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RESEARCH REPORT

# **Building Capacity to Participate in Environmental Protection Agency Activities**

A Needs Assessment and  
Analysis

1999

**BUILDING CAPACITY TO PARTICIPATE IN  
ENVIRONMENTAL PROTECTION AGENCY ACTIVITIES:  
A NEEDS ASSESSMENT AND ANALYSIS**

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# ***Table of Contents***

I.	Introduction .....	1
A.	Background on Public Involvement and EPA's Approach to Public Participation .....	1
B.	Study Methodology .....	5
II.	Overview of Interview Themes .....	6
A.	Who Needs Capacity Building? .....	6
B.	What Capacity Building is Needed? .....	7
C.	How Should Capacity Building Tools Be Delivered? .....	8
III.	Potential Approaches to Capacity Building .....	10
A.	Independent Information Broker .....	10
1.	Overview .....	10
2.	Models .....	12
3.	Discussion .....	15
B.	Ombudspersons .....	18
1.	Overview .....	18
2.	Models .....	19
3.	Discussion .....	20
C.	Hotlines .....	21
1.	Overview .....	21
2.	Models .....	22
3.	Discussion .....	23
D.	Technical Assistance Grants .....	24
1.	Overview .....	24
2.	Models .....	24
3.	Discussion .....	26
E.	Citizen Training on EPA Processes and Legal Requirements .....	27
1.	Overview .....	27
2.	Models .....	28
3.	Discussion .....	29

F.	New Collaborative Participation Processes .....	30
1.	Overview .....	30
2.	Models .....	31
3.	Discussion .....	33
G.	Increased Data Availability and Dissemination Networks .....	34
1.	Overview .....	34
2.	Models .....	34
3.	Discussion .....	37
H.	Grants to Community Groups .....	38
1.	Overview .....	38
2.	Models .....	38
3.	Discussion .....	38
I.	Improved Access to Documents .....	39
1.	Overview .....	39
2.	Models .....	39
3.	Discussion .....	40
J.	Improved Mailing Lists .....	41
1.	Overview .....	41
2.	Models .....	41
3.	Discussion .....	42
IV.	Impediments to Building Local Capacity .....	42
A.	Perceived Futility of Public Participation .....	42
B.	Lack of Defined Purpose for Public Participation .....	44
C.	Lack of Time, Resources and Interest .....	44
D.	Need for New Participation Processes .....	46
E.	Need for Increased Oversight of State Public Participation .....	46
V.	Observations and Considerations for Moving Forward .....	47
A.	Numerous Opportunities Exist to Build Local Capacity .....	47
B.	The Need To Involve the Public in Shaping Capacity Building .....	47
C.	The Need to Address Lack of Public Confidence In and Inaccessibility of EPA Processes .....	48

VI.	Next Steps .....	49
A.	Public Participation Authority, Goals and Public Participation Plan .....	50
1.	Review of EPA’s Mandate and Authorities for Public Involvement .....	50
2.	Development of Public Participation Goals and Principles .....	50
3.	Development of a Public Participation Plan .....	51
B.	A Strategic Approach to Capacity Building .....	52
C.	Potential Pilot or Programmatic Initiatives .....	54
1.	Information Dissemination .....	54
2.	Training for Communities .....	56
3.	Technical Support .....	56
4.	Proactive Assessment of Community Needs .....	57
	Appendix A: Additional Information on Programs and Initiatives .....	59

# I. INTRODUCTION

The purpose of this study was to examine and identify approaches to building the capacity of communities to participate in Environmental Protection Agency (EPA) decision-making processes. Although communities are made up of many types of stakeholders, including regulated businesses, for purposes of this study, the focus was on individual citizens and local non-profit groups within communities that may be interested in or affected by EPA activities. Capacity was defined as the ability of a community to participate effectively in EPA activities and decision-making. The study focused on general approaches that could be used in a variety of contexts to build capacity, and did not differentiate among the various EPA decision-making processes, such as rulemakings or permitting. The study examines how the capacity of communities and citizens to participate in current EPA processes can be enhanced.

## A. Background on Public Involvement and EPA's Approach to Public Participation

Public involvement in the United States government can be traced to the beginning of the nation when the country's founders and first president sought advice from citizens.<sup>1</sup> Since the passage of the Administrative Procedures Act of 1946, the number of requirements and programs for government public participation efforts has grown dramatically.<sup>2</sup> The 1960s and 1970s were marked by a "participation movement" that left a legacy of legislatively required forms of public involvement that still apply today.<sup>3</sup> Most notably, Congress enacted the Freedom of Information Act in 1966 which provided citizen access to Agency information and data,<sup>4</sup> the National Environmental Policy Act in 1969 which required public review of environmental impact statements, and the Federal Advisory Committee Act in 1972 which established a structure for overseeing committees that provide advice, ideas, and opinions to the federal government.<sup>5</sup>

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<sup>1</sup>See GSA TWENTY-FIFTH ANN. REP. OF THE PRESIDENT ON FED. ADVISORY COMMITTEES at 1 (1997); see also Stephanie Smith, *Federal Advisory Committees: Establishment and Cooperation*, CRS Report for Congress, February 19, 1997; Michael Cardozo, *The Federal Advisory Committee Act in Operation*, 33 ADMIN. L. REV. 4 (1981); Michelle Nuskiewicz, *Twenty Years of the Federal Advisory Committee Act: It's Time for Some Changes*, 65 S. CAL. L. REV. 957 (1992).

<sup>2</sup>See Marcus E. Ethridge, *Procedures for Citizen Involvement in Environmental Policy: An Assessment of Policy Effects*, in CITIZEN PARTICIPATION IN PUBLIC DECISION-MAKING 115, 116 (Frank DeSario & Stuart Langton eds., 1987).

<sup>3</sup>See Daniel J. Fiorino, *Environmental Risk and Democratic Process: A Critical Review*, 14 COLUM. J. ENV. L. 501, 504 (1989).

<sup>4</sup>See *id.* at 524-25; see also ENVIRONMENTAL LAW INSTITUTE, PUBLIC PARTICIPATION IN ENVIRONMENTAL REGULATION 8 (1991).

<sup>5</sup>See generally Daniel J. Fiorino, *Environmental Risk and Democratic Process: A Critical Review*, 14 COLUM. J. ENV. L. 501, 504 (1989) (detailing a history of federal Agency public participation efforts).

Today, the list of laws, regulations, and policies that call for public participation in Agency administration is diverse and lengthy – the Clean Water Act, the Clean Air Act, the Resource Conservation and Recovery Act, and the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), to name only a few. The majority of these statutes and policies rely on standard approaches to Agency public involvement, primarily public meetings and notice and comment on proposed activities.<sup>6</sup>

But over the last few decades, a paradigm shift has occurred in how government agencies attempt to involve the public.<sup>7</sup> Citizens are increasingly reluctant to defer to "expert" Agency opinions and are unwilling to act merely as sounding boards for agencies that have already made a decision – particularly when these decisions affect their local communities.<sup>8</sup> Consequently, governments are moving away from the more traditional representative form of decision-making, where the Agency administrator makes a decision after consulting with select individuals who are leaders or representatives of key interests.<sup>9</sup> Instead, Agency officials are employing a more participatory democratic process that attempts to involve citizens directly affected by Agency decision-making. This evolution toward directly involving citizens in an Agency issue can be seen at all levels of government, ranging from large federal agencies such as the United States Department of Defense to local governments such as city health boards. In short, there has been an increase in the number of federal and state agencies implementing public involvement efforts that reach beyond the time-honored tools of hearings or Federal Register notices.

A variety of cultural and technological factors may have contributed to this increase in direct public involvement in the government Agency context. For example, increased media coverage<sup>10</sup> and advancements such as the Internet have resulted in a heightened degree of citizen awareness. Other factors include a potential decline in citizen trust in government, coupled with the growing perception that agencies may have neglected citizen concerns, knowledge, and values.<sup>11</sup> Furthermore, this decline in

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<sup>6</sup>See, e.g., CERCLA, 42 U.S.C. § 9617(a).

<sup>7</sup>See JOHN CLAYTON THOMAS, PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS 1-8 (1995); see also Marion Cox, *Integrating Public Input into Environmental Decisions: How Far Have We Come?*, 2 INTERACT: THE J. OF PUB. PARTICIPATION 35, 36 (1996).

<sup>8</sup>See Marion Cox, *Integrating Public Input into Environmental Decisions: How Far Have We Come?*, 2 INTERACT: THE J. OF PUB. PARTICIPATION 35, 36 (1996).

<sup>9</sup>See Dale J. Blahna & Susan Yonts-Shepard, *Public Involvement in Resource Planning: Toward Bridging the Gap Between Policy and Implementation*, 22 PUB. INVOLVEMENT IN RESOURCE PLAN 209, 211 (1989).

<sup>10</sup>See generally STUART LANGTON, CITIZEN PARTICIPATION IN AMERICA (1978).

<sup>11</sup>See Paul Slovic, *Perceived Risk, Trust, and Democracy*, 13 RISK ANALYSIS 675, 680 (1993).



trust has corresponded with an apparent growth in grassroots activism and the emergence of public interest and other social movement organizations.<sup>12</sup> Whatever the motivating factors, EPA and other federal agencies are deciding that public acceptance can be critical to solving controversial issues and ensuring successful Agency implementation of a decision; that many environmental problems no longer require a regulatory approach but instead call for educating citizens and changing behavior and values; and that involving citizens can lead to better, more informed Agency decisions and actions that incorporate a broader range of values.<sup>13</sup>

As the stakeholder or lay citizen approach to decision-making has gained popularity, agencies such as EPA have struggled to identify and implement participatory mechanisms that successfully engage individuals and result in more meaningful input. Agency efforts to involve the public directly have been studied by a number of academic researchers and practitioners who offer both praise and criticism.<sup>14</sup> Researchers and practitioners have also developed numerous criteria with which to implement and evaluate various forms of public participation such as regulatory negotiations, public hearings, and citizen advisory panels.<sup>15</sup>

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<sup>12</sup>Jack DeSario and Stuart Langton, *Citizen Participation and Technocracy*, in *CITIZEN PARTICIPATION IN PUBLIC DECISION-MAKING* 3, 11-13 (Jack DeSario & Stuart Langton eds., 1987).

<sup>13</sup>Various theories of democracy detail the public participation evolution. For example, the traditional approach to Agency decision-making has been described as a "politics-administration" dichotomy, whereby policies reflecting the will of the people are established by a governing body and agencies administer or implement these policies. In the past, public will has centered on influencing the political side of this dichotomy – leaving federal administrators to determine solely how to implement resulting policies. Similar to the politics-administration dichotomy, a pluralist approach to democracy has been described that involves groups or organizations representing and advocating member interests and who have some influence over policymakers. Direct participation theory, on the other hand, shifts the focus away from groups to the individual and advocates Agency policymaking that involves citizens or so-called "stakeholders." See Daniel J. Fiorino *Citizen Participation and Environmental Risk: A Survey of Institutional Mechanisms*, 15 *SCIENCE, TECHNOLOGY & HUMAN VALUES* 226 (1990); see also Frank N. Laird, *Participatory Analysis, Democracy, and Technological Decision-Making*, 18 *SCIENCE, TECHNOLOGY & HUMAN VALUES* 341, 352 (1993); Barbara Knuth, *Weighting Stakes: Implications from the Citizen Task Force Approach*; see also JOHN CLAYTON THOMAS, *PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS* 16-18 (1995).

