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EXECUTIVE OFFICE OF ENVIRONMENTAL AFFAIRS

Commonwealth of Massachusetts


Plan for Reorganization

Government Documents
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MAY 2 1973

University of Massachusetts

Dr. Charles H. W. Foster, Secretary
January 19, 1973



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I. INTRODUCTION

There is a general feeling throughout the country that current state governmental machinery lacks the capacity to respond effectively to statewide environmental problems. In large measure, this results from the fact that environmental problems cannot be compartmentalized and made to fit traditional state government organizational attempts at their solution. The present system seems equipped to deal with problems in a manner on a scale in which they no longer occur.

The growing importance of national environmental problems has persuaded federal, and a number of state governments to propose reorganization as a solution. The mixture of proposed approaches has ranged from modest renovation and redirection of existing agencies to an extensive overhauling of state administrative systems responsible for state environmental policies and programs. In some instances, whole new agencies have been established in the hope that a more effective means could be created for achieving sound environmental policies and administration. In short, there appears to be no one-best-way available for solution of the problem.

These observations lead to a basic question regarding reorganization: What should the state government consider in its effort to produce a more efficient and effective administrative approach to environmental problems? Several prospective ingredients have been identified:

First, state government today has a responsibility to serve

as the 'steward' for the public interest, and to thereby insure the protection and preservation of the state's productive environmental resource base.

Second, state government, acting in its stewardship capacity must know not only what is happening to the state's environment, but in what degree and over what span of time. In short, today's state government must have the capacity to map, measure, monitor and model the entire environmental system.

Third, just as a state government must be able to forecast environmental events, it must also be able to evaluate alternatives and recommend courses of action regarding the use and development of the resource base.

Fourth, it is generally agreed that state government must be able to carry out programs and policies with equity, efficiency and economy.

Fifth, state government must be able to operate within the constraints of strong traditions of local government, private property rights, and public participation.

Almost every analysis of present state government efforts has found these basic conditions lacking. Yet all are considered to be essential conditions to effective state environmental reorganization planning.

The proposed reorganization of Massachusetts' environmental affairs wrestles with these conditions in a pragmatic manner. It has weighed these 'ingredients' carefully, and has considered each as an a priori condition to successful reorganization of the state's

environmental programs. Reorganization is not a novel undertaking for state government. This proposal does, however, contain several unique and innovative recommendations, intended to provide more efficiency and economy in government, while meeting the public demand for increased action and service in this sector of public administration.

II. BACKGROUND

To insure that the reorganization process of the Office of Environmental Affairs was a participatory one throughout, letters were sent in mid-January of 1972 to a number of Massachusetts citizens familiar with environmental concerns, requesting their suggestions on (1) the general goals and objectives which should shape the Commonwealth's environmental reorganization, (2) the substantive and structural problem areas which should be given the highest priority in reorganization planning, and (3) the names of individuals with specialized interests or competencies in the environmental field who might be willing to participate in the reorganization planning process. The responses which the Office of Environmental Affairs received played a major role in determining the final structure and membership of the Task Forces.

The following eight categories were used to delineate the assignments of the Task Forces:

Agriculture	Human Resources
Education and Communication	Ocean Resources
Energy Resources	Open Space and Recreation Resources
Environmental Quality	Water Resources

While these labels remained unchanged throughout, the actual content of the eight categories was worked out in collective fashion by the Task Force chairmen and membership during the course of their inquiry.

Each of the Task Forces was chaired, at the invitation of the Secretary, by a person outside of government whose experience in and knowledge of the subject matter made him eminently qualified to guide the group's work. The Task Forces were composed of twenty or more members who represented a broad geographical cross section and range of interests. In some instances, they were individuals who had been mentioned in the suggestions solicited by the Secretary in January, 1972. In other cases they were recommended by the chairmen, or comprised individuals who had volunteered directly for such service. An agency professional served on each Task Force, but in a completely private capacity, and, like the remaining Task Force members, on a voluntary basis. By the beginning of May, 1972, the Task Forces' rosters were nearly complete, and their work was under way.

