

# “I Don’t Train, I Enforce!”

## Or, how Bob the UST Inspector had to choose what was more important: compliance or enforcement.

by Ben Thomas

**S**ometimes doing something differently requires the fundamental courage to admit that what you’re currently doing isn’t really working. In this article, I use Bob, a fictional character, to illustrate the predicament many UST inspectors face when stuck trying to enforce tank rules while paradoxically being hamstrung with the very enforcement tools they use. In this story Bob discovers what really motivates people and by applying this wisdom, he is able to transform his UST program into a more effective one, using methods he hardly thought applicable.

### Our Story Begins ...

It’s early Monday morning. Bob, a state UST inspector, comes whistling into his office, only to be instantly sobered by the huge, listing pile of draft Notice of Noncompliance (NON) letters. Bob has been meaning to mail them out but he’s understaffed, overworked, and, quite frankly, fed up.

Time and time again Bob works with UST operators who don’t understand anything about their automatic tank gauges, don’t keep their spill buckets clean, don’t do their required corrosion tests, and generally don’t seem to give a hoot about the rules Bob is trying to enforce. “They just don’t get it,” he fumes.

Overloaded, he puts off the pile another day, grabs the state rig, does a few more inspections (finds more problems, of course), and, on his way home at the end of the day, stops by his favorite bookstore. Walking down an aisle, he happens upon a trim little book called *Don’t Shoot the Dog: The New Art of Teaching and Training* by Karen Pryor.

Being a dog owner, Bob is curious about the book, but as he skims through it he realizes it’s not exactly about dogs, much less shooting them. (He is relieved to learn the title is only a metaphor in that “shooting the dog” is an extreme way to get it to stop barking, but there are other ways. Phew). Bob quickly concludes that the book is about training someone to do something.

The author asserts that many people don’t use correct training techniques to reach a desired outcome. In fact, trainers will often blame people (or other creatures) for

not doing what is being asked of them. She suggests that instead of looking at the trainee as the problem, it might well be better to focus on the trainer.

Training, she says, is not synonymous with training *effectively*, and the rules for effective training apply to more critters than just dogs; they apply to bosses, spouses, co-workers, roommates . . . even dolphins. (“And tank operators?” wonders Bob. “Nahhhh.”) As Bob delves deeper into the pages of the book, he learns that there is no single method of effective training—no silver bullet—instead, there are eight of them. A good trainer uses the best method for the right situation or, even better, a combination of methods. Trainers who are frustrated with poor results are probably using the wrong method for the application. “Yeah,” Bob chuckles to himself, “Like my ‘they just don’t get it’ method.”

As Bob reads on, he finds himself admitting that the concept is amusing and that it may even apply to certain situations . . . but to tank owners? He thinks about the operators who he just can’t seem to get motivated. “Besides,” he fumes, “I don’t train, I enforce!” He buys the book, anyway, hoping he can use the techniques on his dog.

### The Rude Awakening

That night Bob has a nightmare. He dreams he is wearing a black leather hood and a sleeveless tunic and pushing some hapless peasant into the stockade in the village square. He takes the prisoner, shoves him into the yoke, and secures the lock. He

unfurls a scroll and cries “This man has failed to perform an annual functionality test on an automatic line-leak detector to ensure the device can detect a 3 gallon per hour leak rate! I sentence thee to 40 lashings!”

Before the first swish-crack, Bob’s alarm clock goes off. Back at the office, he sips his coffee and mulls over the dream, which has left him with an uneasy feeling. At his lunch break, and with his NONs still not mailed, Bob opens up the book and reads about the eight methods of training. To humor himself, or perhaps driven by pangs of subtle guilt, Bob jots down the methods and notes some examples of how each could apply to his universe of underground storage tanks. Still thinking hypothetically (and against his better judgment), Bob begins to venture outside the box of his day-to-day routine. After a while, with the help of author Karen Pryor, a new paradigm starts to take shape.

### Bob’s Eight Ways of Training Tank Operators

■ **Method 1: Shoot the dog.** Get rid of the problem behavior. “Penalize the tank operator by putting him/her out of business,” notes Bob. “This gets rid of the problem of the operator not performing leak detection—no tank operator, no need to worry about leak detection. Hmmm.”

■ **Method 2: Punishment.** Punish wrong behavior after the act has occurred as a “reminder.” A Notice of Noncompliance letter, thinks Bob. “Aha, but issuing a penalty reprimands the operator for *not* doing leak detection. The problem is that it doesn’t *make* him/her do leak detection; it only *punishes* him/her for not doing it. Hmmm.”

