Policies and Legislation

In many cases, it will be most effective to make the primary case for earthquake safety to a few key decision makers in the public sector. Policy-making processes are complex, but not hopelessly so, and policy-makers are accessible, if you “know where they live.” New policies and laws are proposed and enacted almost every day. Once enacted, policies must be implemented, and that is often more complicated than policy adoption. With foreknowledge of the ins and outs, however, you will have a much better chance of success.

Learn How “Things Work” in the Legislative or Executive Agency
High school civics classes teach that policy processes follow an ordered procession, involving, for example, 13 steps for a bill to become a law. In reality, public policy making is anything but linear and predictable. Although they share many rules and procedures in common, each legislative and executive policy-making body has unique characteristics. Typically, you can learn what the formal rules are directly from agency personnel, but it is more difficult to learn informal processes and hidden agendas. If your own elected representative shares an interest in seismic safety, he or she may be of great help.

Have Public Policy Proposals Ready When the Time is Ripe
Usually elected officials create policies to solve problems after a crisis has occurred. For example, a policy decision to raise the level of a causeway or a levee usually comes shortly after the flood. Most earthquake-related legislation is enacted in the immediate aftermath of a damaging earthquake—in what is called the “window of opportunity”—but not all of it is well conceived. The old adage is that we “legislate in haste and repent at leisure.” Advocates seeking to influence policy should be prepared with proposals that are thought through and ready for consideration and adoption during the rush of concern that follows a damaging earthquake.

Gain Access to Policy Makers Who Will Champion Seismic Safety
Policy agendas are crowded and it is difficult to gain the attention of policy makers. The effective earthquake safety advocate must get access to policy makers and their staff to make the case for seismic safety policies. Access is easiest in the immediate aftermath of a damaging earthquake, especially if advocates have coherent and effective proposals in hand. This is because concern for earthquake safety is on everyone’s mind then, demanding attention to possible solutions from policy makers.

Being a member of public or quasi-public organizations charged with helping to develop seismic and building safety policies provides continual, institutionalized access to policy makers. Several states have boards or commissions charged with making recommendations about seismic safety. Similarly, non-governmental groups draft building code updates for consideration and adoption by governments.
Get a Critical Mass of Policy Makers to Agree about the Problem
A problem is not a problem unless a critical mass of policy makers sees it and agrees that something can be done about it. Advocates may view the potential for major losses from earthquakes as a problem that demands immediate attention by public policy makers, but not everyone will agree. Policy makers must concur that there are potential unacceptable consequences from an earthquake within a relevant time frame, and that they are willing to do something to reduce the consequences.

Policy Making Is Largely Political and Economic, Not Technical
Enhancing seismic safety policy requires political and economic understanding as well as geologic and engineering knowledge. Having solutions that meet political, social, and economic criteria is as important as having solutions that are technically effective. Have on hand not only examples of what can be done, but also evidence of how those steps have been effective in other places, and information about how much each solution costs. You must convince the already overburdened that doing something provides benefits at costs that are generally tolerable.

Propose Workable Solutions
A workable solution must have an acceptable price tag, sufficient backing to overcome opposition from credible opponents, and evidence of having worked somewhere else. Legislators rarely invent solutions—they get them from experts, other advocates, and other jurisdictions that have addressed the issue. The savvy policy advocate works to gain support from others who have an interest in the problem or who might be affected by implementation of the proposed solution. Most elected officials do not like to have proponents and opponents of a particular policy proposal besieging them; they are happy when all the involved parties come to them with a policy proposal in hand and generally agree that it is the best way to move ahead.

Not All Policies are Regulatory
Policies may be designed to focus attention, as is the case with the official establishment of April as Earthquake Awareness Month in California or May as Tornado Awareness Month in Wisconsin. Policies may also force action, either directly or indirectly. For example, California has an Earthquake Hazards Mapping Program that directs the Geological Survey to map earthquake hazards all over California, and requires public and private parties to use the maps in assessing the potential hazards to any proposed development. If the risk is high in a certain location, the developers must incorporate appropriate mitigation into the project or they must relocate. Policies may call for public investment, provide for more effective system management, or authorize direct action by public agencies to reduce earthquake risks, for example, increased seismic safety in federally owned buildings was mandated by Presidential Executive Order 12941 in 1994.

Self-policing policies are more cost-effective than those that require extensive monitoring and control. Such policies provide strong incentives for individuals and organizations to engage in the desired behavior either by lowering the costs (monetary and non-monetary) of doing what is hoped for, or by raising the costs of engaging in undesired behaviors. The former case is exemplified by a number of city programs in California that waive
many fees normally associated with residential construction and shorten the permit process in order to encourage home owners to strengthen their houses against earthquakes. Obvious instances of the latter case are the state governments that heavily tax tobacco products and use the generated funds to conduct public education campaigns about the dangers of smoking.

**Policy Enactment Is Just the Beginning**

Policies adopted by legislative or executive bodies are formal statements that put forth what the policy makers want the general rule to be. Policy is modified through the layers and sets of actors that deal with it, right down to the person in the field who does the work directed by the policy. As implementation proceeds, it may trigger new or additional opposition to the policy, with threats of modification or repeal.

To stand the test of time, policies must strike a balance among various parties interested in the problem being addressed. Frequently, policies that were devised and supported by seismic safety advocates are subsequently challenged by groups whose interests are adversely affected by those policies. In the case of ordinances requiring seismic strengthening of old buildings, the challenges are often effective, at least until the next earthquake. Advocates can be successful in getting what is needed if they are prudent and thoughtful about what they propose, particularly if they keep a few points in mind.

**Design Policy to Meet the Legitimate Needs of Likely Opponents**

The community of seismic safety proponents is small and, in most locations, without much political clout. There are usually many interests likely to oppose the costs associated with enhanced seismic safety. Look at the problem in the broad context to identify legitimate interests that will be positively and negatively affected by any proposal. The greater the burden perceived by the opposition, the more fiercely they will fight the advocate’s proposal.

Devise solutions to the problem that meet the fundamental, legitimate needs of those who would otherwise be opposed. This requires willingness to compromise and a creative, non-dogmatic approach to policy design. A policy enacted into law is more likely to remain in place over the long term if it is supported broadly by those it affects than if it was enacted over the opposition of groups with an important stake in the outcome.

**Remember That Nothing Lasts Forever**

A policy that was effective and appropriate at one time may become ineffective and inappropriate as conditions and circumstances change. Problems “morph” out from under solutions. The challenge for those interested in seismic safety is to adjust strategies and policies as circumstances change. The challenge is made more difficult by the nature of legislation; only rarely can it be written to provide sufficient flexibility to deal with both a wide range of initial circumstances and underlying shifts in the context.
National Seismic Safety Policy

The National Earthquake Hazards Reduction Program (NEHRP) was established in 1977, under the authority of the Earthquake Hazards Reduction Act of 1977, enacted as Public Law 101-614. The purpose of NEHRP is to reduce the risks of life and property from future earthquakes. The NEHRP research and mitigation activities are funded by four primary federal partners—FEMA, National Institute of Standards and Technology, the National Science Foundation, and the U.S. Geological Survey. NEHRP funds basic and applied research into earth science, building and infrastructure performance and design, and information dissemination by governmental and non-profit agencies working on many aspects of earthquakes and seismic safety. These Advocacy Briefs were developed with funds from NEHRP. Learn more about NEHRP at http://www.fema.gov/hazards/earthquakes/eqmit.shtm