The Office of Environmental Affairs facilitated their work by providing various support services, such as background information on the structure and operation of the agencies, continuing liaison between the three departments and the Task Forces to obtain additional information requested, and funds to employ a staff assistant for each Task Force selected by the chairman and responsive to his direction. In addition, the Office of Environmental Affairs provided basic secretarial services and supplies.

It was necessary for the Office of Environmental Affairs to establish a timetable for the Task Force operation, in order to insure that their recommendations were received by the Secretary in time to be incorporated into the reorganization proposal to be submitted to the Governor. A September 1, 1972 deadline was set for their final reports to be received by the Office of Environmental Affairs.

III. SUMMARY OF TASK FORCE FINDINGS

While the Task Force reports identified a wide range of environmental problems facing the state, each drew a common conclusion: the present structure of government is inadequate to meet the growing needs of the Commonwealth for environmental protection and enhancement.

The Task Force on Agriculture and Land Resources, under the chairmanship of Dr. Benjamin Isgur of the U. S. Soil Conservation Service, concluded that Massachusetts' land resources should be utilized fully and wisely but with careful attention to their natural constraints. To do this required the development of a much more adequate environmental data base. A need was also identified for improved regional services to citizens and communities. Greater state control of irreversible land use change was urged through proper policies and planning. Finally, the Task Force concluded that agriculture should remain a strong force in the state's economy as a contributor of many associated values in addition to direct goods and services.

The Task Force on Education and Communication, under the chairmanship of former Worcester Telegram-Gazette Executive Editor Leslie Moore, made a clear distinction between formal education performed by academic institutions, and the informal needs to be supplied by an agency such as Environmental Affairs. Recommended were: a central information office to coordinate these activities; improved communications with interest groups and the media; and a series of regional centers to improve governmental response to public inquiries.

The Task Force on Energy Resources, chaired by Mr. R. Frank Gregg of the New England River Basins Commission, criticized the lack of a state-wide focal point for energy planning and policy-making, urging both the establishment of a cabinet-level group for such purposes and the creation of a point for energy policy planning within Environmental Affairs. The Energy Task Force further recommended: a system of consolidated resource permits; an adequate data base for energy decisions; improved intergovernmental relations; and, an end to the fragmentation of responsibility for environmental protection.

The Task Force on Environmental Quality, under the chairmanship of Arthur Barnes, former Senior Vice President of the Polaroid Corporation, called for consolidation of environmental quality functions within a single Environmental Affairs agency and regionalization of such responsibilities to afford citizens better access to government. This Task Force felt that improved land use planning was essential to prevent environmental degradation. It recommended

continued efforts to manage solid and liquid wastes; noise, air, water and visual pollution; and new efforts relating to land quality control.

The Task Force on Human Resources was headed by Attorney Josiah A. Spaulding. It concluded that since resources are finite and part of a single, interconnected system; more attention should be given to monitoring environmental change, improving the sensitivity of government to the needs of people (particularly within the urban environment), and developing state-wide land use and population distribution policies. The Task Force called for the establishment of district commissions throughout the Commonwealth and emphasized the need for citizen advisory groups to help achieve a proper balance between resource needs and resource capabilities.

The Task Force on Ocean Resources, under the chairmanship of D. Reid Weedon, the Senior Vice President of Arthur D. Little, Inc., observed that any proper organizational structure for coastal resources must contain distinct units for policy, for planning, and for implementation. An environmental information system constituted a key ingredient, as well as a close working relationship with existing regional planning agencies. This group felt that a clear separation should be maintained between the development and protection aspects, when allocating coastal resources for the best long run interests of our society.

The Task Force on Open Space and Recreation Resources, under the chairmanship of Dr. Andrew J. W. Scheffey of the University of Massachusetts, urged the Environmental Affairs agency to become a

forthright advocate for all types of recreation and for the highest possible quality environment. It underscored the need for land use and open space planning and controls; an immediate assessment of environmentally or culturally critical areas; and, improved working relationships generally with citizens and local units of government.