■ **Method 3: Negative reinforcement.** An unwanted behavior is met with an undesirable response. In the book, Pryor cautions that negative reinforcement only works when the punishment is swift (i.e., nearly immediate) and relative to the “bad behavior.” Otherwise, it doesn’t make sense and rarely corrects the behavior. Bob notes: “Operator does not do leak detection and we publish a press release to make him look bad in the public eye.” Visions of stock-

ades dance in Bob's head. He also remembers reading about states that use "red tag" authority to shut down a facility until the violation is corrected.

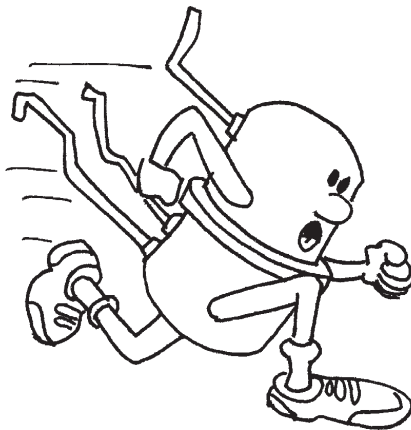
■ **Method 4: Extinction.** This is where you wait for the bad behavior to go away by itself. This works if the trainee knows what is good behavior (the rules) and what is bad behavior (the violations). Bob wonders if the mere complexity of tank rules, which can overwhelm the average operator, prevents knowing exactly what is expected. Bob can't think of an instance when ignoring the problem led the tank owner to correct it by him/herself. Bob notes: "Can't train (change behavior) if they don't know what I want beforehand." Go Bob go!

■ **Method 5: Train an incompatible behavior.** Train an alternate behavior that prevents an undesirable behavior. Bob remembers hearing once that the State of Kansas requires all operators to submit the last year's worth of leak detection records for agency review. Bob scribbles: "No leak detection reports, no state fund; no state fund, no permit; no permit, no business; no business, no money." The request for leak detection records is incompatible with not doing leak detection, because the state fund is tied into this request. "Cool," Bob muses. "Tie in technical requirements with funding incentives."

■ **Method 6: Put the behavior on cue.** Warn someone that something is going to happen. Or may happen. Bob is clicking now and writes: "Send letters to operators BEFORE I inspect them and explain that I am coming and what documents I need to review." Bob has heard about how South Carolina does this, and how it reduces the inspection time at each site, allowing for more inspections each year.

■ **Method 7: Shape the absence of the behavior.** Sometimes called Positive Reinforcement. Bob remembers hearing how in Alaska a green "atta boy" tag is issued to indicate that the operator is in compliance. At the time, Bob thought this was weird mostly because he was only familiar with red "bad boy" tags. Bob scribbles: "Offer praise when something bad is not happening (e.g., say 'Nice clean spill bucket you got there!')

■ **Method 8: Change the motivation.** Pryor says this is the best way. Work with what motivates operators. Is someone not doing what you want? Change the motivation. Bob recently learned that the State of Washington provides "pain-free" compliance inspections for those who request one. The state does not enforce a violation on an operator if the operator initiates the call, as long as the problem is fixed. The motivation moves from "better not get caught" to "I can fix a problem without being punished if I ask for help."



### The Experiment

Bob looks over his notes and decides it's time to try an experiment. He weighs his workload outlook, his chronic state of frustration, and his morbid dream and concludes he doesn't have much to lose. He tries the following.

*Ben's Warning—The following hypothetical situation can be hazardous to initial skepticism. It involves a simplified world that is necessary to minimize bureaucratic naysaying. In order for him bring his ideas to light, Bob is granted certain authorities to make things happen fast. Before you say "no way this can happen in my state," first indulge in these generous assumptions and focus on the outcome, rather than get bogged down in the mechanics.*

- Bob goes back to his noncompliant sites and tells the operators they have 30 days to correct the problem. (Method 6: Put the behavior on cue.)
- For those who complete the work, as assigned, Bob agrees to tear up the fine. (Method 7: Shape the absence of the behavior.)

- For those who fail to complete the remedy, Bob issues them a field citation on the thirtieth day and collects a penalty. (Method 3: Negative reinforcement.) Afterward, Bob pulls their operating permit and locks their fill pipe. (Method 2: Punishment.)
- Using the proper chain of command, Bob eventually convinces the head of the state fund to require that operators submit proof of leak detection as part of the annual application process. (Method 5: Train an incompatible behavior.)
- Bob creates an amnesty program where he tells tank operators that if they call him and ask for an inspection, he will not hammer them with a "NON," as long as the UST system is not actively leaking. (Method 8: Change the motivation.)
- Bob establishes a "Tank Operator of the Month" column on his Web page to highlight a successful business person who got out of trouble by correcting a problem. (Method 7: Shape the absence of a behavior.)
- Bob changes his inspection protocol to notify operators seven to ten days before an inspection, rather than just springing on them like he used to and then being mad that they weren't more prepared. (Method 6: Put the behavior on cue.)
- Bob drafts rules that go into effect that provide a compliance tag for those tank systems that pass inspection. (Method 7: Shape the absence of a behavior.) No tag, no fuel. (Method 5: Train an incompatible behavior.)

