

**OFFICE OF REGULATORY
ASSISTANCE
SUNSET REVIEW**

REPORT 07-3

REPORT DIGEST

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STATE OF WASHINGTON

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Mandate

The Office of Regulatory Assistance (ORA) is scheduled to terminate in 2007, pursuant to the Washington Sunset Act. As required by this legislation, the Joint Legislative Audit and Review Committee (JLARC) conducted a sunset review to assist policymakers with deciding whether the Office should be continued, modified, or terminated.

Consistent with evaluation criteria specified in the sunset law, this review explains the degree to which JLARC found ORA has complied with legislative intent; reached its own performance goals and targets; operates in an efficient and economical manner; and undertakes activities otherwise duplicated by another state agency or the private sector.

Background

The Office of Regulatory Assistance has a broad mission that spans regulations, permit requirements, and agency rule-making processes at work in Washington State. Chapters 43.42 and 43.21 RCW assign ten duties to ORA which were the primary focus of this evaluation. To execute these duties, ORA relied on 5.6 direct services FTEs and operated with \$1.2 million a biennium. New regulatory assignments in 2006 increased its biennial resources to \$1.8 million. Since these four additional duties were recently assigned to ORA via the budget, their implementation is still in progress. These new duties are not being reviewed in this report, which is focused on the ten statutory duties authorized in statute.

Statutorily, ORA is administered by the Office of the Governor. Practically, most of ORA is co-located in the headquarters and regional offices of the Department of Ecology and staffed by Ecology employees through an interagency agreement with the Office of Financial Management. Services provided by ORA to its clients consist of a regulatory help desk assisting nearly 2,000 callers a year, and regionally located staff who facilitate, coordinate, and help resolve disputes that can arise in permitting. ORA assisted 88 project applicants with regional staff over the last four years.

Sunset Conclusions and Recommendations

We found ORA complied with some, but not all, of its statutory duties. ORA's largest compliance problems are with tracking project information, identifying customer satisfaction, and reporting results to the Legislature.

ORA's focus has been on *doing*, not on recording or reporting on what it has done or collecting information to evaluate the quality of its services. Further, the agency does not have operational policies in place to ensure the consistency of scoping, facilitation, and coordination services provided at the request of project applicants. Absent the tracking of outcome data, ORA cannot demonstrate its desired performance targets have been achieved or help lawmakers understand the impact this government service has for those who use it.

Using activity data ORA could provide, the agency appears to have increased the level of services since 2003 without increasing its costs. However, without better information about ORA's outcomes and details on the types of functions performed to assist project applicants, JLARC cannot conclude whether or not this trend represents efficiency improvements.

ORA does not appear to duplicate services provided by other agencies and serves a role that is different from those available from the private sector.

To address information gaps identified in this review, JLARC recommends:

1. **The Legislature should repeal the June 30, 2007, sunset date (Chapter 43.131 RCW) which has the effect of reauthorizing the Office of Regulatory Assistance, and consider establishing a future sunset review in 2011.**
2. **The Office of Regulatory Assistance should develop an implementation plan to remedy the agency's lack of information about its activities and report to the Legislature on the results of this plan to demonstrate its performance and compliance with statutory duties.**