

## CHAPTER 3

# COMMUNITY INVOLVEMENT

### Introduction

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Since its inception, the Committee has stressed that government agencies should not conduct their business and public interactions in a "Decide, Announce, and Defend" fashion. Examples from communities around the nation demonstrate that involving communities early and often in the decision-making process enables public stakeholders to help agencies make cost-efficient decisions that lead to faster cleanups. Community involvement is a vital part of any cleanup program and requires a sustained commitment of finances and resources from federal agencies and public stakeholders alike, even during times of budget constraints. Building on Principle 14 of the previous chapter, the recommendations in this chapter are aimed at improving community involvement processes to more actively engage those most affected by federal facilities.

Since the publication of the Interim Report, significant progress has been made in the implementation of the Interim Report recommendations and principles. For details regarding these efforts, see Boxes 1-7.

### Interim Report Recommendations

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In its 1993 Interim Report, the Committee identified the need for good information dissemination programs as an essential step in effective community involvement. The Interim Report identified three weaknesses in how federal agencies disseminate information regarding federal facilities cleanups:

- Stakeholder's opinions are often solicited late in the process after the governmental entities have concluded their investigatory work;
- The extent and the effectiveness of agency information dissemination and exchange efforts are inconsistent

#### **Box 1: U.S. Environmental Protection Agency**

In order to make information on federal facility cleanup publicly available, EPA maintains several databases including CERCLIS, RCRIS, the Hazardous Waste Docket and the Federal Facilities Bulletin Board. In addition, EPA works directly with federal facility advisory boards to provide them with any technical or regulatory information they need.

EPA has established federal facility coordinators in each regional office. The coordinators work with EPA regional programs to provide assistance, training and outreach for federal facilities, providing a central point of contact for both the public and the federal facilities. They assist in implementing federal facility enforcement programs; manage tracking, oversight, and compliance planning activities; coordinate and train federal facilities in developing environmental management program plans; and encourage pollution prevention at federal facilities. For more information regarding Superfund, call EPA's RCRA/CERCLA Hotline, (800) 424-9346 or (703) 412-9810.

between facilities and between agencies; and

- Stakeholders perceive that requests for information are treated by government officials as burdensome and an impediment to management rather than as a right of citizenship.

**Box 2: Department of Energy**

DOE published a public participation policy on July 29, 1994. This policy commits the department to candid information exchanges and ongoing two-way communication using a variety of mechanisms. Key aspects of this policy include a commitment to the following:

- Whether formal or informal, all public participation activities will be conducted in a spirit of openness, with respect for different perspectives and a genuine quest for a diversity of information and ideas.
- The Department will work to establish, announce, and manage topical data bases of reliable, timely information available to the public via telephone and computer.

In keeping with these commitments, the Office of Environmental Management (EM) has established an EM information center to provide quick and convenient access to all program information. The center maintains an 800 number, electronic bulletin board with e-mail access to all DOE employees, and an extensive library of program information. The 800 number receives approximately 1500 inquiries a month while 2000 citizens regularly use the electronic bulletin board.

All major DOE sites have established a Public Participation Coordinator who serves as the central point of contact for all public participation activities. This person is responsible for ensuring that public participation activities provide meaningful, timely opportunities for citizens to influence EM's policies.

On the national level, in 1994 EM established the Office of Public Accountability to coordinate EM public participation efforts. This office maintains an on-going public participation training program for senior and mid-level managers, oversees an EM information center, and manages 11 site-specific advisory boards, the national EM Advisory Board, and a national dialogue with State and Tribal leaders. For more information, contact Don Beck, Office of Public Accountability, DOE, (202) 586-7633.

To address these concerns, the Committee recommended three principles to guide the exchange of information:

- Federal agencies have an obligation to ensure that information is provided to all interested parties within applicable regulatory, resource, and budgetary constraints.
- Well developed information dissemination and exchange processes should ensure the timely release of information to public stakeholders and provide the basis for informed involvement in decision making. This should hold true for any facility, whether it is on the National Priorities List (NPL) or not.
- The information dissemination and exchange process must be consistent with Freedom of Information Act (FOIA) principles, providing full disclosure of available information. Classification of information on the basis of national security concerns should not be used to bar the flow of relevant cleanup information where security/classification issues no longer exist. Such information should be declassified.