<sup>14</sup>Failures of poorly implemented stakeholder processes recognized in the literature include: inadequate representation of the surrounding demographic community; stakeholders that are essentially elite decision-makers; poorly informed participants; unbalanced representation; and inadequate technical and financial resources to participate effectively. See, e.g., JOHN CLAYTON THOMAS, *PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS* 25-26 (1995). Researchers also recognize, however, the promises of well-run public involvement processes based on direct involvement, and that processes such as citizen advisory panels allow citizens to ask questions of Agency officials, challenge experts, explore and learn about issues in depth, and share values and concerns. See, e.g., Daniel J. Fiorino, *Citizen Participation and Environmental Risk: A Survey of Institutional Mechanisms*, 15 *SCIENCE, TECHNOLOGY & HUMAN VALUES* 226, 228 (1990).

<sup>15</sup>See, e.g., Daniel J. Fiorino, *Citizen Participation and Environmental Risk: A Survey of Institutional Mechanisms*, 15 *SCIENCE, TECHNOLOGY & HUMAN VALUES* 226, 228; see also Frank Laird, *Participatory Analysis, Democracy, and Technological Decision-Making*, 18 *SCIENCE, TECHNOLOGY & HUMAN VALUES* 341, 351-53 (1993); Jeffrey M. Berry et al., *Public Involvement in Administration: The*

EPA's approach to public participation has reflected these general trends. While public participation has always been a part of the fabric of EPA's activities, the emphasis on how and to what degree to involve the public has varied over the last thirty years. EPA has introduced numerous initiatives both at the regional and headquarters level over the last three decades, some of which have been successfully integrated into the way the Agency conducts its activities and others that have been shorter lived. Federal advisory committees and technical assistance grants have been used regularly by EPA since their introduction. In contrast, the Agency never fully implemented a requirement set forth in a 1981 policy that called for the establishment of a Special Assistant for Public Participation to work with program and regional managers on public participation work plans.<sup>16</sup>

In recent years, EPA has emphasized the importance of public participation, as evidenced by its Stakeholder Involvement Action Plan,<sup>17</sup> the Community Based Environmental Protection (CBEP) program,<sup>18</sup> increased efforts to make data available to the public (including the creation of a new Information Office within EPA), and numerous reports, handbooks and guidances on public participation-related issues.<sup>19</sup> In addition, EPA Regional offices are working on several initiatives. The Urban Environmental Initiative in Region I, for example, addresses community needs at the local level by providing information and resources for specific urban environmental protection projects. Region V has established the Great Lakes Environmental Education Center as an information resource for surrounding communities, and Region VIII has an Environmental Information Service Center to answer citizens' questions and concerns relating to a range of environmental issues. Similarly, Region X has created an Environmental Education Clearinghouse in an effort to provide a range of information. These are only some examples of the public involvement initiatives underway at the

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*Structural Determinants of Effective Citizen Participation*, 13 J. OF VOLUNTARY ACTION RES. 7, 17 (1984); Sherry R. Arnstein, *A Ladder of Citizen Participation*, 35 J. OF THE AM. INST. OF PLANNERS 216, 218-24 (1969).

<sup>16</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740 (January 19, 1981).

<sup>17</sup>EPA's recent Stakeholder Involvement Action Plan includes initiatives intended "to enhance stakeholder involvement activities across the Agency." EPA Stakeholder Involvement Action Plan at 3 (1998).

<sup>18</sup>*People, Places, and Partnerships: A Progress Report on Community-Based Environmental Protection*, EPA-100-R-97-003 (1997).

<sup>19</sup>See, e.g., U.S. EPA, REPORT OF THE COMMON SENSE INITIATIVE COUNCIL'S STAKEHOLDER INVOLVEMENT WORK GROUP (1998); U.S. EPA, COMMUNITY CULTURAL PROFILING: UNDERSTANDING A COMMUNITY'S SENSE OF PLACE (Draft, 1998); SUZANNE GHAI ET AL., CONSTRUCTIVE ENGAGEMENT RESOURCE GUIDE (1998) (pre-publication draft); U.S. EPA, BETTER DECISIONS THROUGH CONSULTATION AND COLLABORATION: A MANUAL ON CONSULTATIVE PROCESSES AND STAKEHOLDER INVOLVEMENT (1998) (pre-publication draft); *Evaluation of Project XL Stakeholder Processes*, Final Report, EPA-100-R-98-009 (September 1998).

regional level. The opportunity to find additional information on these programs and all others discussed in this report is provided in Appendix A.

These recent EPA initiatives reflect a high degree of effort and interest on the part of the Agency in trying to improve current public participation processes and develop new approaches to involving the public in its activities. In the course of these efforts, however, both EPA and stakeholders in a variety of contexts have expressed frustration that citizens and communities do not necessarily have the time, resources and expertise to participate effectively in EPA activities. The limited capacity of citizens and communities to participate effectively has raised numerous issues, including whether and how EPA, as well as non-governmental organizations, could build local capacity to participate in EPA decision-making processes.<sup>20</sup> This project was initiated to examine how the capacity of local communities can be increased and to discuss and analyze several potential approaches to capacity building. This research also suggests possible considerations and next steps for moving forward on building local capacity.

## **B. Study Methodology**

During the first phase of the project, ELI conducted in-depth interviews with experts on citizen participation in environmental issues to help identify:

- The areas most in need of an investment in capacity building;
- Capacity building tools and techniques that are perceived as effective by communities and citizens;
- Effective mechanisms for delivering capacity building tools; and
- Approaches that could be taken to implement capacity building efforts.

The interview phase targeted approximately 34 citizen experts in the field of public participation and community capacity building across the country, primarily those working with communities at the grassroots and local level on a day-to-day basis. Interviewees were asked a series of varying and open-ended questions and were given a promise of confidentiality in order to encourage full and candid discussions.

During the second phase, ELI analyzed each need and approach identified by interviewees for building local capacity. In doing so, ELI sought to identify the

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<sup>20</sup>For example, the REPORT OF THE COMMON SENSE INITIATIVE COUNCIL'S STAKEHOLDER INVOLVEMENT WORK GROUP at 17 (1998) concluded: "Further guidance is needed on EPA's role and applicable techniques as a partner in decision-making and as capacity builder"; *Id.* at 79 ("The 'capacity building' role is sufficiently new to EPA (except in the technical assistance area) that it may be helpful to provide additional information on capacity-building skills.").

constraints and barriers to implementation, design issues, and the potential efficacy of each approach in addressing the perceived capacity building needs.

During the third phase of the study, concurrent with phases one and two, ELI reviewed the literature on public participation that was particularly relevant to capacity building. The literature review informed ELI's construction and analyses of the various approaches to capacity building that are examined in detail in this report.

ELI's analyses were also informed by what the report characterizes as models or programs, from a variety of disciplines and contexts, that include substantial public involvement in achieving their goals. The state, local, and federal government and non-governmental organization (NGO) models selected for this study were illustrative of various approaches suggested by the interviewees. The models included information exchange and dissemination, training, education, or community capacity building, as an integral part of their programs. EPA programs already underway that are geared specifically to involving the public in Agency activities were also considered.

The models are included in order to highlight programs that have tested some of the mechanisms and approaches discussed in this study and that could be examined more thoroughly if EPA or other organizations decide to pursue further capacity building efforts. As discussed below, some of the programs could also serve as potential partners for new capacity building initiatives. This initial study did not undertake to evaluate the effectiveness of the models. Any assessment of the programs as potential models or partners would require extensive public input on their effectiveness.

## **II. OVERVIEW OF INTERVIEW THEMES**

The following section summarizes the responses from the interviews with respect to three basic aspects of capacity building: 1) which stakeholders most need capacity building efforts; 2) what do communities need to build their capacity to participate; and 3) what mechanisms would be effective to deliver capacity-building tools.

### **A. Who Needs Capacity Building?**

A key consideration that emerged from the needs assessment interviews was whether capacity building efforts should be directed to average citizens or to community leaders and activist groups. The following points were highlighted in the interviews:

- Environmental activists are often overextended and cannot cover all the issues that merit their attention;

- If the public is educated about the issues, leaders will emerge;
- Given limited resources, capacity building should focus on community leaders because they are most likely to participate;
- Leaders can develop special interests and gaps can develop between leaders and members of the general public;
- Capacity building efforts should be broadened to reach non-environmental groups including civic associations, anti-poverty groups, community development groups, and chambers of commerce. If given the tools, these groups may participate in EPA's activities, thereby broadening the base of interest in those activities.

Thus, there were strong voices supporting capacity building targeted at both community leaders and the general public.

## **B. What Capacity Building is Needed?**

The interviews pointed to several fundamental building blocks that interviewees thought should be part of capacity building efforts. These include:

- Information: The need for timely information early in the public participation process was viewed as essential to enhancing the capacity of communities to participate. Understandable and focused information was also viewed as critical, as well as information that explains the relevance of particular initiatives to specific communities. The importance of proactive dissemination of information was raised by many interviewees.
- Technical assistance: Some interviewees strongly emphasized the need for more technical assistance, because of the technical nature of EPA decisions. They thought that EPA should not shift the burden to perform technical analyses to citizens and communities – the Agency should translate citizen concerns into technical terms rather than require citizens to assume that responsibility. By contrast, other interviewees were adamant that technical assistance is necessary to level the playing field so communities can effectively counter industry's positions.
- Process education: Several interviewees emphasized the need to educate communities about how to participate in EPA processes, including notice and comment rulemakings, federal advisory committees, permitting activities, reinvention initiatives, and other Agency initiatives. According to interviewees, federal Agency processes can be intimidating and difficult to understand, and most importantly can incorporate informal practices

that are not explained anywhere. Consequently, citizens and community activists are not on equal footing with full-time industry representatives whose careers are based on understanding federal Agency procedures and practices.

- Access to documents: Easy and inexpensive access to documents, such as facility reports, that EPA uses to make permit and other decisions and access to copies of laws, regulations and policies was viewed by some interviewees as an important part of building capacity to participate.
- Education on laws: Some interviewees explained that communities need to learn about legal requirements and legally required procedures that govern environmental decisions, because it is difficult to participate in a permitting process or comment on an enforcement settlement or proposed rule without some basic understanding of the legal framework that applies.

### **C. How Should Capacity Building Tools Be Delivered?**

In addition, the interviews highlighted several mechanisms that were perceived as effective in delivering capacity building tools. These approaches include:

- Meetings: Face-to-face meetings were discussed most often by interviewees as the best mechanism for delivering capacity building. Several specific points were made about the use of meetings to deliver information to communities: (1) meetings should be held at convenient times and in convenient locations for the communities affected by the pending action or initiative; (2) meetings should be held at places where people already gather such as civic associations, malls and fairs; (3) more than one meeting on an issue or initiative is critical – people need to hear about an issue more than one time in order to understand it and contribute to the decision-making process; (4) periodic meetings should be held in communities to determine what is important to particular communities, as opposed to meetings that are focused on a particular issue or initiative; (5) interpreters should be provided as appropriate; (6) informal meetings with small groups are needed because people are more likely to be engaged and creative in small groups; (7) most meetings should be open to the public rather than by invitation only; and (8) meetings should be advertised proactively.
- Mailing Lists: Mailing lists – both regular and e-mail – were cited as a strong mechanism for disseminating information, because they are a direct and efficient approach for providing information to stakeholders about EPA activities and pending initiatives.