The Task Force on Water Resources, under the chairmanship of Mrs. Bernard H. Flood, former League of Women Voters Water Resources Chairman, recommended a centralized organizational structure for water resources, innovative and flexible, which would review the diversity of values inherent in and allow for public participation. The Task Force called for a more orderly system of policy formulation, policy determination, planning, program implementation, monitoring and evaluation, communications, and administration. It observed that a system of regional delivery of services would be an excellent way to coordinate existing agencies and reduce intergovernmental and citizen misunderstandings.

Common Themes

The Task Force reports surfaced a number of common themes, and while not all of the recommendations can be incorporated into a reorganization report concerned primarily with structural change, the Executive Office of Environmental Affairs has attempted to be responsive in principle to the following basic elements shared by all the Task Force reports:

- 1) The consolidation of like or related functions was recommended by all of the Task Forces as a means by which to achieve

efficiency and to deal more adequately and decisively with the environment as a whole.

2) The decentralization of environmental services was universally recommended, both in the interest of increased efficiency and the need to make state government more truly responsive to the people.

3) Improved environmental data and planning and a strong advocacy role on behalf of the environment were recommended as major program functions to insure that the protective needs of the environment are weighed properly against projects of a developmental nature.

4) Finally, all of the Task Forces felt that public participation should continue to be encouraged throughout the state's environmental affairs agency to enable the recipients of governmental services to help shape public policies and programs.

IV. REORGANIZATION OF ENVIRONMENTAL AFFAIRS

The Commonwealth's environmental responsibilities are presently scattered among four (4) executive offices, seven (7) major departments, and forty-nine (49) units of government. For example, there are ten (10) state agencies that deal with water supply, nineteen (19) are concerned with outdoor recreation. Eight (8) separate agencies currently acquire land for environmental purposes. The majority of the agencies maintain their own office staff, public information program, and data gathering functions. In many instances, personnel are assigned regionally but, almost invariably, the

boundaries of the service regions differ.

In addition to the agencies themselves, the legislature has created some twenty-five (25) statutory boards and commissions involving more than one hundred (100) individual members. Some exercise administrative authority over their agencies; others serve purely advisory roles. Many are partially or wholly interagency in character in an effort to resolve policy or program differences among agencies. As an example, the Commissioner of Natural Resources is expected to serve on forty (40) state, interstate, and federal boards, committees and commissions in addition to running his own agency.

It should be emphasized that the present situation has come about, in large part, from the intense public concern for the environment expressed recently. In some instances, agency responsibilities have grown five fold (500%) in the past decade along. Stated otherwise, these responsibilities double every other year. Thus, the suggestions for change are less a criticism of agency efforts to improve the environment than a reflection of the impossibly-fragmented structure of government they are required to utilize.

A. Consolidated Executive Office of Environmental Affairs

To achieve efficiencies and economies, reduce overlap and duplication, and respond more adequately as an advocate for the totality of the environment, a consolidated Department of Environmental Affairs is proposed.*

*See Table of Organization after Re-Organization,

This would replace the present Executive Office of Environmental Affairs, the Department of Natural Resources, and the Department of Agriculture with a single operating agency. It would be headed by a Secretary responsible directly to the Governor. The Secretary, in turn, would be empowered to appoint assistant secretaries and regional administrators subject to the approval of the Governor. Division heads, however, would be afforded career service status in order to maintain professional continuity within the environmental agency.

B. Decentralized Environmental Districts

Once consolidated, the new Department of Environmental Affairs would devolve the bulk of its operating personnel and programs to an initial five (5) Environmental Districts, established to serve the western, central, southeast, northeast, and metropolitan Boston regions of the Commonwealth.

Each district would be headed by an administrator of the status of a Commissioner responsible to the Secretary through an Under Secretary of Environmental Affairs. The regional administrator would serve as the executive officer for all state environmental programs in his district. He would be directly responsible for manpower, facilities and equipment with full authority to utilize these resources as necessary to meet environmental needs.

The present Metropolitan District Commission would be reconstituted to serve as the environmental district agency for metropolitan Boston.