In addition to the above principles, the Committee recommended three specific actions in the Interim Report, including:

- developing agency dissemination policies;

- encouraging public stakeholders to portray accurately the draft status of documents or other preliminary information that they receive in draft form; and
- establishing a central point of contact within agencies for assisting in disseminating information.

## Continuing Problems

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The Committee reaffirms the importance of the principles and recommendations regarding information dissemination originally stated in the Interim Report. The members generally applaud the changes that have occurred in the past years allowing and even encouraging citizens to play more active and dynamic roles in the federal facility cleanup decision-making process. However, in identifying continuing problems with information dissemination, the Committee recognizes that this is only one, albeit important, component of an overall community involvement program. In the following recommendations, the Committee addresses the range of general issues regarding community involvement efforts in federal facility cleanups.

In current community involvement efforts, federal agencies often do not seek to include the full range of interested and affected parties and when they do, they sometimes do not provide appropriate or adequate information. This contributes to the continued mistrust that exists among some public stakeholders. In particular, concerns include:

- Community involvement programs have not consistently attempted to reach out to the full range of stakeholders, particularly communities of color, low-income communities, and in some cases local government officials;

### **Box 3: Department of Defense**

DOD policy on information dissemination for the restoration program emphasizes the need to provide information early so that the public can be informed about program activities and provide input during the planning process. Specifically this policy requires installations to make available to the public, in a timely manner, information on program activities such as draft final and final technical documents, proposed and final plans, and status reports. Documents that are considered deliverables under agreements with regulatory agencies are to be made available to the public at the same time that they are provided to regulatory agencies.

In order to make information accessible to the community, installations are required to keep information centers/repositories in a convenient location, often in a public library. Most installations maintain a mailing list which they use to reach community members who have expressed interest in the program directly. Announcements and fact sheets are typically distributed to mailing listees.

Installations are developing summaries of the documents that are brief and readable. This is intended to help citizens understand results and findings, and to make it easier for them to comment. Also, DOD technical personnel are available to explain and interpret documents at Restoration Advisory Board meetings and other forums so that RAB members and other interested citizens have a better understanding of the contents.

DOD installations typically establish points of contact for providing information on cleanup activities. These individuals are knowledgeable about cleanup activities and can respond to or refer citizen questions to appropriate information sources. Their names and phone numbers are widely published.

DOD is in the process of creating regional environmental coordination offices that would serve a number of coordinating functions among the Services. A DOD Service will take the lead role in each region. This regional environmental coordinator could help resolve information dissemination problems by ensuring that issues are brought to the attention of the appropriate Service representative for resolution at the local level. For more information, contact Marcia Read, Environmental Security/Cleanup, DOD, (703) 697-9793.

**Box 4: Department of the Interior**

The DOI bureaus have responsibility for information dissemination and for establishing central points of contact for their environmental cleanup programs. Each bureau has an office with primary responsibility for the program, usually located in their headquarters organization. In addition, the Office of Environmental Policy and Compliance serves as an information clearinghouse and contact point, both in the headquarters and in the eight regional offices, which are located in Boston, Philadelphia, Atlanta, Denver, Albuquerque, San Francisco, Portland, and Anchorage. For more information, contact John Craynon, Office of Environmental Policy and Compliance, DOI, (202) 208-3891.

**Box 5: U.S. Department of Agriculture**

USDA agencies with relatively small programs, such as the Agricultural Research Service, have designated an individual as Environmental Pollution Control Coordinator at their headquarters level to be the contact point for cleanup activities. USDA-Forest Service policy requires each region and research station to designate an individual as a CERCLA coordinator to be the primary point of contact with the headquarters level. The CERCLA coordinator is responsible for coordinating all aspects of response actions initiated under CERCLA. At the project level, it is likely that technical responsibility for a specific project will be delegated to an On-Scene Coordinator or Remedial Project Manager and the unit Public Affairs Specialist will be the designated Spokesperson for community relations as described in the NCP. For more information, contact Harry Kringler, Environmental Engineer, USDA (202) 260-6565.