- Advisory Groups: Participation in advisory groups was also viewed as a means of obtaining information and learning about issues. However, interviewees disagreed about the usefulness of federal advisory groups and other formal groups as a means of delivering capacity building tools, such as information. Some thought advisory groups were a "waste of time," while others thought advisory groups were effective and should be used earlier in the policy development process before proposals are established, to allow communities to learn about issues early and in detail.
- Internet: Views on the effectiveness of using the Internet for capacity building purposes varied considerably. Some interviewees thought that list-serves in particular were an effective means of reaching communities with information and that meetings held over the Internet could be effective as well. Several interviewees cautioned, however, that too much reliance on the Internet was problematic because only a relatively small percentage of the population, particularly in low-income and minority communities, currently has easy access to the Internet or to e-mail.
- Direct Outreach: Several interviewees favored direct outreach through telephone calls and door-to-door information dissemination as a means of reaching and informing communities about pending environmental initiatives and related issues that may be of concern or interest to them.
- Mass Media: Local newspapers were generally viewed as a good mechanism for reaching communities, but notices announcing meetings and other matters need to be large enough to attract attention. Some interviewees expressed frustration that newspapers only cover environmental initiatives once they have been completed and the opportunity for public input has passed. Other interviewees noted that smaller papers may be willing to print stories that they receive about pending environmental initiatives and issues. One interviewee mentioned radio as the best means of disseminating information.
- Newsletters: Local newsletters, including but not limited to environmental group newsletters, were mentioned by several interviewees as an effective mechanism for reaching communities.
- Non-EPA Organizations: Some interviewees noted that regulated entities are a good means of disseminating information to communities. Examples ranged from including information in water bills to requiring businesses regulated under certain programs to disseminate information about pending initiatives and related issues.

- Facility Notices: Several interviewees emphasized the importance of affirmatively notifying communities about the permitting and siting of facilities in their communities. Proposed mechanisms for notifying communities included posting signs and mailing notices to residents within a few mile radius of a facility that is subject to a pending siting or permitting action.
- Fact Sheets: Fact sheets and "one pagers" on pending national rules that explain in lay-person's language the effect of the regulation on communities were cited as a good mechanism for disseminating information. Interviewees also mentioned using templates on a variety of issues written in general, lay-person's language that could be modified or tailored by localities or EPA Regional offices to include community-specific information about an initiative. For example, a one-page document on total daily maximum loads under the Clean Water Act could be developed that would explain the concept, the legal requirements, and the status of efforts to implement the program. The template could designate places to add information about water bodies in a particular geographic area.
- Grants: Several interviewees mentioned grants to community groups, particularly technical assistance grants, as the best way to provide capacity building tools.

### **III. POTENTIAL APPROACHES TO CAPACITY BUILDING**

The needs assessment interviews pointed to several potential approaches to building the capacity of communities to participate in EPA decision-making. This section summarizes several general approaches based on a wide range of suggestions offered in the course of the needs assessment interviews. The approaches are not based on any individual interviewee's suggestions *verbatim* or in full detail, but rather represent an amalgamation and categorization of the ideas and suggestions that emerged from the interviews. The strengths and weaknesses of the potential approaches are also discussed, but the approaches are not ranked in terms of their potential effectiveness because they vary considerably in scope and content and, therefore, are not comparable for purposes of ranking. Furthermore, as discussed below, additional efforts that include substantial public input, would be needed to evaluate fully the various approaches. To the extent that related approaches have already been tested in the field through NGO, EPA, state, or other federal programs, these programs are described.

#### **A. Independent Information Broker**

##### **1. Overview**

Most interviewees pointed out the need to have people dedicated to providing information to citizens about the environmental issues and initiatives that affect their



communities. Information was consistently described by interviewees as a critical part of building capacity, but the messenger of the information was seen as equally important as the information itself. The approaches to information dissemination currently used by federal and state environmental agencies were viewed as too bureaucratic, unresponsive, and removed from communities' interests and needs. Accordingly, many interviewees suggested that in-person delivery of information was key to capacity building. Many of the interviewees' comments are consistent with the research and academic literature examining the importance of both information and the source of information in public participation.<sup>21</sup>

Several variations on the same theme emerged in the interviews, but the independent information broker approach best summarizes a common group of suggestions. Under this approach, an individual would be responsible for disseminating information relevant to a particular geographic area. The broker would track and sort through the vast number of EPA initiatives and activities ongoing at any given time and select the information that would be particularly relevant to the communities he or she is responsible for informing. The broker would then disseminate that information in the manner most effective given the broker's knowledge of the community, its leaders, organizations, and information sources. Brokers could, for example, develop lists of local organizations and leaders and meet regularly with them or set up some means of reaching them that would enable the brokers to deliver relevant information and keep apprised of the issues of interest to the communities.

Views varied on how small the geographic areas need to be to allow the broker to know and understand the communities, their interests, and their concerns. Several interviewees believed that one broker per state would be sufficient and that it would be feasible for one person to learn enough about the various communities in the state to track issues of local interest and disseminate relevant information. As discussed below, however, the relevant academic literature indicates that a larger number of brokers may be necessary to implement such an approach effectively.

The independence of the broker from EPA and other regulatory authorities was viewed as an important aspect of the information broker approach. There was no consensus, but instead many suggestions, about how to achieve this independence. It was agreed, however, that an independent source of information would be particularly challenging to achieve in light of the fact that the broker would rely on EPA for information to disseminate to communities.

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<sup>21</sup>See generally Paul Slovic, *Perception of Risk*, 236 SCIENCE 28 (1987); Harold Mendelsohn, *Some Reasons Why Information Campaigns Succeed*, 14 PUB. OPINION Q. 50 (1973); NATIONAL RESEARCH COUNCIL, UNDERSTANDING RISK: INFORMING DECISIONS IN A DEMOCRATIC SOCIETY (1996).

A few interviewees suggested the broker could be an EPA or state Agency staff member but should be accountable to a board of directors that included, or was wholly made up of, community members that could dismiss the broker if job performance was unsatisfactory. In general, interviewees were concerned that a broker selected by, and responsible to, EPA or the states would not be trusted by or serve the interests of the community. Indeed, their comments reflect much of the research relating to citizen trust in government.<sup>22</sup> Because there was a strong sentiment among interviewees that the person who reaches out to the community should be from the community, several suggested that the information broker, even if funded by EPA through a grant, should not be an EPA employee. These interviewees recognized, however, the importance of a strong link between the broker and EPA in order to ensure that timely and accurate information is available to disseminate. Accordingly, some interviewees suggested that a two tier structure could be developed with designated point persons at EPA responsible for tracking and reporting relevant information to the information brokers. Numerous suggestions were offered regarding where information brokers should be housed. These included EPA, state agencies, local NGOs, local government agencies, state environmental councils, community colleges and others.

## **2. Models**

Over the years, a variety of programs have been proposed, piloted, or implemented that utilize an information broker type model. One approach that is currently being piloted in Burlington, Vermont is the Sustainable Development Extension Network (SDEN) Partnership, developed by the White House Office of Science and Technology Policy. SDEN seeks to strengthen education extension networks to provide citizens and decision-makers in local communities with the information and support they need to develop sustainable communities. SDEN was established as a "one-stop-shop" that collects a comprehensive array of environmental information and provides information about support available from many governmental and non-governmental sources. Communities are able to access this information and support through "community based brokers" that come from their communities and understand their needs and interests. Brokers meet frequently with community members to keep apprised of their concerns and then utilize SDEN as a resource to connect their community clients with the educational, technical and financial resources and information they require.

A model very similar to the information broker model suggested by the interviewees is a program proposed by the National Commission on Superfund in 1993. The National Commission was a diverse group of CEO-level stakeholders convened to

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<sup>22</sup>See Rosenbaum, *Citizen Participation and Democratic Theory*, in *CITIZEN PARTICIPATION IN AMERICA* 45 (Stuart Langton ed., 1978); see also Thomas A. Heberlein, *Some Observations on Alternative Mechanisms for Public Involvement: The Hearing, Public Opinion, The Workshop, and The Quasi-Experiment*, 16 *NAT. RESOURCES J.* 197, 198 (1976).

develop recommendations for federal Superfund reform. The stakeholders developed a comprehensive reform package that received broad support but ultimately was not enacted into legislation. The Commission's recommendations included the establishment of Citizen Information and Access Offices (CIAOs) to ensure that communities received adequate, timely information about the nature of the Superfund program and their options for participation throughout the Superfund cleanup process. The Commission recommended that the creation of an "independent, extra-governmental, citizen-run entity located in each state could be instrumental in ensuring meaningful public involvement in the Superfund program." The CIAOs would be responsible for ensuring wide dissemination of information in a fashion easily understood by the community, taking into account any unique cultural needs of the community such as the need for oral presentation of information and distribution of information in languages other than English. In addition to maintaining records of site status and lists of available experts and active citizen groups, they would also be a repository for information about site-related data. The Commission envisioned that the CIAOs could run advertisements in the most widely read local newspapers, advertise over local radio, or send employees door-to-door to distribute flyers that explained options for community involvement. To ensure that the CIAO would be a stable and reliable resource for citizens, the permanent staff would have strong backgrounds and qualifications for working with citizens in Superfund communities. To further ensure that each CIAO served the intended communities successfully, the Commission recommended the establishment of a volunteer Citizen Governing Board for each CIAO. This board would have responsibility for ensuring that the CIAO was properly managed. Although CIAOs were never adopted, because the larger legislation they were included in failed to pass, the recommendation was a consensus proposal made by a diverse group of stakeholders, including industry and environmental groups.<sup>23</sup>

One well-tested program that uses a type of information broker is the United States Department of Agriculture (USDA) Cooperative State Research, Education and Extension Service (Extension Service). The Extension Service was established to convey information from departments of agriculture and land grant universities to local communities. The primary purpose of the Extension Service is to transmit information from specialists to the public and private sectors in order to promote communication and enhance science-based decision-making in the agricultural sector. The scope of the program has broadened since the time it was originally conceived and now includes topics not directly related to agriculture, such as issues important to urban residents and minorities. To facilitate information exchange, the Extension Service is staffed by county-level employees who serve as liaisons between the Department of Agriculture, land grant universities and local communities, thereby allowing for the establishment of a two-way dialogue. These county employees are typically hired from the community, which allows them to remain current on local issues and concerns. They are also trained

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<sup>23</sup>See NATIONAL COMMISSION ON SUPERFUND, FINAL COMMISSION REPORT OF THE NATIONAL COMMISSION ON SUPERFUND (1993).

in educational and outreach techniques. The county employees provide information to the community through meetings, workshops, face-to-face dialogues, conferences, publications, electronic communications, and mass media. Currently, EPA and USDA are exploring possibilities for a partnership to support community-based education and effectively deliver locally-relevant environmental information to communities. A study conducted by the Extension Service at the University of Wisconsin found that EPA could capitalize on the Extension Service's substantive expertise, conveners, educators, and facilitators by applying their skills to environmental topics. The goals of the proposed EPA/USDA partnership described in the Wisconsin report are to enhance efforts that expand community capacity to improve environmental quality, lead to environmental improvement, and integrate environmental management goals with other community development activities.<sup>24</sup>

Another USDA program that utilizes locally-based information distribution is the Natural Resources Conservation Service (NRCS). NRCS works with private landowners to conserve natural resources. NRCS provides technical assistance, financial assistance, science-based technology, and natural resources data and analysis on issues such as soil erosion, organic waste, and protection of wetlands. To achieve its goals, NRCS has formed partnerships with conservation districts, state and federal agencies, agricultural and volunteer environmental groups, and professional societies. In addition, some offices have liaisons to EPA Regional offices. NRCS has a local office in almost every county in the United States. The staff in the local offices are familiar with the communities in their county and are frequently from the local area. Although the staff at the local level is technically capable, as well as proficient in community education and outreach techniques, the NRCS uses the Conservation District network to deliver its technical assistance. There are approximately 3,000 Conservation Districts in the United States (almost one in every county) that aid local people in conserving their natural resources. Their mission is to coordinate assistance from all available sources – public and private, local, state, and federal – in an effort to develop locally driven solutions to natural resources concerns. The Conservation Districts are staffed and supported primarily by volunteer members. NRCS also uses community volunteers, ages 14 and older, from the Earth Team Volunteer Program to provide technical assistance and administrative services.

