

HSS Visiting Speaker Program – Governance and Regulation: U.S. to Lead or Lag in the 21st Century?

Co-Sponsored by the National Academy of Public Administration. July 24, 2009



HSS is an organization that is considered an internal regulator. We recognize that the way DOE governs a highly technical organization with a large laboratory mission, is not working. Our laboratories won't be competitive.

Innovation and regulations require long-term thinking and that is the problem with many regulations because they often stay around for many more years than the rate of the world's changes would allow them to remain relevant.

We've talked about how regulations skew the market and provide competitive preferences – we try to avoid that and there are antitrust laws to do so - yet we see the many unintended consequences to this effect, and we do so anyway.

Mari-Josette Campagnone, Senior Advisor to the Chief Health Safety and Security Officer

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We have heard today from our speakers that the costs of regulations and how we analyze these are issues that need to be addressed and reassessed – regulations and their impact on innovation can either be an asset or a cost and burden. We embrace regulations as a means to protect the public, yet we are falling behind in providing such protection with regard to innovation. Innovation protects us from our enemies and our external competitors. Let's frame this whole idea of what we need to regulate – what you should do or shouldn't do – but look at sustainability and which is managing liabilities – concepts easily accepted by corporations.

Managing a liability increases reliability. The lessons of sustainable companies are that they first must look within our own fenceline and then out at who are their supplies, their customers. Is the U.S. government at a point where we haven't come to terms with the fact that we must look within, as well as out. The landscape today is far different – globally competitive.

We see today how innovation is mismatched with regulations; are we so uncomfortable with 'public-private partnerships' and question whether the regulators are held captive by the industries that we are regulating, or we question who is really running the company– but are these the top risks to consider?

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Some of the points from our discussions today include:

Need to analyze and reassess the costs of regulation – regulations and its impact on innovation either is an asset or a terrible cost/burden.

Incentivize to encourage innovation – may work better than the punishments and regulations. Innovation and regulation have the requirement of long-term thinking in common.

Are your regulations a framework or a process? We are very process-oriented in our regulations. Not surprisingly, it is very difficult to get through the myriad of regulations.

Need to understand that the people furthest down the line, doing the actual work, are the people who are left to be the integrators – we issue edicts, expecting them to integrate these into the process – is that a means for success? – no. Isn't it important that the regulators consider the intended and unintended consequences.

Dynamic effects – they linger longer than the rate of the world's changes should allow them to stay. What is the purpose that today's regulations must serve? This may not be the same purpose they once served.

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What is the purpose today's regulations must serve in light of the rapid technological changes? Is it different than our past needs? Can we analyze it in comparison to the risks?

While we want to have regulations for stability, how do we address situations where regulations are actually making an unstable environment – this can become very problematic.

The global corporation and the role of companies as transnational actors. Is this what makes our government afraid to team with companies – am I supporting a company or another nation-state? The same question that maybe the government asks when teaming with industry even when it is internal.

The need for leadership – we are missing a focal point, a means for gathering leadership and also to provide a single voice to move forward on issues – how do we get leadership?

The overarching question is whether we, as a nation, are structured like a high reliability organization that is prepared to face the many challenges. Can we make our regulations less error-prone and more error-tolerant as we ask the same of our systems and our people?

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When NAPA decided to team with HSS, we wondered why – the existing Visiting Speaker Program is successful, well-organized, thought-provoking, and well attended. But DOE is not charged to move the dialogue beyond, due to its agency mission – it can't take the lead on these cross-agency issues.

Based on its Congressional charter, NAPA has a mandate and provides a safe space – an open environment – for the discussions, so that recommendations may be made by NAPA on the behalf of many.

NAPA brings together parties to meet, discuss, and provide recommendations through an open process.

Lena Trudeau, Vice President, National Academy of Public Administration

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We want to gather your viewpoints and carry this discussion forward. We can use the Collaboration Project as a means of gathering information by using the technology platform and real time discussion of issues. This will further ensure that discussions bring together a variety of organizations – beyond agencies to include industry and business as well.

NAPA can convene from a variety of organizations.

Issues raised for taking this discussion to the next level are:

- include a wider industry involvement – understanding that there is some natural apprehension on the part of industry to move beyond their local systems to a larger forum
- build on the momentum that agencies want to take the lead to collaborate and use this as a model
- examine which tools in our toolbox we wish to apply that will give us the advantage of future orientation, innovation, and a systems thinking approach.

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The Collaboration Project, a NAPA initiative, would be a highly effective tool to move these issues and the points raised in today's discussions to the next level. The Collaboration Project is intended as a means of collaboration and the leverage of technologies to solve our problems where other approaches have failed.

The Collaboration Project allows a number of ways of soliciting ideas and refining them through group discussions.

It enables an organization to analyze their approaches, their methods, and gets us out a locked in mindset. Innovation is in the process, not only in the outcomes.

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Next Steps:

Use the Collaboration Project as a platform and create an online dialogue taking the lessons from this event and discussions.

Assemble representatives from industry, business, agencies, other private and public sector organizations.

Pose questions and open forum for discussion and feedback on issues.

Take the discussions to a NAPA standing panel for preparing recommendations.

Mari-Josette Campagnone and Lena Trudeau