- Federal agency personnel are not always aware that the information requirements of communities of color and low-income communities may be broader than those of the regulatory community and may include information needs on the entire range of environmental impacts of proposed actions, employment, business development, and educational opportunities;
- Federal agencies do not always include local government decision makers early enough to ensure that local officials can identify issues of concern related to cleanup, downsizing and closure;
- Public stakeholders often do not have the technical understanding of the issues and are not prepared for participation in public activities. This limited ability hampers the ability of public stakeholders to provide relevant substantive input that can influence the decisions being made;
- Public stakeholders cannot effectively participate in the decision-making process when the field offices and headquarters of agencies are not communicating effectively with one another;
- Public stakeholders, especially communities of color and low-income communities, often do not have sufficient resources to translate the information provided by federal agencies into forms and formats that are useful, easily understandable, and informative for effective participation in agency decision making;

- Some federal agencies continue to apply the Freedom of Information Act (FOIA) exemptions in an overly broad and cautious manner. The withholding of an entire document because portions of it are confidential—such as internal advice, recommendations and proposals—fails to recognize that other portions containing factual information may not be exempted from release;
- In some cases, information dissemination programs and community involvement programs are perceived to be public-relations efforts designed to present the agencies' actions in the best light and to gloss over problems;
- The number of agency personnel with expertise in involving public stakeholders in the decision-making process is limited; and
- Where financial and personnel resources are constrained, community involvement programs may be disproportionately affected.

**Box 6: National Oceanic and Atmospheric Administration**

NOAA has four Regional Environmental Compliance Officers (RECOs) responsible for implementation of NOAA environmental compliance programs in the field. The RECOs provide advice and guidance to field managers and staff on environmental matters, complete audits, respond to emergency situations and assist with development of assessment and remediation actions. The RECOs complete the A-106 process for their region and submit to the NOAA Environmental Officer for consolidation and development of budget requests. Assessment and remediation documents are shared with all involved stakeholders in any cleanup effort (e.g., regulators, other agencies, the impacted community). RECOs respond to FOIA requests in coordination with NOAA General Counsel. Complete project files are maintained at each RECO office. For more information, contact Sam Higuchi, Environmental Compliance and Safety Officer, NOAA, (301) 713-0845.

## Recommendations

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In addition to the recommendations proposed in the Interim Report and summarized above, the Committee recommends that federal agencies draft or revisit current policies and guidance documents directing community involvement activities to ensure that the following items are incorporated to address the above concerns.

### I. Fundamentals of Community Involvement

The Committee recognizes that there are many different and viable mechanisms for effectively incorporating community concerns in the cleanup decision-making process. However, the Committee believes any community involvement effort must be:

- transparent;
- open;

- interactive;

**Box 7: Agency for Toxic Substances and Disease Registry**

The Agency for Toxic Substances and Disease Registry (ATSDR), Department of Health and Human Services, has a number of public health responsibilities under CERCLA, RCRA, and other environment statutes. The mandated programs for ATSDR include the development or conduct of: toxicological profiles; exposure and disease registries; medical surveillance; community health studies; public health assessments of Federal and non-Federal National Priorities List (and petitioned) sites; health consultations; emergency response activities; and other public health programs.

Information from community members regarding health concern, health outcomes, and environmental factors is a central component of ATSDR site-specific activities. ATSDR also considers the effective communication of risk, as well as health and scientific information, a significant part of its public health management programming. The following are some community involvement activities that ATSDR uses to dialogue and interact with communities around Superfund sites: public availability sessions; public meetings; small group briefings; Federal Advisory Committees at Department of Energy sites; Community Assistance Panels at Department of Defense sites; public information and education materials; health education and training; press releases; Federal Register Notices; and open public comment periods for draft health and exposure studies (and many other reports).

For example, in July, 1994, the *Citizen's Advisory Committee on Public Health Service Activities and Research at Department of Energy Sites* was chartered as a Federal Advisory Committee to advise ATSDR (and the Centers for Disease Control and Prevention [CDC]) on their health activities around up to six DOE hazardous waste site communities. To date, four DOE sites have been selected: Hanford (Washington State), Savannah River (Georgia & South Carolina), Idaho National Laboratories (Idaho), and Fernald (Ohio). For more information, contact Mark Bashor, ATSDR (404) 639-0730.