The Small Business Administration (SBA) has several initiatives that also include a proactive, local approach to information dissemination. Small Business Development Centers (SBDCs) are administered by SBA to provide management assistance to current and prospective small business owners. The Centers offer one-stop assistance to small businesses by providing a wide variety of information and guidance in central and accessible branch locations. The program is a cooperative effort of the private sector, the

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<sup>24</sup>See UNIVERSITY OF WISCONSIN COOPERATIVE EXTENSION ENVIRONMENTAL RESOURCES CENTER, AN EPA/USDA PARTNERSHIP TO SUPPORT COMMUNITY-BASED EDUCATION, EPA 910-R-98-008 (1998).

educational community, and federal, state and local governments. There is a SBDC in every state, with a network of over 1,000 subcenters. These subcenters are located at colleges, universities, vocational schools, chambers of commerce and economic development corporations. SBDC assistance is tailored to the local community and the needs of individual clients. Each center develops services in cooperation with local SBA district offices to ensure statewide coordination with other available resources. The staff at each SBDC takes a proactive role in providing small businesses with current and pertinent information and connecting businesses with appropriate resources, such as consultants and engineers.

SBA also has Business Information Centers (BICs). These are one-stop locations for information, education, and training designed to help entrepreneurs begin, operate and increase their business. The BIC's staff provides on-site counseling along with training courses and workshops. Private-sector co-sponsors, Service Corps of Retired Executives volunteers, and representatives from local SBDCs, chambers of commerce, and other educational or business-related organizations assist in the operation of the centers and in providing services to communities. SBA also runs the One Stop Capital Shop (OSCS) initiative, which began in 1994 to support the Empowerment Zone Initiative. The function of OSCSs is similar to BICs, but they are located in each Empowerment Zone to offer small business assistance from an easily accessible location. EPA and SBA are currently working to integrate environmental issues into SBA's initiatives. For example, grants have been awarded to five SBDCs to integrate pollution prevention and recycling into their assistance activities.

The Environmental Monitoring for Public Access and Community Tracking (EMPACT) program, an EPA initiative under development, does not rely on an information broker model, but does aim to provide community-specific information. This program provides information to citizens about relevant environmental issues that affect their community and disseminates that information in the manner most effective for each community. The EMPACT program will provide timely, accurate and understandable environmental information to people in 86 of the nation's largest metropolitan areas by the year 2001. EPA will work with pilot EMPACT communities to determine the most useful methods by which to provide the information, which may include the Internet, television, radio, newspapers, fliers, billboards, town-hall meetings, community organizations, person-to-person communication, and environmental "teller machines." This program will be run through partnerships among federal, state and local governments, research institutions, non-governmental organizations, and the private sector.

### **3. Discussion**

The information broker model could provide an effective means of addressing the needs of communities for information about local or regional EPA environmental initiatives. Academic research on public participation indicates that citizens, in fact, may

be more receptive to and may process information more easily if it is presented to them by a trusted messenger who is familiar with their concerns and interests.<sup>25</sup> Furthermore, the approach has been used for many years in other contexts, as discussed above.

The information broker model, however, raises many logistical and resource questions. Many of the models discussed, notably the USDA programs, are costly programs with massive infrastructures. A key to determining whether or not this approach could be used effectively by EPA on a much smaller scale is the size of the geographic area assigned to an information broker. Presumably the smaller the areas, the easier it would be to determine the relevance of the information to communities in the area and for the information broker to work with community leaders to tailor and disseminate information. However, the smaller the geographic area, the greater the resources required to implement such an approach on a national basis because more brokers would be needed. Although several interviewees thought that only one broker per state would be adequate, more brokers may be necessary to achieve information dissemination goals. If a much larger number of information brokers was required, resource needs may make such an approach infeasible. Furthermore, if EPA was interested in pursuing such an approach on a large scale, additional authority from Congress could be required.

In addition, the independence of a broker from EPA and the level of accountability to the community could present both legal and institutional challenges. A federal Agency, such as EPA, may be reluctant to fund, or be legally constrained from funding, a position that is not accountable to the Agency for purposes of promotion and job termination. It is possible, however, that an arrangement could be developed that includes the requisite accountability from EPA's perspective but also holds the broker accountable to the community. For example, a non-profit organization could be established with a board of directors made up of EPA officials and community members. Whether such an arrangement would be satisfactory to communities and EPA would have to be determined on the basis of the specific organizational structure.

The housing of the brokers, both their physical location and sponsorship, would also need to be addressed. For example, brokers could be situated in EPA Regional offices, state environmental agencies, universities, local agencies (*e.g.*, county health departments), or NGOs. Again, the independence and neutrality of the broker and resource issues would be implicated in the choice. On one hand, locating information brokers in federal or state agencies may make the brokers less credible with communities that they serve because they could be viewed as beholden to the governments and their agendas rather than the interests of the community. On the other hand, in order to be a reliable provider of information, the brokers would need to be comfortable with and accepted by the EPA employees upon whom they need to rely. Close proximity and

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<sup>25</sup>See NATIONAL RESEARCH COUNCIL, IMPROVING RISK COMMUNICATION 68-71 (1989).

working relationships with EPA and state officials would, in all likelihood, facilitate the brokers' efforts to consistently obtain timely, reliable and relevant information and to share information and concerns with the Agency, but might undermine perceptions of their independence.

Another option would be to house the brokers in a variety of local venues selected on a case-by-case basis. For example, in one community the optimal location for an information broker may be a community college, but in another community it might be an environmental council or a library. The advantage of this approach is that it would allow ample flexibility to tailor the location of the information broker to community-specific needs and characteristics. The disadvantages could include a lack of national consistency for administrative coordination purposes, as well as institutional separation from EPA, the source of the information to be disseminated.

Funding and support for the information brokers could come from EPA or state agencies initially and then from private foundations. Because foundation funding is limited, however, some local environmental groups would undoubtedly be concerned about having foundation funding taken away from their organizations to fund what is arguably an EPA function of providing information about its own initiatives and pending activities to stakeholders.

Due to the potentially large amount of resources required to establish information brokers and the possibility that such a program could not be implemented absent additional EPA authority, one option would be to explore using existing infrastructure and staff from other federal programs or non-governmental organizations, such as the USDA Extension Service agents, Americorps volunteers, or university professors and students, to serve as information brokers. This would have the advantage of conserving resources and building on successful programs rather than starting anew. However, this approach would require extensive inter-Agency or inter-organizational coordination and willingness on the part of the entity with the infrastructure in place. This approach raises additional concerns such as whether USDA Extension agents, for example, have the required training or interest in providing information to their constituencies about EPA activities and initiatives. Although USDA Extension agents have expanded the range of issues they cover in recent years, they still tend to focus on serving agricultural interests in many communities and may view environmental issues as inconsistent with these interests or outside their area of expertise.

Despite these concerns, at least some Extension Service employees are already working with EPA to deliver information. For example, the USDA Extension Service environmental education specialist at the University of Wisconsin talks regularly with EPA about pending initiatives that may impact the State. This information is then relayed to the county extension agents who may use and disseminate the information. This approach relies on the judgment and interest of the county employees as to whether to disseminate the information in their counties and, therefore, may not be as reliable as

some communities would desire. It also depends on committed individuals such as the environmental education specialist taking the initiative to solicit and relay relevant information. Nevertheless, an approach that builds on the well-established infrastructure of the USDA Extension Service may warrant further consideration by EPA and community stakeholders because of the considerable resources the program offers. This approach could be of particular interest if steps could be taken to address concerns about Extension Service agents' conflicting interests and agendas through, for example, training on environmental issues. It may also be helpful to test the approach using Extension Service agents who have expressed an interest in dissemination of environmental information.

Universities also offer an existing infrastructure that could be utilized to provide environmental information to communities. Interestingly, however, interviewees were almost uniformly opposed to the idea of using universities as disseminators of information and community resources. In their view, universities are perceived by communities as unapproachable, elitist institutions, and possibly more aligned with industry interests than community interests. Universities have substantial resources, however, including undergraduates, graduate students and faculty; and presumably some of them would be interested in pursuing innovative ways of disseminating relevant information to the communities surrounding their universities. In addition, although not mentioned by any interviewees, EPA's Office of Research and Development has three national research laboratories and two national centers that partner with the academic community through research grants and fellowships.

In sum, the use of information brokers for capacity building, as suggested by several interviewees, is an on-the-ground, in-person model of information dissemination. This approach has several advantages, including the ability to tailor information to specific communities and the development of personal relationships that can encourage increased participation by communities. The potential disadvantages are the resources required to implement such an approach effectively and the possible need for an entirely new program, funding and infrastructure that would require Congressional approval. Taken together, these considerations indicate that a pilot approach on a small scale or a collaborative effort with another federal program may be a good way to test the effectiveness of using information brokers to build local capacity.

## **B. Ombudspersons**

### **1. Overview**

Several interviewees suggested the establishment of community ombudspersons within EPA as an effective method to build local capacity to participate in EPA activities. Typically, an ombudsperson serves as a neutral problem solver, often employed by the government to assist citizens in obtaining responses to their requests or complaints.<sup>26</sup>

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<sup>26</sup>See JOHN CLAYTON THOMAS, PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS 154-56 (1995) (discussing the importance of the role that ombudspersons can play in resolving citizens' concerns).



Interviewees emphasized the importance of having a proactive ombudsperson who would reach out to communities rather than wait for and react to requests. Ombudspersons could, for example, work with NGOs in the various communities, such as state environmental councils and specific environmental groups, to disseminate information. Interviewees differed as to whether the ombudsperson should assume the added role of serving as a community advocate within the EPA.

Unlike the information brokers, the ombudspersons would be located at EPA and would not spend a lot of time in communities. Interviewees suggested that ombudspersons could be located in Regional EPA offices rather than in Headquarters in order to increase opportunities to interact with local communities. Several interviewees further suggested that the ombudspersons come from the communities they serve or at a minimum receive training in outreach techniques. The likely success of the ombudsperson approach was viewed as heavily contingent upon selecting the right people as ombudspersons and adequately funding their activities.

## **2. Models**

EPA has used the ombudsperson model in a variety of contexts over the years. The Small Business Ombudsman (SBO) Office was established in 1982 to help businesses participate in EPA decision-making and to increase EPA's understanding of small businesses for purposes of developing and enforcing environmental regulations. The Ombudsman also mediates disputes and serves on EPA working groups, providing input on the effects of proposed regulations on small businesses. When notice of a proposed rulemaking is published in the Federal Register, the SBO alerts the proper trade associations and business organizations so that they can submit comments for the record. Once laws are established, the SBO attempts to get voluntary compliance by going back to the trade associations and asking them to compel their members to comply. The SBO Office also provides a hotline for small businesses to obtain information on regulatory requirements and how to meet them. In addition, the Office can provide speakers for meetings, training seminars and fact sheets or position papers to help educate the small business community on environmental regulations.

EPA Region V is using the Senior Environmental Employment (SEE) Program to provide staffing for its ombudsperson program. The SEE program relies on the talents of senior citizens to provide assistance at federal, state and local environmental agencies. In the Cleveland Office of Region V, a SEE participant is involved with public outreach. He speaks at schools and sets up booths at county fairs and malls to disseminate information. Because the Ombudsman is from the community, he is knowledgeable about local venues that reach a varied audience. The participant also helps to identify community leaders and fields phone calls from concerned citizens.