C. Program Support Agencies

The remainder of the present operating agencies would be regrouped into four (4) staff offices to provide policy and technical support to the environmental districts. These would include Administrative and Program Services, Environmental Quality, Environmental Management, and Legal Affairs.

The Office of Administrative and Program Services would include personnel, budget, and business management. It would contain centralized units for education and communication, research and planning, and data systems. Because of the increased importance of the state's role in preparing environmental impact analyses, performing A-95 review activity and conducting relations with other governmental units both within the state and the New England region, an inter-governmental unit would be established within the Administrative and Program Services Office.

The Office of Environmental Quality would centralize responsibility for all regulatory programs relating to the environment. Its air and water quality units would administer programs leading to pollution abatement. A land quality unit would consolidate all present land use regulatory activities (e.g. wetlands, flood plains, mining, river and harbor permit programs) and administer activities relating to scenic quality (e.g. outdoor advertising, scenic rivers). A hazardous substances unit would become responsible for noise, pesticides, radiation, oil and hazardous chemicals. A unit for food and agriculture would consolidate the inspection functions now being carried on independently by the Departments of Agriculture, Natural

Resources and Public Health.

The Office of Environmental Management would embrace all of the conventional activities relating to resource use and management. Within its resource use section would be units for forests and parks, recreation, and fish and wildlife, and marine resources. A resource service section would gather together those functions now performed by the state on a service district basis for cities and towns, e.g. water and sewer, solid wastes, and pest control. A third section would deal centrally with resource development activities including programs for land acquisition, engineering and construction.

The Office of Legal Affairs, under the direction of a Chief Counsel, would unify all contract and legislative functions and also serve as the enforcement arm of the Department of Environmental Affairs, exercising policy direction for the uniformed branch of the agency.

D. Public Advisory Bodies (District and State Level)

The administrator of each Environmental District, with the approval of the Secretary, would be empowered to appoint an advisory board of not less than three (3) nor more than nine (9) members representative of governmental and environmental interests within the region. Members would serve for three (3) year staggered terms, and no member could serve two (2) successive terms. With the exception of the chairmen, the positions would be unpaid.

The environmental district boards would be advisory to the administrator on matters relating to the environment within the district. They would meet at least quarterly in open session, conduct

hearings on matters of public concern, and file annually with the Secretary an appraisal of the district's environmental activities.

At the state level, the Secretary would be advised by a Board of Environmental Advisors. The Board would be composed of 12 members appointed by the Secretary with the approval of the Governor plus the five (5) chairmen of the district advisory boards ex officio. Members would serve three (3) year staggered terms and could not succeed themselves in office. They would be paid in lieu of expenses for each day of service and would be expected to meet at least monthly.

The State Board would be empowered to receive and act upon reports of the Secretary; to hold public hearings; to approve regulations issued by the Department of Environmental Affairs, to approve the appointment of division directors; to act in an advisory appellate capacity if so requested by the Secretary; and to submit annually an appraisal of the Commonwealth's entire environmental program. In addition, the Board would receive reports and recommend appropriate action relating to the program reviews which the Secretary would be required to institute for every major environmental activity within his agency once every five (5) years.

E. Implementation of Reorganization

Upon approval by the legislature, the present Executive Office of Environmental Affairs, Department of Agriculture and Department of Natural Resources, would be replaced by a single Department of Environmental Affairs which would assume all the powers, duties, operating responsibilities, and personnel of the

existing agencies.

Transferred to the jurisdiction of the Office of Administrative and Program Services would be the:

Administrative sections of the:

Executive Office of Environmental Affairs (OEA)
 Department of Agriculture (DA)
 Department of Natural Resources (DNR), and the entire
 Division of Conservation Services (DNR)

Transferred to the jurisdiction of the Office of Environmental Quality would be the:

Division of Environmental Health (DPH)
 Division of Water Pollution Control (DNR)
 Division of Mineral Resources (DNR)
 Division of Plant Pest Control (DA)
 Division of Animal Health (DA)
 Division of Poultry and Poultry Products (DA)
 Division of Dairying and Animal Husbandry (DA)
 Division of Marketing (DA)
 Division of Fairs (DA)
 Outdoor Advertising Division (DPW)

