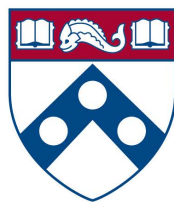


Regulatory Excellence Scoping Checklist

Cary Coglianese

Listening, Learning, and Leading: A Framework for Regulatory Excellence

<https://www.law.upenn.edu/live/files/4946-pprfinalconvenersreportpdf>

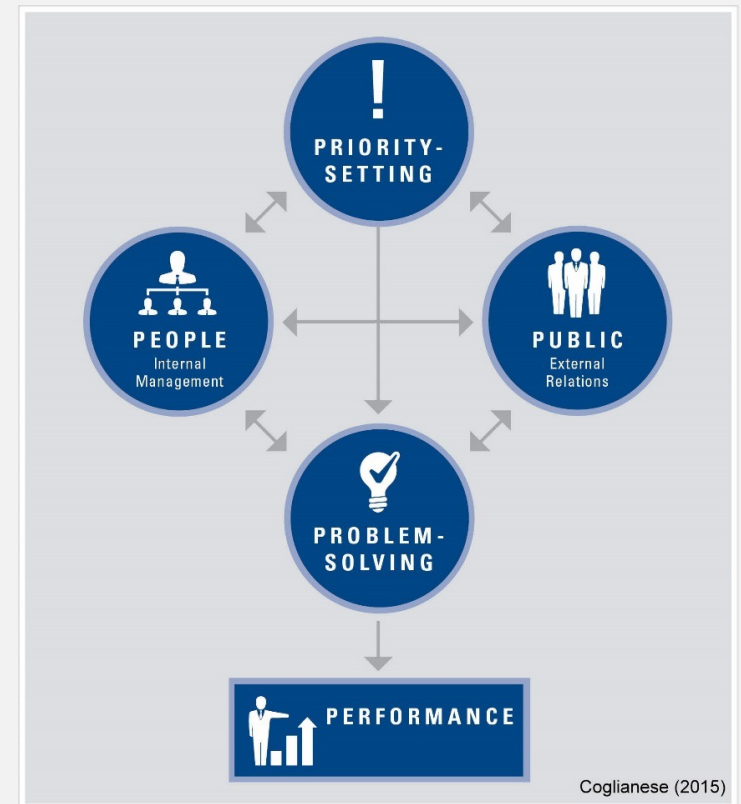


PENN PROGRAM
ON REGULATION

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Keys to Achieving Regulatory Excellence

- **People (Internal Management)**
 - Mission, resources, human capital, autonomy, culture
- **Priority-setting**
 - Decision-making (risk- & evidence-based)
- **Problem-solving**
 - Rule-making, rule application, incident response, evaluation
- **Public (External Engagement)**
 - Empathy, outreach, responsiveness



People (Internal Management)

1. Does your organization possess and communicate a clear, well-defined mission that aims boldly to maximize public value within the scope of the regulator's mandate?
2. Does your organization have adequate financial resources and information technologies to deliver on its mission?
3. Does your organization possess appropriate levels of autonomy to ensure its decisions are made consistently with expert judgment and in the long-term public interest?
4. Does your organization have a sufficient level of staff members who are highly-trained and keep up with developments and emerging trends within their scope of work?
5. Does your organizational culture support and value learning, innovation, and public service?
6. Does your culture align well with all three core RegX attributes and all nine regulatory excellence tenets?

Priority-setting

1. Does your organization seek out state-of-the-art evidence before making both regulatory and management decisions, and then incorporate that evidence in good faith into its decision-making and its reasons for its decisions?
2. Does your organization actively investigate and seek to generate new knowledge of poorly understood risks, potential areas of concern, and regulatory impacts?
3. Does your organization have in place adequate procedures for preserving the integrity of scientific information, including suitable processes of peer review?
4. Does your organization ground its decisions on a solid understanding of the industry it is regulating, including an ongoing awareness of technological innovations?
5. Does your organization understand and articulate clearly the normative principles it uses in combination with risk analysis to make decisions (i.e., what it means to be “risk-based” or “risk-informed”)?
6. Does your organization engage in analysis of its own rules and practices, including rigorous causal evaluation, to learn what works and what could work better?

Problem-solving

1. Does your organization consistently determine that new regulations are needed (and that non-regulatory solutions would not be effective) before adopting new rules and directives?
2. Does your organization select and apply regulatory instruments that equitably maximize net benefits (or, if specified by law, that meet other policy criteria)?
3. Does your organization consider a full range of regulatory instruments that will best achieve relevant policy goals, including when appropriate, regulatory instruments that preserve flexibility?
4. Does your organization target its inspections in such a manner as to maximize the chance of finding and reducing significant regulatory violations?
5. Does your organization deploy enforcement tools responsively, calibrating consequences so as to assure compliance and promote positive cooperation?
6. Does your organization manage its own operations with efficiency, minimizing unwarranted delays in decision-making?

Public (External Engagement)

1. Does your organization provide open access to its information in a manner that is accessible and comprehensible both to industry users and to the broader public?
2. Does your organization provide, whenever feasible, full drafts of regulatory decisions when it invites public comment?
3. Does your organization generally provide opportunities for participation by any member of the public that is concerned or will be affected by its decisions?
4. Does your organization reach out to and welcome input by all individuals, organizations, and communities that are interested in or affected by its decisions?
5. Does your organization provide well-reasoned explanations for its decisions that acknowledge and respond to all pertinent concerns expressed by members of the public?
6. Does your organization ensure that its entire workforce interacts fairly, respectfully, and empathically with all segments of the public?



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