States also have ombudsperson programs. For example, each state is required, as part of Section 507 of the Clean Air Act Amendments of 1990, to establish a Small

Business Ombudsman to assist small businesses with complying with the Clean Air Act. The Ombudsman's responsibilities may include: 1) reviewing and providing recommendations to EPA and state/local air pollution control authorities regarding development and implementation of regulations impacting small business; 2) assisting in the dissemination of information about upcoming air regulations, control requirements, and other matters relevant to small businesses; 3) referring small businesses to appropriate specialists for assistance with specific needs; and 4) conducting studies to evaluate the effects of the Clean Air Act on state and local economies and on small businesses.

Some states also have established more general ombudsperson programs in their environmental protection departments. For example, the Connecticut Department of Environmental Protection has an Office of the Ombudsman that aims to make the Department as accessible as possible to the general public and the regulated community. The Office assists applicants in understanding the permitting process through user guides and pre-application meetings where they bring together potential stakeholders in the permit process. The office also maintains a hotline that provides training and information to business, industry, municipalities and citizens, distributes information to businesses, and develops special task forces and advisory committees composed of diverse interests to solve environmental problems.

In contrast to these approaches, several ombudsperson programs are less proactive and instead focus on responding to questions and concerns of community members through hotlines, websites, publications and resource libraries. The EPA Office of Solid Waste and Emergency Response established a hazardous waste ombudsman program that responds to questions and concerns from citizens and the regulated community about the Agency's Superfund and hazardous waste programs. The ombudsman also makes recommendations to the EPA Administrator based on the inquiries received. This program conducts minimal outreach work, mainly consisting of making people aware of the toll-free number. The program maintains one employee at EPA headquarters and one in each region.

Programs such as the North American Association for Environmental Education, the Eisenhower National Clearinghouse, the Envirolink Network, the Calumet Environmental Resource Center, EPA's National Center for Environmental Publications and Information, and EPA Region VIII's Environmental Information Service Center provide citizens with environmental information through various mechanisms including the Internet, newsletters, journals, technical documents, and resource libraries. Although not classic ombudsperson programs, they provide information in a similar manner.

### **3. *Discussion***

Ombudspersons are a familiar model that may be effective for local capacity building depending on the way such a program is structured and implemented. In

order to be effective, enough ombudspersons or staff would have to be appointed so they could meet the information needs and requests of the communities they serve. The ombudsperson approach may help to ensure that the disseminator of information to communities is knowledgeable about the Agency and has access to the information communities need in order to participate. A corresponding concern, however, is that the ombudspersons may not feel accountable to their customers and may be perceived as inaccessible, unhelpful bureaucrats.<sup>27</sup>

If the ombudspersons were to perform an information dissemination role only, as compared to an advocacy role, this approach could be implemented by EPA without major institutional changes. Using ombudspersons in an advocacy role, however, raises several additional issues. For example, one issue is whether such a function would require Congressional approval or would fall within EPA's current authority. Even if additional statutory authority is not required, however, the political feasibility of garnering funding for such an approach may be limited. Furthermore, placing advocates for particular groups within the Agency, even a group as broad as communities, may prompt other groups to seek similar advocates. The implications of such an approach for the way that EPA does business should, therefore, be carefully thought through.

Despite these concerns, there are considerable advantages to an advocacy role for ombudspersons. As discussed below in section IV, some communities may lack confidence in the federal government and public participation processes. The addition of ombudspersons who would advocate for communities and represent them in the bureaucracy could help raise confidence levels and minimize one of the current impediments to capacity building. A key challenge would be to determine how an ombudsperson could represent numerous communities and all interests within any particular community – many of which may have different and competing concerns and positions on issues. While this may not be an insurmountable problem – certainly, all small businesses do not have the same interests but are represented by one ombudsperson – it is a challenge that would have to be addressed if ombudspersons took on an advocacy role.

## **C. Hotlines**

### **1. Overview**

Some interviewees suggested that EPA improve its daily operations by using a single, comprehensive hotline that would respond to questions from communities that

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<sup>27</sup>See generally Marcus E. Ethridge, *Procedures for Citizen Involvement in Environmental Policy: An Assessment of Policy Effects*, in CITIZEN PARTICIPATION IN PUBLIC DECISION-MAKING 115, 116 (Frank DeSario & Stuart Langton eds., 1987); see generally MARY GRISEZ KWEIT & ROBERT W. KWEIT, IMPLEMENTING CITIZEN PARTICIPATION IN A BUREAUCRATIC SOCIETY (1981).

need information in order to participate in EPA activities.<sup>28</sup> The hotline would need to be very well publicized so that the average citizen would know how to get questions about EPA activities answered, according to interviewees. Those that suggested a hotline operation emphasized the importance of following through on requests from communities by means such as maintaining a docket of requests that could be tracked and requiring hotline staff to ensure that citizens' requests for information are answered. A major frustration with existing EPA hotlines and regular phone operations seemed to be that callers are often transferred or directed to offices that cannot actually answer their questions or concerns and that the EPA employees who receive calls from communities are not accountable for following through on requests. According to interviewees, a key to a successful hotline program is to make certain that callers feel that the employee at the receiving end is truly interested in what they have to say and is both knowledgeable and responsive.<sup>29</sup>

Others suggested that new or additional hotlines were unnecessary and that, if EPA would train its telephone operators to assist callers and direct calls appropriately, great strides would be made in enhancing the capacity of communities to participate. In part, the thorough dissemination of simple organizational charts that explained to phone operators and to communities where to direct phone inquiries would facilitate such an effort, according to these interviewees. For example, standard organizational charts and phone lists could be widely distributed to state environmental agencies, NGOs, and throughout communities to ensure that all stakeholders were using the same reference guide for directing calls.

## **2. Models**

Hotlines have been used for many years to answer citizens' questions on a variety of topics. Currently, EPA maintains over 50 hotlines, housed in numerous Headquarters and Regional offices.<sup>30</sup> Each hotline was established separately by an individual EPA office to create an access point for citizens to obtain environmental information about specific programs. Some of the hotlines are run by contractors, while others are maintained by EPA staff. The requirements for each hotline were established separately by each office and until three years ago, there was no effort to coordinate or communicate between the various initiatives. In 1996, a Hotline Committee was established, which is comprised of a representative from each of EPA's hotlines.

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<sup>28</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740, 5742 (1981) (recognizing hotlines as an important technique to aid dialogue between citizens and the Agency).

<sup>29</sup>See J.L. CREIGHTON, INVOLVING CITIZENS IN COMMUNITY DECISION-MAKING: A GUIDEBOOK 122-123 (1992) (discussing the benefits of hotlines and the various ways they can be set up).

<sup>30</sup>For example: the Safe Drinking Water Hotline (800-426-4791); the Acid Rain Hotline (202-564-9620); and the Asbestos Hotline (202-260-0490).

Originally the Committee, which meets monthly, was established to standardize the numerous hotlines, but the Committee subsequently decided that a more appropriate function would be to share ideas. In 1995, EPA embarked on an initiative to create a comprehensive hotline that would address all environmental questions (similar to a 911 line for environmental concerns) but that effort was abandoned reportedly due to budgetary constraints.

EPA also supports the United States Environmental Hotline. This program is sponsored by a partnership between the Agency, all 50 states and various public and private sector organizations. The hotline operates through a computerized, interactive phone and Internet system, which provides geographically-specific environmental information nationally. Through dialing a 1-800 number and entering a five-digit zip code, callers can access several sections of information, such as the Locator Section, which automatically determines the user's nearest recycling center. This network allows states to customize their information within a single national system.

Other federal agencies that use hotlines include the United States Consumer Products Safety Commission. The Commission has a 24 hour hotline that can be used to find out if a product has been recalled, obtain information on what to look for when buying consumer products, order publications, report an unsafe product, and report a product-related injury. Staff who speak both English and Spanish are available, and callers can also arrange to speak with staff members fluent in other languages.

### **3. Discussion**

The hotline approach or general improvements in EPA's phone answering operations are fundamentally different than the proactive ombudsperson or information broker models. With hotlines and general phone inquiries the communication is solely initiated by the community, whereas the broker model emphasizes more interactive, two-way communication aimed at understanding citizen concerns and educating communities about issues or pending actions that may affect them. The hotline approach is more reactive, responding to concerns and questions that have already become important to some community members.

The advantage of the hotline approach and improved phone operations in general is that they concentrate resources on building the capacity of people who may be more likely to participate in a pending activity because they have taken the initiative to express concern or interest. Hotlines also have the potential, if operated well, to improve communities' confidence and comfort in dealing with EPA and to help overcome some of the barriers to capacity building that are based in lack of trust and confidence in the federal government.

A drawback of hotlines is that they only build the capacity of those that already know about an issue and want to learn more. Arguably, informing the people that take

the initiative to call a hotline may have a ripple effect in the community, but there is no guarantee that there will be an initial interest to provide this impetus. In addition, depending on the nature of the questions asked of a hotline operator, a caller may garner less complete information than might be provided by someone with a more proactive responsibility for educating the public. Furthermore, by the time a call is received by a hotline, it may be too late in the public participation process for the caller to participate effectively on the issue or concern.

For a new, comprehensive hotline to be effective, the hotline staff should have both substantive expertise and experience working with the public. An ineffectively staffed hotline could create substantial ill will, waste valuable resources, and undermine capacity building efforts. By contrast, if accountability is built into the process and hotline operators are required to follow up and ensure that callers' questions are answered, the resource implications of the effort could be significant.

Before the establishment of a new, comprehensive hotline, EPA's existing hotlines should be examined to determine the strengths and weaknesses of the current approach to hotline operation. Notably, interviewees did not mention any of EPA's current hotline operations, which may reflect a failure to publicize them well or the need for a hotline that is not program-specific but could handle any inquiries related to EPA activities. Financial resources and staff would therefore be needed to publicize hotlines widely so that citizens across the country would know the number to call with their questions. Advertising a hotline on this scale could be a formidable task that would require substantial investment and networking with other organizations, including state environmental agencies, that could in turn publicize EPA's and their own hotlines to their constituencies.

## **D. Technical Assistance Grants**

### **1. Overview**

The increased use of technical assistance grants (TAGs) was suggested by several interviewees. Technical assistance grants were viewed favorably by interviewees because they allow communities to assess independently the technical aspects of an issue or pending action, rather than relying on the regulated community or EPA for their information. Specifically, interviewees suggested that TAGs should provide adequate amounts of money, have limited matching requirements, and that approval processes should be streamlined. In addition, some interviewees suggested using the TAG model as a basis for providing grants for activities outside the traditional realm of technical assistance, such as training in leadership development or dispute resolution.

### **2. Models**

The primary model referred to by interviewees was the TAG program established by Section 117 of CERCLA, or Superfund. Under the TAG program, groups that are

affected by releases or threats of releases of hazardous substances from Superfund sites may apply for technical support funds. TAGs may not be used for the generation of new data or for conducting epidemiological or health studies, but can be used to obtain technical assistance in interpreting information and for activities that contribute to the public's ability to participate in the Superfund cleanup process, such as dissemination of information on conditions at a site.<sup>31</sup> TAGs are typically limited to \$50,000 for each grant recipient and recipients must contribute at least 20 percent of the total costs of the grant, although matching contributions can be waived in certain situations.<sup>32</sup> TAG recipients must be incorporated non-profit organizations and, in most cases, must be incorporated specifically for purposes of addressing a particular Superfund site.

In addition to the Superfund TAG program, EPA has several other technical assistance programs. Technical Outreach Services for Communities (TOSC) provides free technical assistance to communities that have not received TAGs, but are affected by hazardous substances. The goal of this program is to inform, educate, and empower communities by providing technical information and guidance. TOSC uses the resources of researchers and professionals in environmental science and engineering from a network of five Hazardous Substance Research Centers and approximately 30 universities nationwide to provide communities with the independent technical information they require to participate actively in solving environmental problems. The TOSC program sponsors workshops and short courses, performs review and interpretation of technical documents, offers training to community leaders in facilitation and conflict resolution, and creates technical assistance materials. This program draws financial support from EPA, the Department of Energy, and the Department of Defense, with additional funding from academia, industry, and other state and federal government agencies.