- inclusive; and
- responsive.

For these characteristics to be truly effective, agencies need to develop a communications structure in which public concerns are communicated to both headquarters and field office levels. This structure should facilitate public stakeholder input into all levels of the decision-making process. Processes embracing these characteristics will encourage public support of cleanup decisions, and they are likely to lead to a more efficient and cost effective cleanup program.

**II. Assess Current Community Needs**

Community involvement guidance documents should encourage field staff to conduct assessments of public stakeholders' needs and communities' existing resources prior to initiating community involvement programs. Such efforts will help to ensure a proposed program is appropriate for the community and does not lead to overlap or waste in relation to other on-going public involvement efforts. During this assessment, public stakeholders have a responsibility to raise issues and concerns regarding their involvement in the cleanup process. Agencies must be willing to invest the resources and staff expertise necessary

to conduct a proper assessment and to implement effective community involvement efforts.

**III. Identify Public Stakeholders**

Agency policy should direct field staff to actively seek out and solicit the full diversity of public stakeholders in communities and specifically incorporate information on the importance of and effective approaches for informing communities of color, low-income communities, and local governments.

General guidance from the headquarters of a federal agency should raise awareness regarding the importance of including a broader diversity of public stakeholders. However, Committee

members warn against the potential for field staff to implement "cookie-cutter" community involvement programs. There is no good, single implementation program appropriate for all Latino/Chicano communities, all African-American communities, all Asian/Pacific Islander communities, or all tribal reservations. For example, the culture, history, and resources of the Yakama Indian Nation are so different from the Hopi Tribe that any generalizations regarding information exchange programs for Indian Nations are likely to be incorrect. Any guidance must stress the importance of field staff learning about and understanding the specific community at hand.

#### **IV. Use Appropriate Methods to Provide Information to Public Stakeholders**

Agency community involvement policies and guidance documents should encourage field staff to use diverse methods of communication. Potential approaches include:

- Utilizing local media outlets such as local cable TV access and government channels, newspapers, and local internet service providers to get citizens involved;
- Ensuring materials for public participation are culturally sensitive and relevant to the specific area, including providing information in appropriate languages and at a variety of scientific levels;
- Using local government and other institutional community involvement mechanisms (i.e., zoning meetings, environmental boards, public health departments, and citizen advisory boards and local re-use authorities) for information exchange regarding cleanup activities. Local governments can establish and maintain information repositories that make documents available to the public at the same time as they are made available to regulators;

##### **Box 8: EPA Region VI's Community Economic Partnership Seminar**

On December 3, 1994, EPA Region VI, in cooperation with the Louisiana, Department of Environmental Quality and the City of New Orleans sponsored a "Community Economic Partnership" seminar in New Orleans. This minority business contracting seminar was developed to promote opportunities for local communities by providing practical tools needed for businesses to become eligible to participate in federal contracting, particularly when the government is involved in cleanup efforts.

Planning and coordination at the local, state, and federal level helped ensure the community had a stake in the seminar, the right audience was targeted and the right organizations participated to provide the tools and information needed. The evaluation feedback indicated that participants found the workshops, the expertise of the exhibitors, and the quality of the informational material the most important.

Region VI has developed a "How to Tips" paper and a "Time Line for Planning" to assist other organizations in implementing similar seminars.

- Designating locations for access to information appropriate and convenient for the affected communities, and make copies available for public stakeholders; and
- Applying FOIA exemptions narrowly; consistent with FOIA, any reasonably segregable portion of a document should be provided to the requesting stakeholder

after deleting portions of the document which are exempt.

## V. Communicate Economic Opportunities

Because the economic well being of communities is often integrally linked to its overall environmental health, appropriate agency guidance documents should encourage field staff to inform the local communities, including communities of color and low-income communities, of cleanup employment opportunities. At a minimum, guidance documents should direct staff to advertise such opportunities afforded by the cleanup effort, including the skills required and risks inherent in the opportunities. In addition, regulated and regulating agencies should provide notices of educational and scholarship opportunities in all relevant languages. Boxes 8 and 9 provide examples of ways that government agencies are working to inform communities of such opportunities.

