

APPENDIX C

History of the FFERDC Process

In February 1989, the House Armed Services Committee's Subcommittee on Procurement and Military Nuclear Systems conducted a hearing on the process used by DOE to set priorities for conducting environmental restoration activities at its nuclear weapons facilities. The hearing, which included testimony by DOE, the General Accounting Office (GAO), and the Natural Resources Defense Council, addressed many aspects of DOE's priority setting methodologies.

In April 1989, the Governors of ten states sent the Secretary of Energy a letter calling for decisive federal action on the establishment of a comprehensive national program for the cleanup of all DOE defense and research facilities. The proposal put forth by the Governors contained a discussion of several key elements for a national program. One element was the need to develop a national priority system for ensuring that appropriate priorities for DOE cleanups were established.

Shortly thereafter, the Administrator of the U.S. Environmental Protection Agency (EPA), sent to the Director of the Office of Management and Budget (OMB) a letter summarizing the concerns of several federal departments regarding the need to establish national environmental and funding priorities for the cleanup of federal facilities. In this letter, the Administrator proposed that EPA convene a conference with representatives of other federal and state agencies to begin discussing the issue. Subsequently, EPA proposed convening a formal dialogue on the issues related to the establishment of federal facility cleanup priorities. Further support for a national dialogue on priority-setting for federal facility cleanups came in July 1989 when 49 Attorneys General sent an open letter to the U.S. House of Representatives. This letter expressed support for a dialogue on federal facility cleanup issues as a means of strengthening state-federal relationships.

Based on these public indications of support for a dialogue, EPA asked The Keystone Center (TKC), a non-profit environmental conflict management group located in Keystone, Colorado, in late 1990 to convene a national policy dialogue on federal facility environmental restoration priority-setting. As is typically done in such circumstances, Keystone Center staff conducted a series of interviews and discussions with key stakeholders to confirm support for the idea of a national policy dialogue and to determine what specific policy issues should be the focus of the proposed dialogue and who should participate.

These convening assessment activities led to the formation of a small ad hoc planning group that consisted of representatives of several federal agencies, state agencies and state governmental associations, national environmental groups, and others. This ad hoc planning group, which met in January 1991, was designed to give The Keystone Center advice as to whether and, if so, how to proceed with the proposed dialogue. At the time that The Keystone Center was asked to convene a dialogue to address federal facility priority-setting, an important issue was congressional debate over the proposed Federal Facility Compliance Act. This Act would authorize states to impose fines and penalties on federal agencies for

violations under the Resource Conservation and Recovery Act. Federal agencies were concerned that they would now be subject to fines for failure to meet schedules in enforcement agreements for cleanup where insufficient funds were appropriated. Federal agency representatives believed that there was a need for a "system" that would establish how to set priorities in the event insufficient funds are appropriated to meet all federal cleanup obligations.

After addressing concerns about any links that might be created between the proposed dialogue and pending federal facility environmental compliance legislation, the diverse interests attending the January 1991 meeting agreed that a dialogue on federal facility environmental restoration decision-making and priority-setting issues would be worthwhile. They agreed that the proposed dialogue should not be linked to pending legislation or be used by any dialogue participant as a reason to delay congressional debate on pending federal facility legislation.

The assembled advisory/planning group agreed that the dialogue should, at the outset, have as its objective the exchange of information and perspectives on federal facility environmental management and priority-setting issues rather than the development of consensus agreements on these issues. Furthermore, the group agreed that the initial focus of the dialogue should be issues related to the need to set priorities for the cleanup of federal facilities, with the possibility of addressing other critical federal facility environmental management issues in the future.

The first meeting of the National Policy Dialogue on Federal Facility Environmental Management occurred in June 1991. This meeting included representatives of tribal governments and Native American organizations and local citizen groups, as well as the interests that were represented at the January 1991 planning meeting. The June 1991 meeting included presentations from DOD, DOE and EPA officials on a variety of environmental remediation related priority-setting mechanisms, models, systems, and processes that are currently being used by these agencies. The group then had a general discussion of federal facility priority-setting issues and identified some topics to address at its next meeting.

In October 1991 the Dialogue Group met again to discuss the role of health assessments and the consideration of risk in setting priorities for federal facility cleanup; how Native American cultural issues should be factored into the priority-setting process; and the role that various governmental and non-governmental entities should play in setting priorities for federal facility cleanups. At its October 1991 meeting the Dialogue Group agreed that if they were to continue meeting they should not simply exchange information and perspectives but adopt an objective of developing consensus policy recommendations on how to improve upon the federal facility environmental restoration decision-making process.

In February 1993, the Committee published an interim report entitled "Recommendations for Improving the Federal Facilities Environmental Restoration Decision-making and Priority-Setting Process." The Committee's recommendations focused on:

- improving the dissemination of cleanup related information;
- improving stakeholder involvement in key cleanup decisions, with special emphasis on the use of advisory boards; and
- improving the consultation on cleanup funding decisions and setting priorities in the event of funding shortfalls.

After its publication, the Committee held eight regional briefings to discuss the contents of the report and solicit feedback. For the most part, the Interim Report was well received by both those in the government and those affected by cleanup at federal facilities. Many agencies have made major changes in response to the Committee's recommendations, particularly those related to public involvement. For many government employees and citizens living near facilities, the recommendations provided a new blueprint for how government and citizens should interact in cleanup decision making.

Since 1993, EPA and The Keystone Center have distributed thousands of copies of the report in response to requests from citizens living near facilities, agency personnel and a wide variety of others.

A concern was consistently voiced during the regional briefings that the views of local government and the environmental justice community had not been adequately included in the Interim Report's recommendations. In response to this concern, the FFERDC added new members in the Fall of 1993, and then again in January 1995, bringing the Committee's total membership to fifty persons. Through these steps, as well as replacing Committee members who have changed jobs or moved on to other pursuits, the Committee believes it has obtained an even greater degree of balance in terms of the diversity of interests represented, as well as the geographic diversity of FFERDC participants.

During its deliberations in 1994, the Committee received presentations from individuals representing local government and environmental justice experiences, interests and concerns. During this period the Committee tracked implementation of its recommendations and interacted with Clinton Administration officials who are members of the newly formed Federal Facility Policy Group. In January 1995, the Committee decided to produce a Final Report.