Another technical assistant program was recently established under EPA's Project XL, a national pilot program that attempts to test innovative ways of achieving better and more cost-effective public health and environmental protection. Under the new technical assistance initiative, stakeholders participating in a facility-specific XL Project can apply for grants up to \$25,000 per group that can be used to interpret and evaluate technical information and facilitate stakeholder processes. The grant program is managed by the Institute for Conservation Leadership through a cooperative agreement with EPA.

USDA's Environmental Quality Incentives Program (EQIP) established in the 1996 Farm Bill provides technical, educational and financial assistance to eligible farmers and ranchers to address soil, water, and related natural resource concerns on their lands in an environmentally beneficial and cost-effective manner. All EQIP activities must be

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<sup>31</sup>CERCLA, 42 U.S.C. §9617(e).

<sup>32</sup>See 40 C.F.R. Part 35 (1998).

carried out according to a conservation plan that is site-specific for each farm and ranch. EQIP offers five to ten year contracts that provide incentive payments and cost sharing for conservation practices called for in site-specific plans. Cost sharing may pay up to 75 percent of the costs of certain conservation practices, such as grassed waterways, filter strips, manure management facilities, capping abandoned wells, and other practices important to improving and maintaining the health of natural resources. Funding for EQIP comes from the federal government's Commodity Credit Corporation, which funds several other USDA conservation programs.

A new grant program that will be available to communities to perform technical and scientific reviews is being created as a result of the settlement of a lawsuit brought by the Natural Resources Defense Council (NRDC) against the Department of Energy (DOE). The settlement requires DOE to establish a \$6.25 million fund that will provide monies to eligible organizations to obtain technical and scientific assistance to perform reviews and analysis of environmental management activities at DOE sites. Non-profit, non-governmental organizations and federally recognized tribal governments working on issues related to DOE sites are eligible to receive funding.

A fundamentally different approach to technical assistance has been adopted in Europe and on a limited scale in the United States. In Europe, "Science Shops" conduct community-based research and allow citizens to be involved in determining research agendas. A network of 38 Science Shops has been established in the Netherlands that research a wide variety of societal concerns. These shops are university-based centers where community groups, public interest organizations, local governments and labor unions pose research questions to faculty and staff of the universities. These shops utilize the talents of students and a faculty advisor to study the proposed research questions. This model has inspired several similar programs throughout Europe and one in the United States. The Loka Institute in Amherst, Massachusetts founded and coordinates the Community Research Network (CRN), which is an international network of researchers, research programs, grassroots organizations, workers, and community groups collaborating to conduct research that is responsive to community needs. The Network is attempting to begin a program similar to the science shops in the Netherlands, but has not succeeded to date, perhaps in part because of the differences in relationships between communities and universities in the United States and Europe.<sup>33</sup>

### **3. Discussion**

The TAG model is a potentially strong approach to capacity building because it helps to level the playing field by providing communities with the resources to verify information independently and contribute to the dialogue about the science underlying pending environmental decisions. Because science is integral to many EPA decisions,

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<sup>33</sup>See THE LOKA INSTITUTE, *The Loka Institute* (last modified June 2, 1999) <<http://www.loka.org/>>.



providing assistance to communities that enables them to participate in the public policy debate with the regulated community can be critical. It may be difficult, however, to garner the support that would be necessary to secure the considerable funding required to broaden TAGs to additional subject areas or programs.

Perhaps the chief concern with respect to the use of TAGs to build local capacity is the role of communities in science-based decision-making.<sup>34</sup> Many interviewees expressed frustration at the "battle of the experts" that often develops regarding environmental policy and regulatory decisions. They questioned its usefulness in the long term as a model for reaching sound decisions, because the "battle" does not necessarily lead to better-informed substantive decisions. In addition, some interviewees said that it was more appropriate for communities to express their concerns but not to provide scientific evidence or engage in a debate about the science. Rather, they said that EPA should provide the scientific backup needed to assess communities' concerns because the Agency is funded by tax dollars and charged with protecting the health and environment of all communities. According to these interviewees, a community should be able to express its sentiment to EPA (*e.g.*, "we do not want the manufacturing facility in our neighborhood to emit odors") and EPA should then take that sentiment and apply it in scientific or technical terms (*e.g.*, the facility should be limited to emitting X parts per million of a certain chemical). Other interviewees were concerned with this approach, however, because EPA has limited resources and may rely instead on the research of regulated entities, to the detriment of community interests.

Given the interviewees' varied views on how and to what extent technical assistance should be provided, this may be an area where further thought should be given to testing new approaches such as those used in Europe. As noted in the discussion of information brokers, however, there may be barriers to developing a collaborative relationship between communities and universities in the United States.

## **E. Citizen Training on EPA Processes and Legal Requirements**

### **1. Overview**

A number of interviewees suggested focusing capacity building on community members who have indicated an interest and willingness to participate by providing them with training on EPA processes. The key problem, according to these interviewees,

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<sup>34</sup>See JOHN THOMAS CLAYTON, PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS 149-50 (1995) (noting that technical assistance grants, although many times helpful to citizens, do not solve the more systemic problems in public involvement); see also Clifford W. Scherer, *Strategies for Communicating Risks to the Public*, 45 FOOD TECHNOLOGY 110, 113-114 (1991) (implying that when citizens are brought in late in the process and decisions have already been made, their understanding of the technical issues may not serve as a benefit).

as well as several researchers, is that communities do not always know how to participate effectively in government Agency processes.<sup>35</sup> This problem is particularly acute when community groups are at odds with regulated entities that are well-versed in the issues, well-staffed, well-funded and, most importantly, experts at working within the system. Several interviewees noted that many of the practices that EPA staff and members of the regulated community take for granted, such as how to set a meeting agenda or how to participate in a facilitated meeting, are unfamiliar to local groups that have concerns about environmental issues affecting their communities. The lack of familiarity and expertise in these procedures creates a serious disadvantage for communities, according to these interviewees. Accordingly, local groups should be offered training in specific procedural skills, such as how to participate in a negotiation or conflict resolution process.<sup>36</sup>

In addition, training in the underlying legal requirements, including substantive environmental laws, and training in public participation requirements and processes was viewed as an important way to build capacity. As one interviewee explained, it is difficult to participate in many EPA processes without some basic understanding of the governing laws. Increased use of workshops to provide this training was recommended by several interviewees.<sup>37</sup> Workshops were viewed as a particularly good vehicle for providing community groups with in-depth information that takes time to communicate and understand.<sup>38</sup>

## 2. *Models*

EPA's Office of Water administers workshops that are open to citizens on writing National Pollutant Discharge Elimination System permits under the Clean Water Act. The objective of the Permit Writers' Training Course is to explain the basic regulatory framework and technical considerations that govern the development of wastewater discharge permits. The course is designed for new permit writers and the format is a combination of lecture, case examples, and practical exercises that are meant to acquaint

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<sup>35</sup>See generally MARY GRISEZ KWEIT & ROBERT W. KWEIT, *IMPLEMENTING CITIZEN PARTICIPATION IN A BUREAUCRATIC SOCIETY* (1981).

<sup>36</sup>Interviewees were quick to point out, however, that there is little point in receiving training for, or participating in, such processes unless communities are on equal footing with other stakeholders and have the potential to affect the outcome of the pending action. This concern is consistent with the capacity building impediment discussed below in section IV regarding stakeholders' lack of confidence that they can actually affect the substantive result.

<sup>37</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740, 5742 (1981) (recognizing that workshops are an important technique for discussing the consequences of various alternative decisions or negotiating differences among diverse parties).

<sup>38</sup>See Thomas A. Heberlein, *Some Observations on Alternative Mechanisms for Public Involvement: The Hearing, Public Opinion, The Workshop, and The Quasi-Experiment*, 16 NAT. RESOURCES J. 197, 206-209 (1976).

participants with the resources and tools available to assist them in writing NPDES permits. There is no fee for attending the five day course, which is held six times per year in a variety of cities throughout the country.

Workshops that are geared more towards the average citizen are given by Technical Outreach Services for Communities. TOSC sponsors workshops, short courses, and other learning experiences to explain basic science and environmental policy concepts. Professional TOSC trainers travel to communities and hold workshops that address the concerns of specific communities.

A USDA program that trains citizens and then relies on them to train their communities is the Master Gardeners Program. This program is run through USDA county extension offices and has been established in 45 states. Each state's program varies slightly, but their common approach is to offer community members free training in horticulture, wildlife management and other environmentally-related topics in exchange for those community members contributing a specified number of hours of service. The community service tasks can range from conducting a public workshop to answering questions on phone hotlines. This model allows community members to receive training in environmental issues that interest them and then multiply awareness by training others in the community.

An additional, less resource-intensive approach to training is to develop and disseminate guidebooks. EPA and non-profit organizations have published several guidebooks for citizens written in non-technical, understandable language.<sup>39</sup> Examples of EPA Guidebooks include *Environmental Enforcement: A Citizen's Guide* and *Project XL Stakeholders Involvement: A Guide for Project Sponsors and Stakeholders*. NGO guidebooks include *Plug Your Classroom Into the Environment* (a teacher's guide) and *Six Steps to Cleaner, Greener Printing*, both published by the Environmental Defense Fund.

### **3. Discussion**

A key advantage of training is that it teaches skills to a small group of individuals who, in turn, can educate others and apply their knowledge to a variety of contexts. Providing and attending training requires a time commitment, however, that will necessarily limit the number of people who are able to or interested in receiving training. Providing training could also be costly, although to the extent that training is directed to citizens who are most likely to participate in EPA processes, the investment may be cost-effective.

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<sup>39</sup>EPA's Stakeholder Involvement Action Plan (December 1998) recognizes the importance of the Agency creating project and program-specific guidance materials for citizens that will be broadly distributed.

Federally-sponsored training for local groups on participation skills would need to comply with any applicable laws and regulations that may restrict the extent to which EPA can support groups that lobby the Agency and Congress. It may be possible, however, to develop a curriculum that is acceptable within current legal parameters. Furthermore, if the training were available to the public, including members of the regulated community such as small businesses, it might have a broad base of support. Training local groups would be consistent with the conclusions of a recent evaluation of the Project XL stakeholder processes, which was based on stakeholder questionnaires and a review of participation processes at four XL sites. The report found:

To address perceptions identified in [the] survey that local groups achieve less than other constituencies of what they seek in the XL stakeholder processes, the following strategies might be useful: provide training in negotiation, scope out the stakeholder negotiation issues with the local groups in advance, coach the local negotiating team as the process proceeds, and clarify expectations with local representatives at the outset.<sup>40</sup>

Workshops, as a mechanism for delivering training, have the strong advantage of enabling face-to-face discussion and dissemination of detailed information about EPA activities, programs, laws, and participation tools. Person-to-person exchange may be preferable to written materials in many cases due to the complexity of certain subject matters. By providing in-depth information about specific issues and processes, rather than simply disseminating a limited amount of information about many initiatives to a wide audience, workshops may better position attendees to participate in future deliberations about particular environmental problems. Workshops could be used in conjunction with broader information dissemination efforts that may spark community interest in learning more about applicable laws and processes.

## **F. New Collaborative Participation Processes**

### **1. Overview**

Several interviewees suggested that new ways of involving the public in EPA activities through more collaborative, ongoing relationships with local citizens and the regulated community would have the result of building citizen capacity to participate. This view is consistent with some of the literature on public participation.<sup>41</sup> This approach would establish formal relationships that do not relegate community stakeholders to commenting on proposed actions, but rather provide a role for community stakeholders in developing proposals or negotiating agreements with

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<sup>40</sup>Evaluation of Project XL Stakeholder Processes, Final Report, EPA 100-R-98-009 at 4 (1998).