## VI. Future Use Planning and Institutional Controls

In Principle 11 in Chapter 2, the Committee recognizes the relationship between cleanup and future land uses, and in those instances where federal land is to be transferred from federal ownership, the importance of maintaining institutional control when cleanup does not allow for unrestricted use. The Committee recognizes that the mechanisms for community involvement in determining future land use and its relationship to cleanup is an important issue. We reiterate the following recommendations regarding involving communities in this matter:

### **Box 9: DOD's Environmental Cleanup Small Business Work Group**

In an effort to promote environmental cleanup opportunities within the DoD to small disadvantaged businesses (SDBs), the office of Environmental Security along with the Small and Disadvantaged Business Utilization office established the Environmental Cleanup Small Business Work Group. Small business experts from the Army, Navy, and Air Force also participate.

The work group initially agreed that promoting existing programs to the small business community would be more beneficial to SDBs than creating entirely new programs. One of their first initiatives was to make procurement information more accessible and simple to locate. The solution was an electronic bulletin board geared specifically for small businesses. By joining forces with the Defense Technical Information Center (DTIC), the group successfully implemented an environmental restoration bulletin board featuring long range acquisition estimates from the Services, all in one place. In addition, the bulletin board features environmental and small business publications; upcoming conferences; points of contact for small business offices; and Internet sites that contain information related to the DOD restoration effort.

The work group also established the first small disadvantaged business awards for DOD environmental cleanup. Four SDB firms specializing in environmental cleanup at DOD sites were each presented with a plaque and recognized for their contribution to the program at a national conference of professional contract managers.

The environmental cleanup small business work group is the first of its kind. The establishment of realistic goals designed to benefit both small and small disadvantaged businesses who work with the Department has helped the group move forward. This effort will continue to grow as each goal is met and new initiatives are identified. For more information, contact Marcia Read, Environmental Security/Cleanup, DOD (703) 697-9793.



- For properties being transferred from federal ownership, the federal role in the determination of future land use is generally limited to a review of the determination made by the state, tribal or local authorities that will have the responsibility to make the determination. There should be the appropriate forms of stakeholder involvement in these state, tribal, or local government determination processes.
- When making cleanup decisions for properties remaining in federal ownership, cleanup advisory boards, local planning and reuse authorities, and the public stakeholders should be consulted about reasonably anticipated future use assumptions.
- Cleanup decisions that have previously taken into account the anticipated future use of properties remaining in federal ownership should be re-evaluated if the land is to be transferred. In this circumstance, previously made cleanup decisions may need to be reexamined in view of the land use selected by the state, tribal, or local authorities that will have jurisdiction over the land to be transferred.
- Federal land to be transferred that is not cleaned up to standards that would permit unrestricted use should be subjected to the appropriate institutional controls exercised by the transferor/transferee and/or appropriate state, tribal, or local authority (e.g., deed restrictions, zoning, physical controls, or monitoring for the life of the hazard).

## **Conclusion**

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In general, community involvement processes should provide opportunities for the general public both to get information about cleanup activities and to affect decisions. These efforts are an integral part of cleanup programs, and should be considered a basic cost of doing business. Community involvement efforts should reach out to the broadest range of stakeholders possible and seek their involvement through a variety of effective and innovative methods appropriate to their community.

One particularly effective method of involvement is to establish advisory boards at the community level for the purpose of actively educating and engaging a diverse set of stakeholders in the cleanup decision-making process. Such advisory boards can play a unique role in an overall community involvement process. Through these boards, community members and agency representatives are asked to commit to open and regular dialogue and work together to find ways of expediting the cleanup process. Because of the key role advisory boards have taken in enabling community involvement, the following chapter outlines recommendations for the establishment and operation of these boards. Although the Committee agrees that these boards play an important role in the community involvement process, the Committee emphasizes that such boards are only one component of the community involvement process and should be used to complement other involvement activities discussed in this chapter.



