11: Do you feel that the level of interaction is: | 1 = Too Little | 2 = Right | 3 = Too Much |</p>
<table>
<thead>
<tr>
<th>COLUMN 12:</th>
<th>Are changes made as a result of citizen grievances?</th>
</tr>
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<td>1 = No</td>
<td>2 = Sometimes</td>
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<table>
<thead>
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<th>COLUMN 13:</th>
<th>How often do non-political institutions influence the operation of your agency?</th>
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<tbody>
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<td>1 = Rarely</td>
<td>2 = Sometimes</td>
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<table>
<thead>
<tr>
<th>COLUMN 14:</th>
<th>Is the agency affected by the actions of higher levels of government?</th>
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<td>1 = Rarely</td>
<td>2 = Sometimes</td>
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<table>
<thead>
<tr>
<th>COLUMN 15:</th>
<th>Are decisions on regulations based on cost effectiveness?</th>
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<td>1 = Rarely</td>
<td>2 = Sometimes</td>
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<table>
<thead>
<tr>
<th>COLUMN 16:</th>
<th>Do you consider the political repercussions of your decisions?</th>
</tr>
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<td>1 = Never</td>
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</table>

<table>
<thead>
<tr>
<th>COLUMN 17:</th>
<th>Do newspapers and mass media publicize issues that result in political pressure?</th>
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<tbody>
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<td>1 = Rarely</td>
<td>2 = Sometimes</td>
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<th>COLUMN 18:</th>
<th>Does the local Board/Legislative use the mass media to assist your agency?</th>
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<tbody>
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<td>1 = Never</td>
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<table>
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<tr>
<th>COLUMN 19:</th>
<th>Who takes the repercussions of actions that have political overtones: Air Quality Control Director</th>
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<td>1 = Yes</td>
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<table>
<thead>
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<th>COLUMN 20:</th>
<th>Who takes the repercussions of actions that we have political overtones: Health Director</th>
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<td>1 = Yes</td>
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<table>
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<th>COLUMN 21:</th>
<th>Who takes the repercussions of actions that have political overtones? Other (Specify)</th>
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<td>1 = Yes</td>
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<table>
<thead>
<tr>
<th>COLUMN 22:</th>
<th>Has the agency been in a confrontation situation with industry?</th>
</tr>
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<tbody>
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<td>1 = Never</td>
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<table>
<thead>
<tr>
<th>COLUMN 23:</th>
<th>Is there a mechanism for balancing growth policy with environmental policy?</th>
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<tr>
<td>1 = No</td>
<td>2 = Yes</td>
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<table>
<thead>
<tr>
<th>COLUMN 24:</th>
<th>Is the agency involved in dealing with the judicial branch?</th>
</tr>
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<tbody>
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<td>1 = Rarely</td>
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<table>
<thead>
<tr>
<th>COLUMN 25:</th>
<th>Does the local Board/Legislature understand the working of the agency?</th>
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<tbody>
<tr>
<td>1 = Low</td>
<td>2 = Moderate</td>
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<th>COLUMN 26:</th>
<th>Does a change in the composition of the Board affect the operation of the agency?</th>
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<tbody>
<tr>
<td>1 = No</td>
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<table>
<thead>
<tr>
<th>COLUMN 27:</th>
<th>What is the priority level of environmental issues?</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 = Low</td>
<td>2 = Medium</td>
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<table>
<thead>
<tr>
<th>COLUMN 28:</th>
<th>Is the local Board/Legislature result-oriented in its dealings with your agency:</th>
</tr>
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<tbody>
<tr>
<td>1 = Slightly</td>
<td>2 = Moderately</td>
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<table>
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<tr>
<th>COLUMN 29:</th>
<th>Does the local Board insulate the agency from other political institutions?</th>
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<tr>
<td>1 = No</td>
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<table>
<thead>
<tr>
<th>COLUMN 30:</th>
<th>Type of environmental agency:</th>
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<td>1 = Federal</td>
<td>2 = State</td>
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## APPENDIX 3

**REPRESENTATIVE STATISTICAL ANALYSIS OF SURVEY**

**EDSEL'S DATA ON ENVIRONMENTAL OFFICERS PERCEPTIONS**

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<td>2.00</td>
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<td>3.00</td>
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| (MISSING) | 0.00 (1) 1.6 PCT |

**STATISTICS**

- **Mean**: 2.434
- **Std Error**: 0.087
- **Median**: 0.000
- **Mode**: 3.000
- **Std Dev**: 0.636
- **Variance**: 0.404
- **Kurtosis**: -0.545
- **Skewness**: -0.657
- **Range**: 2.000
- **Minimum**: 1.000
- **Maximum**: 3.000

**Valid Observations = 63**

**Missing Observations = 1**
### APPENDIX 3 [CONTINUED]

**EDELS'S DATA ON ENVIRONMENTAL OFFICERS PERCEPTIONS**

**FILE**: NONAME  
**CREATION DATE**: 03/23/76

**VARIABLE**: VARD14

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### APPENDIX 4

**REPRESENTATIVE CORRELATION COEFFICIENTS FOR SURVEY**

**EDELS'S DATA ON ENVIRONMENTAL OFFICERS PERCEPTIONS**

**FILE**: NONAME  
**CREATION DATE**: 03/23/76

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