<sup>41</sup>See Marion Cox, *Integrating Public Input Into Environmental Decisions: How Far Have We Come?*, 2 INTERACT 46 (1995).

regulated entities and EPA. Capacity to participate could be increased not only through the exchange provided by the collaborative structure but also by virtue of the increased opportunity to advance other capacity building tools, such as information-sharing. In addition, an ongoing collaborative relationship could promote citizen involvement early in the decision-making process. According to interviewees, a collaborative approach may address concerns that many processes currently used for public participation are outdated and that new paradigms are needed to provide a more integral and meaningful role for stakeholders. Implementing additional collaborative public participation processes could also increase citizen trust in EPA decision-making.

## **2. Models**

Several new approaches to collaborative participation have been tested by EPA and NGOs. For example, EPA's Common Sense Initiative (CSI) brought together diverse stakeholders to discuss how to improve environmental performance in specific industry sectors. Six industries were selected to serve as CSI pilots and subcommittees were established for each sector. The subcommittees worked under the umbrella of a CSI Council made up of senior leaders from industry and numerous national stakeholder groups. The subcommittees consisted of multiple stakeholder interests, including environmental organizations, environmental justice groups, labor unions, government regulators, and industry. Sector subcommittees met regularly to discuss project progress and policy issues. Subcommittees made recommendations through the CSI Council to EPA for policy and regulatory actions. From 1995 to 1999, the sector subcommittees initiated close to 40 projects involving more than 150 stakeholders who participated in subcommittee work groups. Using a consensus approach to decision-making, the groups addressed diverse topics such as pollution prevention, environmental reporting requirements and public access to environmental information. The Iron and Steel sector subcommittee, for example, met for three and one-half years to find better ways to provide for protection in the areas of regulation, permits, compliance, reporting, pollution prevention and environmental technology. The subcommittee consisted of 20 non-federal members representing diverse backgrounds. Together the group developed numerous recommendations, principles, and pilot projects on issues that impact the iron and steel industry.

EPA's *Framework for Community Based Environmental Protection* (CBEP) brings together private and public community stakeholders to identify environmental and public health concerns, set priorities, and forge solutions toward sustainable communities. EPA's objectives are to achieve environmental results consistent with the Agency's mission, help communities develop the tools and capacity necessary to be stewards of their human and natural resources, and coordinate and integrate EPA's activities and programs to increase the Agency's effectiveness in supporting sound community environmental decision-making. The Framework states that EPA will work to integrate the CBEP approach into all of its programs by revising policies and rules, developing better lines of communication among programs, identifying and supporting

research needs, and establishing education and training programs for EPA staff. The CBEP Framework has not, however, been adopted and implemented throughout the Agency to date.

EPA has also used new processes that more fully involve communities in decision-making under specific programs. For example, a multi-stakeholder council was created to select a remedy for the Pine Street Barge Canal Superfund site using a consensus-based decision-making process, developed by the Mediation Consortium, that allowed for extensive community involvement. The process was initiated following the community's opposition to EPA's initial remedy. The council was comprised of affected stakeholders including: EPA, the State of Vermont, the City of Burlington, United States Fish and Wildlife Service, a citizens' group, an environmental group, and parties potentially responsible for the cleanup. The Council was asked to reevaluate ecological, human health, and remedial issues, and reached consensus on cleanup levels and a remedy. In addition, a separate agreement was developed between the community and the parties responsible for the cleanup that provides for \$3 million in "special projects."

Restoration Advisory Boards (RAB) established by the Department of Defense (DOD) also use a more collaborative approach to public involvement. RABs provide a forum for discussion and exchange of information between regulatory agencies and communities at DOD Superfund sites. RABs are composed of members of the community, representatives of the installation, EPA, and state, tribal and local governments. The size of each RAB depends upon the complexity of the issue, the number of stakeholders and the level of community interest, but they usually consist of no more than 20 members. The responsibilities of RABs include increasing community understanding of DOD's cleanup program, reviewing cleanup plans and technical documents, providing advice on cleanup activities and remedy selection, and acting as a resource to the community. This program is intended to involve communities early in decisions about contaminated property in their neighborhoods.

An example of a NGO approach to involving the public in environmental issues is the use of Good Neighbor Agreements. The goal of these agreements is to foster sustainable development in a community by reconciling economic development with the welfare of the community, including health and the environment. In addition to promoting sustainability, these agreements seek to increase corporate accountability. An array of industry sectors, including oil refineries, foundries and chemical plants, have entered into Good Neighbor Agreements in the United States. Though many agreements have been initiated as a result of industrial accidents, some have been negotiated before a crisis arises or in response to chronic issues such as pollution or job concerns. The philosophy common to all Good Neighbor Agreements is the community organization's and industry's mutual acknowledgment of the necessity to build relationships responsive to community and industry needs. Various types of conditions have been negotiated in Good Neighbor Agreements, including community access to

information, facility inspection rights, accident preparedness, pollution prevention, and local jobs. The content and structure of the agreements have varied according to the philosophies of the citizen groups involved, the corporate culture of the companies, and the factors encouraging the parties to negotiate. Some agreements are nonenforceable, but many can be legally enforced.

### **3. Discussion**

In recent years, EPA and other federal agencies have started to test new approaches to public involvement that involve a range of stakeholders in a more comprehensive manner. NGOs are also proposing and testing new approaches that can serve as sources of ideas for the federal government. The advantage of pursuing new approaches is the opportunity to improve from all stakeholders' perspectives the role of the public in environmental decision-making.<sup>42</sup> As discussed below in section IV, given the degree of cynicism about public participation processes that was reflected in the needs assessment interviews, these new approaches may be particularly warranted.

Of course, new approaches take time and resources to develop, implement and evaluate and, therefore, should be vetted in a strategic and directed manner. In addition, it is important to recognize that new approaches may, in some cases, challenge well-entrenched and accepted approaches to participation that are familiar and comfortable to EPA employees. Furthermore, in developing new approaches, communities' limited time and resources should be taken into account, thereby making the effort even more challenging.<sup>43</sup> As discussed below in section VI, a process for selecting public participation goals and principles could be developed that would clarify EPA's objectives in trying new public participation and capacity building processes and would help the Agency transition to new approaches. It is also important to note, however, that many of the interviewees believed that EPA should focus efforts primarily on running day-to-day operations in a manner that better facilitates public involvement by, for example, directing phone inquiries more efficiently and maintaining more up-to-date mailing lists. Testing new models and approaches to public participation should not be pursued at the expense of these basic functions.

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<sup>42</sup>See generally JOHN CLAYTON THOMAS, PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS (1995) (providing an overview of the history of public participation, challenges facing government agencies in involving citizens, and new mechanisms for citizen input).

<sup>43</sup>One approach, taken by EPA in the CBEP program, is to involve communities in creating long-term, overarching goals that determine the environmental health of their neighborhoods without requiring them to participate in every technical decision made on the path to achieving the established goals. This approach may allow community involvement in environmental decision-making without requiring that involvement to be tremendously time- and resource-intensive.

## **G. Increased Data Availability And Dissemination Networks**

### **1. Overview**

Some interviewees perceived the current trend of increased data availability, particularly on the Internet, as the most powerful of capacity building tools. According to interviewees, if ample and accurate environmental data are easily available, public participation will essentially take care of itself because communities will have access to the information they need to determine whether they should participate and, if so, the information needed to move forward. Interviewees said it is essential that gaps in data be filled as soon and as quickly as possible so that adequate information is available. Interviewees also emphasized the importance of networks for disseminating and sharing the data that are available. Although networks for sharing data and information are likely to continue to develop independently, support from EPA for these networks, particularly initially, would facilitate increased participation and capacity building, according to these interviewees.

### **2. Models**

EPA has established several initiatives in recent years that provide data to the public. Most of these initiatives will soon be consolidated in a new Information Office in EPA. Among EPA's data availability initiatives is the Envirofacts Warehouse, which was created by EPA to provide the public with direct access to the information contained in its various databases. Envirofacts allows the retrieval of environmental information from databases on air, chemicals, facility information, grants/funding, hazardous waste, spatial data, Superfund, toxic releases, water permits and drinking water. Online queries can be used to retrieve data and create reports or generate maps. The data are updated monthly. Through Envirofacts, users can also access the Toxics Release Inventory (TRI), which contains information about more than 650 toxic chemicals that are being used, manufactured, treated, transported, or released into the environment.

EPA's Center for Environmental Information and Statistics (CEIS) provides citizens with data and information on environmental quality, status and trends. The mission of CEIS is to ensure that integrated information on environmental quality is available and intelligible to the public and environmental decision-makers. CEIS uses surveys and meetings to assess how well EPA's current health and environmental information resources are servicing customers' needs, and to assess data quality and suitability. The CEIS website aims to provide clear information and data about environmental quality and trends, and includes Environmental Profiles for each state, county and territory in the United States, the Digital Library of Environmental Quality, and the Environmental Atlas.

The Sector Facility Indexing Project (SFIP) is an EPA Office of Enforcement and Compliance Assurance initiative. SFIP facilitates public access to a wide range of



environmental information about regulated facilities. In the past, these records, although public for the most part, were very difficult for public and government users to obtain because they were spread across many different databases. Under SFIP, EPA has integrated this information so that it can be viewed in one place, and can be used to better understand facilities' overall environmental records. SFIP covers five industry sectors including petroleum refining, iron and steel production, primary nonferrous metals smelting and refining, pulp manufacturing, and automobile assembly.

Another initiative from the Office of Enforcement and Compliance Assurance that attempts to provide citizens with improved data accessibility is the Integrated Data for Enforcement Analysis (IDEA) system. IDEA is a comprehensive source for environmental performance information on regulated facilities that allows the public to obtain a historical profile of EPA-regulated companies' inspections, enforcement actions, toxic chemical releases, penalties, and emergency hazardous spills. This single access point provides information from EPA's Air, Water, Hazardous Waste, Toxic Chemical Release Inventory, and Emergency Response Notification Systems.

Non-governmental organizations are also striving to provide citizens with improved access to environmental information. The Environmental Defense Fund (EDF) has created the Scorecard, accessible through the EDF web page, which allows members of the public to acquire information about the environmental conditions in their locality. Users can type in their zip code to access information about their county and neighborhood, including releases of toxic chemicals, air pollution, water pollution and their locality's environmental priorities. With the Scorecard, EDF is attempting to fill gaps in the public's information about local pollution and other environmental conditions.

In addition to initiatives that provide data to the public, several web pages that attempt to direct citizens to information and sources of data have also developed. EPA's Office of Reinvention has developed a stakeholder Internet web site, which provides links to key information about EPA's efforts to develop policies and related materials regarding stakeholder involvement. The "related projects" link provides access to activities of interest to the general public, local governments, communities, tribes, state governments, federal agencies, facilities, businesses, and industrial sectors. For instance, the site provides access to information about EMPACT, CBEP, Project XL, the Envirofacts Warehouse, and the Center for Environmental Information and Statistics. Any citizen may find statistics on information ranging from air quality levels in his or her community to information on specific facilities discharging pollution.

Several networks have also been established for sharing information among stakeholders that draw, in part, on data made available by EPA and NGOs. An example of a network that has been established to aid in collaboration and information-sharing is the Smart Growth Network sponsored by EPA and a coalition of private sector and non-profit organizations. This network strives to encourage land development that serves

the economic, environmental and social needs of communities. It provides a forum for education, information-sharing, tool development, and collaboration on smart growth, anti-sprawl issues. The Network also provides contact information, educational resources and videos, a bimonthly newsletter and regional conferences and workshops.