Transferred to the jurisdiction of the Office of Environmental Management would be the:

Division of Forests and Parks (DNR)
 Division of Marine Fisheries (DNR)
 Division of Water Resources (DNR)
 Division of Fisheries and Game
 Division of Acquisition and Construction (DNR)
 Bureau of Solid Wastes (DPW)
 Division of Waterways (DPW)
 State Reclamation Board (DA)
 Public Access Board (DNR)
 Boston Arena Authority
 State Reservation Commissions (6)

Transferred to the jurisdiction of the Office of Legal Affairs would be the:

Division of Law Enforcement (DNR)
 Division of Marine and Recreational Vehicles (RMV)

Within six (6) months after the passage of the reorganization act, and coincident with the preparation of the fiscal year 1975 budget, the Executive Office would be further reorganized administratively as follows:

Office of Administrative and Program Services

Division of Administration
 Division of Planning and Research
 Division of Education and Communications
 Division of Data Systems
 Division of Intergovernmental Relations

Office of Environmental Quality

Division of Air Quality
 Division of Water Quality
 Division of Land Quality
 Division of Hazardous Substances
 Division of Food and Agriculture

Office of Environmental Management

Division of Forests and Parks
 Division of Recreation
 Division of Fisheries and Wildlife
 Division of Marine Resources
 Division of Water Resources
 Division of Pest Control
 Division of Solid Wastes
 Division of Lands and Engineering

Office of Legal Affairs

Office of the General Counsel
 Division of Enforcement Services

Concurrently, each of the initial five (5) Environmental Districts would be in operation and the field personnel of all environmental agencies would be under the direction and control of a regional administrator.

As of the effective date of the act, all present boards,

committees and commissions would be abolished and a single Board of Environmental Advisors would be created consisting initially of a member selected by the Secretary with the approval of the Governor of the following statutory bodies:

- Board of Natural Resources
- Board of Agriculture
- Fish and Game Board
- Water Resources Commission
- Outdoor Advertising Board
- Pesticide Board
- Marine Fisheries Advisory Commission
- Committee for Conservation of Soil, Water, and Related Resources

plus four members selected at large. Thus, for an interim period the Commonwealth would have the benefit of those already experienced in governmental affairs to provide continuity of policy direction.

V. ECONOMIES & EFFICIENCIES

The above noted steps would coincide with the abolition of various existing groups, including the following.

A. Interagency Boards

Since the consolidated agency would insure full policy and program coordination, all interagency boards would be abolished and their statutory duties assigned immediately to the Department of Environmental Affairs. This would include the:

- Public Access Board
- Waste Disposal Board
- Weather Amendment Board
- Milk Regulation Board
- Prequalification Appeal Board
- Neponset River Drainage and Flood Control Apportionment Boards

B. State Reservation Commissions

To achieve a consolidation of state forests, parks and reservations, the six (6) State Reservation Commissions would be abolished and their administrative responsibilities and properties transferred to the Department of Environmental Affairs. These include the:

Mount Tom State Reservation Commission
 Deer Hill State Reservation Commission
 Mount Sugarloaf State Reservation Commission
 Mount Everett State Reservation Commission
 Purgatory Chasm State Reservation Commission
 Walden Pond State Reservation Commission

This would be done subject to the essential condition that provision be made for a County Commissioner of the affected counties to serve as one of the advisors to the regional environmental districts in which the state reservation is located.

C. Other Boards

The following committees, boards, and commissions would be abolished and replaced by the single Board of Environmental Advisors.

Board of Natural Resources
 Board of Agriculture
 Fish and Game Board
 Water Resources Commission
 Outdoor Advertising Board
 State Reclamation Board
 Massachusetts Historical Commission
 Pesticide Board
 Boston Arena Authority
 Marine Fisheries Advisory Commission
 Committee for Conservation of Soil, Water and Related Resources
 Committee to Keep Massachusetts Beautiful
 World War II Memorial Commission

All gubernatorial appointments to the six statutory inter-state compact agencies relating to the environment would, where

possible, be drawn from the membership of the Board of Environmental Advisors. This will insure quality appointees and prevent fragmentation of representation on regional environmental matters.