Six months later, Bob reviews his enforcement caseload. Something, indeed, has happened. The number of NONs facilities have dropped off while the number of Significant Operational Compliance facilities have increased. Sure, he spends more time on the phone, but that's because tank operators are starting to initiate calls. Bob's boss drops by and says his federal bean count has never looked better. No longer in his state of perpetual funk, Bob is able to enjoy his job more fully. Operators are getting it.

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## The Moral of the Story

A well-intended regulator of underground storage tank systems can fail to understand what motivates people. What Bob failed to understand is that he should have been trying to systematically change behavior, not catch the thief with his hand in the proverbial cookie jar. This reactive type of enforcement eventually leads to a quagmire of time and resources. Plus it doesn't really change how people do things, and, ultimately fails. Why?

Some regulators think of themselves strictly as enforcers. They think that punishing the offenders of UST regulations is the only way to make things better. According to Pryor, this would be using an exaggerated amount of Method #2, punishment. Method #2 advocates feel that a strong hand garners respect, even when doling out punishment.

Does it work? Not really. Not sure? Just look at how most states enforce the UST rules (heavy on Methods 1 and 2), then look at the national average of EPA's "significant operational compliance," and you can see we have a long way to go.

I think the trick is to not to settle on any one method but to use a blend of some or all of the methods, depending on the situation. The fun part of a regulator's job can be to decide how much of each method to use and in what amount.

As an inspector, ask yourself whether Bob's statement "I don't train, I enforce!" is in fact correct. And while Bob thought he knew what was more important, he ultimately had to decide what was more effective. If you train operators through various incentives and decrease violations, aren't you doing your job of protecting human health and the environment? If you facilitate changing behavior and get a population to perform leak detection, isn't your job a whole lot easier? And isn't that what you want? ■

*Ben Thomas is former manager of the Alaska UST leak-prevention program. In that capacity, he used training methods 5, 6, 7, and 8, which helped decrease enforcement while increasing significant operational compliance. He now has his own consulting firm, Ben Thomas Associates. See [www.bentanks.com](http://www.bentanks.com).*

# ICC UST Operator Certification Exam Now Available

by Lynn A. Woodard

Over the past several years the same theme continues to be expressed when state regulators get together at meetings and conferences: UST operators are not sufficiently trained to know what is required by the federal regulations. In response to this concern, the International Code Council (ICC) has developed a new Operator Certification Examination designed specifically to allow operators to demonstrate that they possess the minimum required knowledge of the regulatory requirements to achieve and maintain operational compliance.

The process began in 2002, when the Board of Directors of the International Fire Code Institute (IFCI) voted to fund the development of an examination to certify UST operators. This was done at the recommendation of IFCI's UST/AST Certification Advisory Committee, which was made up of representatives of UST state regulatory agencies from around the country. You may recognize that this is the same organization that was solicited to develop and provide certification examinations for UST system installation/retrofitting, decommissioning, tank tightness testing, cathodic protection testing, and AST system installation/retrofitting.

As a result of the Board's decision, a volunteer committee was established to define the goals and objectives of the examination, define the duties of a certified operator, and develop a bank of test questions, answers, and appropriate references for the examination. During 2003, the Committee convened several times in multiday sessions to accomplish its goal.

In case I've caused confusion about ICC vs. IFCI, let me explain. During the timeframe that the operator's exam was being developed, IFCI's parent company, International Conference of Building Officials (ICBO), was merging with Building

Officials and Code Administrators International, Inc. (BOCA) and Southern Building Code Congress International, Inc. (SBCCI) to create one company called the International Code Council. This officially took place on February 1, 2003. Hence, all of the examinations mentioned above are now under the auspices of the ICC.

The ICC Certified Operators Examination became available on July 1, 2003. It is administered by a company called Promissor, which has a contract with ICC. Promissor has teamed with Gateway Computers to use its locations for test centers.

To schedule a time and location for any of the examinations noted above as well as the Certified Operators Examination, contact ICC at (800) 423-6587 ext. 3419. ICC will provide applicants with a *Candidate Bulletin*, which contains a wealth of information about how the examinations are structured and the reference material from which the examination questions and answers were derived. Visit ICC's Web site at <http://www.icc-safe.org>.

If you are looking for an inexpensive way to establish an operator certification program in your state, you may want to take a look at the ICC Certified Operators Examination to satisfy a portion of that program. The hard work has been done, there is no cost to the state, it is already available in each state, test development experts have certified it, and it is defensible. Further, if your state's regulations are more stringent than the federal regulations, ICC may be willing to work with you to develop a separate state-specific examination. ■

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