CHAPTER 4

THE BEHAVIOR OF COMPLIANCE

A Short Introduction

The environmental decade has been described as long on symbolic response to pollution and short on effective controls. A concomitant view is that environmental laws are so legislated and so administered that meaningful compliance is rare. Statistics on noncompliance (Chapters 1 and 2) and arguments against strategies for getting compliance (Chapter 3) generate negative views of the efficacy of environmental law.

However, other conclusions can be reached. In some industries compliance is more the norm than the exception. Violations make headlines because of their rarity. Furthermore, when violations are found or suggested, means exist to limit them. In this chapter we introduce a perspective on how compliance is achieved.

We present a theoretical framework (in Figure 3) that calls on systems thinking to describe compliance. We focus on communication of regulations; on enforcement of regulatory policy; and on characteristics of government regulators, of business firms which are targets of environmental law, and of groups which take a special interest in environmental quality.

The Framework Introduced: The Compliance System

The framework comes from several disciplines. We have reviewed and integrated research findings on individual, group, and organizational compliance in sociology, law, psychology, criminology, economics, political science, and management. The literature is vast and rich. It addresses compliance with law and with public policy directives. But it neither converges upon nor is integrated to address industry’s compliance with regulation. Our task, therefore, has been
Figure 3. A framework for understanding compliance with environmental law. Arrows denote compliance-promoting dynamics. Highlighted are compliance-promoting characteristics of actors.

Business targets of compliance

Support groups

Compliance-promoting characteristics:
- Clear
- Locally understandable
- Rational
- Committed
- Focused
- Professional
- Coordinated

Communication

Government regulators (policy makers and enforcers)

Legitimate
Authoritative
Professional
Coordinated

Continuously
Adequately funded
Enforcement
Imminent
Fair