With regard to the interstate flood control commissions for the Merrimack, Connecticut, and Thames River Valleys, the present Massachusetts members would be encouraged to negotiate a settlement of economic and tax loss payments among the affected states in order to close out commission operations for which the need has long since ceased.

Beyond these standing advisory bodies, the Department of Environmental Affairs would be encouraged to create ad hoc advisory groups whenever the occasion demands. However, these should be required to fulfill their mission and upon completion be disbanded.

VI. FINANCING ENVIRONMENTAL AFFAIRS

Public demand for environmental services has increased rapidly and state programs responding to this demand have grown five-fold in twenty years. Yet, Environmental Affairs is unique in that four out of every five dollars in expenditures are derived from special revenue sources and not from general taxation.

Improved management of environmental delivery systems has enabled 57 positions to be terminated for an immediate savings of \$403,000. In addition, 278 permanent positions will remain unfilled in FY 75 producing a further savings of \$2.23 million. Of that figure 175 would be identified for elimination within six months following enactment of the proposed reorganization. In order to

maintain continuity of service to the public and to maintain professional standards within operating programs, the reorganization of environmental programs will proceed sequentially beginning with whole-agency transfers to the new departmental structure in FY 1974. Combination of functions within these agencies will be made in FY 1975. It is estimated that further significant efficiencies and economies in dollars and personnel can be made at that time.

The capacity of environmental programs to produce revenues currently is at the following rate: 32% of the estimated revenue for environmental programs (\$22,007,998) will be produced by revenues derived from special funds; 50% of the estimated revenues (\$34,713,000) will be provided by assessments; and 18% (\$12,233,000) will come from general fund sources.

Reorganization of environmental agencies has produced an amalgamation of activities along program lines and the termination of several activities. These actions will result in many cases in more efficient administration and better and more effective service to the public. The combining of accounts in many cases will make it possible to provide more service for the same dollar expenditures. More significant in FY 1974 will be the impact of reorganization in the form of target budgeting and program review by the Secretary.

The result for the Department of Environmental Affairs in FY 1974 has been the identification of \$384,000 in savings through economies, \$2.207M through elimination of positions and reduction of personnel expenses and \$1.106M further savings through reorganization and better management. Without reorganization, the total budget

request of the agencies within the Department in FY 1974 would have been \$73,100,000 rather than \$69M, a savings of \$4.1M.

CONCLUSIONS

If approved, the proposed reorganization plan for the Executive Office of Environmental Affairs could lead to accomplishment of the following benefits:

1) The consolidation of existing agency tasks and organizations would be achieved in a manner intended to establish problem solving capabilities in terms in which the problems arise. The resulting organization would provide for as much of a one-stop system as is feasible. Problems may be fragmentary, but solutions would be whole.

2) The current management system would be overhauled to eliminate duplication of effort. Authority to act in the name of Environmental Affairs would be provided where responsibility for action rests.

3) The administrative system would be designed to insure a full measure of public responsiveness at every turn, and especially administrative responsiveness to the chief executive.

4) The programs being administered as part of Environmental Affairs require a high degree of professionalism. The system would stress this condition rather than compromise it. Specific qualifications recognizing expertise required would be expected where necessary and appropriate.

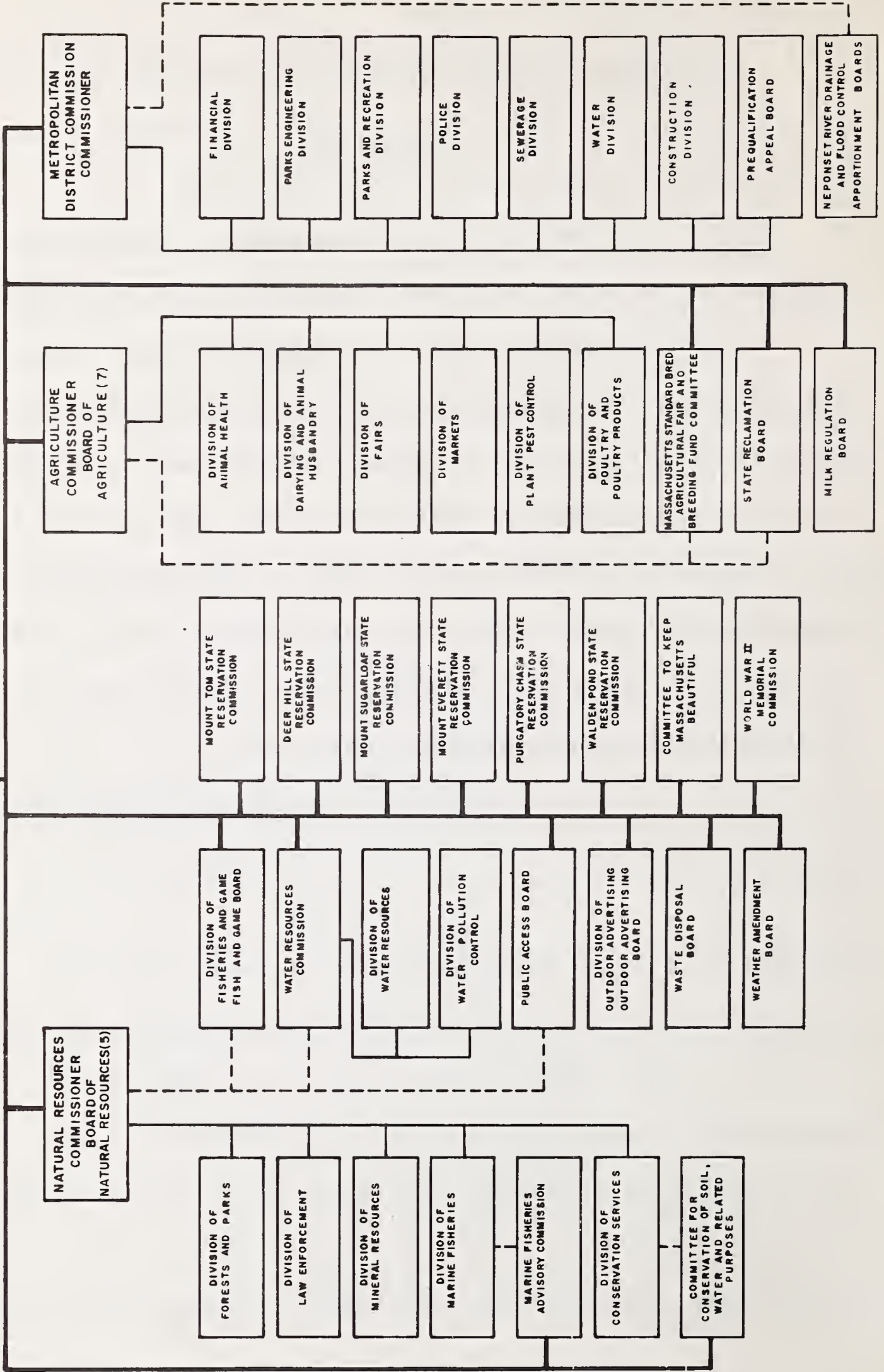
5) Effective intra-agency relationships would be established, especially among those doing environmental research, program planning, and program administration.

6) Programs to insure environmental quality would be afforded status equal to those relating to environmental management.

7) The system is underscored by a visible degree of public participation. The policy level of the office would not engage in political tradeoffs without public counsel, nor would the public interest be left exclusively to executive judgment.

8) The emphasis given 'goals', once identified, would be unremitting. A major effort at establishing a series of priorities for public policies and a mechanism for keeping them up to date, would be provided through reorganization.

EXECUTIVE OFFICE
OF
ENVIRONMENTAL
AFFAIRS
SECRETARY



Department of Environmental Affairs
(Reorganized)