Another network established through a partnership of several organizations, including EPA, is the Local Government Assistance Network (LGEAN), a forum and clearinghouse that provides clear, concise and relevant environmental management, planning and regulatory information to local governmental officials and their staff. The International City/County Management Association is responsible for day-to-day management of LGEAN, but it works collaboratively with the Air and Waste Management Association, the American Water Works Association, the National Association of Counties, the Solid Waste Association of North America, the Water Environment Federation, the Environmental Council of the States, and EPA. LGEAN provides 24-hour access to regulatory and pollution prevention information, message boards and regulatory updates. LGEAN also provides financial information, including grant-related material, through several different mechanisms: a web page, a toll-free number, the Small Community Advisory Network (a quarterly newsletter), forums, workshops and training. Additional resources include: guide and fact sheets written in lay-person's English; access to local governmental environmental specialists that represent the LGEAN partner organizations and who can answer questions concerning environmental technology, management, and planning; and a database of nonprofit and public organizations that offer technical and financial assistance to local governments, as well as consultants who work with local governments in environmental management and planning.

NGO networks, independent of EPA, have also been established to facilitate access to environmental information. For example, the Natural Resources Defense Council (NRDC) established the Clean Air and Clean Water Networks – coalitions comprised of more than 1,000 organizations. These networks provide information to members regarding current scientific, regulatory and legislative issues, as well as fact sheets that explain issues in understandable, non-technical terms. Members are also provided with tools that allow them to increase their effectiveness as advocates, such as advice for writing letters to or calling key policymakers, writing editorial pieces and taking an issue to a member of Congress. The Clean Air Network is a broad alliance of local, state and national organizations committed to working for improved air quality. The Clean Water Network is a similar alliance that supports the need for clean water safeguards to protect human health and the environment. The Clean Water Network includes a variety of organizations including environmentalists, farmers, recreational anglers, commercial fishermen, environmental justice advocates, labor unions and civic associations. Steering committees have been established for both networks that make strategic decisions about the networks' course of action.

Another NGO network, the Southwest Network for Environmental and Economic Justice, is a coalition of grassroots community-based, native, labor, and student groups in the southwestern and western United States and border states of Mexico that are proactively working for sustainable communities and for environmental, economic, social, and racial justice. Composed of African Americans, Asian/Pacific Islanders, Native Americans, and Latinos, the group works to join people together to develop collective regional strategies on environmental degradation and to fight against social, racial, generational, economic, and gender injustices. This network runs six campaigns focused on border justice, accountability and environmental justice, technology, dumping on native lands, worker justice, and youth leadership and development. The Southwest Network partnership includes organizations that provide technical assistance and research to these campaigns. The Network's training program provides skills to affiliate organizations for building organizational development, leadership development, and communications technology.

### 3. *Discussion*

The tremendous increase in availability of data has affected and will continue to affect, the role of the public in environmental policymaking and the level of accountability of the regulated community.<sup>44</sup> Providing huge volumes of data will not necessarily build the capacity of communities to participate unless they have access to the data, can understand it, and have a mechanism for using the data to influence policy and the regulated community's behavior.<sup>45</sup> Thus, the great increase in the availability of data raises many issues, including how to ensure the quality and integrity of the data that is available and whether data should be provided raw or with some explanation. Furthermore, limited access to the Internet and lack of computer hardware, particularly among low-income and minority communities is an issue, at least in the short term, that should not be ignored.

The development of non-profit networks for disseminating and interpreting data addresses some of these issues by providing a non-governmental, independent means of accessing information for communities. These networks, particularly those that emphasize collaboration of national environmental groups and local environmental groups, can increase local capacity by providing resources and information.<sup>46</sup> It is

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<sup>44</sup>See generally STEWART LANGTON, *CITIZEN PARTICIPATION IN AMERICA* (1978).

<sup>45</sup>See, e.g., STEPHEN KELLERT & JOYCE BERRY, *KNOWLEDGE, AFFECTATION, AND BASIC ATTITUDES TOWARD ANIMALS IN SOCIETY* 7 (1980) (merely providing information is inadequate to ensure informed input, and information must be tailored to address knowledge levels of specific audiences or segments of the public).

<sup>46</sup>See, e.g., *Evaluation of Project XL Stakeholder Processes*, EPA 100-R-98-009 at 4 (1998) ("national environmental group staff often have the substantive expertise that citizen environmentalists lack . . . pairing national and local environmental group direct participants also can improve technical resources available to local groups.").

unclear, however, whether these networks can be self-sustaining over the long term and tailored enough to specific local communities' interests.

## **H. Grants to Community Groups**

### **1. Overview**

Some interviewees suggested that EPA provide grant money to community groups to enable them to disseminate information more widely about EPA activities and pending actions. The interviewees reasoned that local environmental groups are often responsible for ensuring community participation in EPA initiatives and, therefore, know the best way to disseminate information in their communities. Grant money would assist communities in determining whether an issue or initiative is of interest and merits participation.

### **2. Models**

ELI's research did not produce any models that provide grants for local groups to disseminate information. However, EPA's Office of Environmental Justice (OEJ) has established the Small Grants Program to assist community-based and grassroots organizations and tribal governments that are working on solutions to local environmental problems and environmental justice issues. OEJ has awarded \$3,000,000 to over 150 grant recipients across the country. Those eligible for the grants are any affected community group, church, school, educational institution, non-profit organization, university, or tribal government.

Sustainable Development Challenge Grants are provided by EPA to create an opportunity for communities to develop place-based approaches to problem solving. Grants are awarded directly to non-profit organizations, educational institutions, and non-federal governmental entities, including tribes. The grants are intended to encourage people, organizations, businesses and government to work together in their communities to improve their environment while supporting a healthy economy and a sense of community well-being. The program challenges communities to match EPA seed funds with public and private investments to develop and implement community-based environmental programs using a sustainable development approach. The projects funded are designed by community stakeholders to involve those with the best insight into problems and opportunities in the community. In FY 1997, the Agency awarded 45 grants totaling approximately \$5 million.

### **3. Discussion**

Providing grants to local environmental groups is a direct approach to building capacity. It delivers resources directly to groups that work on environmental issues on a community level and very well might increase the level of participation in EPA

initiatives.<sup>47</sup> On the other hand, the resource implications could be considerable and such an approach would undoubtedly raise strong opposition from certain stakeholders.

Perhaps the most interesting question raised by grants to community groups relates back to the question of whose capacity should be bolstered through capacity building efforts. Providing money to local groups necessarily requires the selection of particular grant recipients. In this manner, the grantor is providing resources not to the community as a whole, as for example under the information broker model, but is building the capacity of a specific group, its members or parts of the community that share a similar perspective with the grant recipient. While this type of targeted capacity building could be viewed as a sound use of resources because it leverages resources by providing funds to community leaders who then disseminate information more widely, it also raises questions about whether this approach is too narrow compared to an approach that may reach larger segments of affected communities. Care would also need to be taken to ensure compliance with any legal restrictions on government funding of organizations that lobby Congress.

## **I. Improved Access to Documents**

### **1. Overview**

Easy and inexpensive access to documents was viewed by some interviewees as essential to capacity building.<sup>48</sup> Documents could include a wide range of materials such as facility-specific reports or copies of federal laws and regulations. Currently, according to these interviewees, it is often difficult for communities to obtain the documents needed to participate effectively in EPA activities, such as facility permitting processes. For example, documents are often located at EPA Regional offices that may be many miles from the facility at issue. Because it is difficult for the public to find the time and resources to participate, any additional burden, such as driving a long distance to obtain documents, can further reduce capacity and, therefore, the likelihood of participation. Some interviewees suggested that documents could be made available at local environmental groups, public libraries and other convenient locations.

### **2. Models**

EPA relies heavily upon the Internet to make documents of national interest and applicability available to the general public. The EPA Office of Information Resource Management encourages Regional offices and project officers to make as many

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<sup>47</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740, 5744 (1981) (stating that EPA's 1981 policy allows for outside organizations and individuals to receive funds for public participation activities which the Agency deems appropriate).

<sup>48</sup>See *id.* at 5741 (outlining the importance of providing policy, program, and technical information at places easily accessible to interested and affected persons and organizations).

documents as possible available online for public consumption. For example, the Agency currently makes the environmental subset of the Federal Register available online. In addition, documents are often filed at one or more of the 30 EPA libraries that make up the Agency's National Library Network Program. The Network, established in 1971, is composed of libraries in EPA's Headquarters, Regional and Field Offices, Research Centers, and laboratories located throughout the United States.

Document availability is left to the state and local agencies that are delegated to run particular EPA programs. Where EPA is the lead Agency, it generally only makes documents available for project-specific decisions at a Regional Office. A notable exception is a requirement that EPA must place an administrative record that includes all documents related to decisions it makes about a Superfund site in an "information repository" near each site. Such repositories have been located in public libraries and other local venues.<sup>49</sup>

Interestingly, EPA's 1981 policy on public participation emphasized that the Agency must provide one or more collections of studies, plans, reports and other documents relating to significant decisions on controversial issues in a location or locations convenient for the public. The policy suggests that, when possible, the depository arrangements should be made with public libraries and university libraries, or other places that are easily accessible to the community. It is specified that consideration must be given to accessibility, travel time, parking, transit, and availability during non-working hours. Apparently, this aspect of the 1981 policy was not fully implemented Agency-wide.

Currently, EPA Regional offices have several initiatives that focus on providing citizens with general information and government documents. For example, the Environmental Information Service Center in Region VIII has a technical library that provides access to a wide range of documents. Although citizens can access the Center through a toll-free phone number, the Center has only one location in Denver, Colorado.

### **3. Discussion**

An effort to increase local access to documents, if designed properly, could build capacity of communities to participate at a relatively low cost. Determining the specific documents that should be made available and the best location for them would, however, require time, resources and consultation with community stakeholders. Although interviewees did not raise the issue of increasing document availability on the Internet, EPA could explore increasing its current efforts to provide Internet access to documents, perhaps as part of some of the Internet data availability initiatives discussed above. In addition, increasing availability of documents raises the question of whether

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<sup>49</sup>See 40 C.F.R. 124.10(c)(ix) (1997) (public notice of water permit actions).

simply making documents available is enough or whether the documents need to be written in non-technical language and include lay-person explanations of the impacts a pending action may have on the community concerned.

## **J. Improved Mailing Lists**

### **1. Overview**

Several interviewees suggested that EPA should strengthen and improve its mailing lists.<sup>50</sup> Mailing lists are currently under-utilized for the most part, according to the interviewees, although some states use mailing lists effectively. Although mailing lists are currently used by certain programs, several interviewees suggested that these lists are not maintained diligently by EPA and are not used as often as they should be used. In addition, several interviewees suggested that tailored mailing lists that target certain groups and communities with an interest in particular issues should be developed more proactively, even when they are not required.

### **2. Models**

Mailing lists are currently used by EPA, other federal agencies, and state governments. EPA maintains a wide variety of mailing lists nationally, regionally and locally. The requirements for maintaining and using mailing lists are similar across many EPA programs,<sup>51</sup> but the practices vary greatly among offices and regions. Typically, mailing lists are developed by including those who request to be placed on a mailing list, those who have been on past mailing lists for similar environmental proceedings, and those who respond to EPA notices of the opportunity to be notified of upcoming proceedings.<sup>52</sup> EPA officials may also add the names of people and organizations that they believe may be interested in an Agency action or decision. Generally, however, most of the names that are collected on such mailing lists are those who have approached EPA with a request to be informed of future meetings and proceedings.

Mailing lists of community-level stakeholders are typically kept in the Regional offices, if at all. Region I has made an effort to develop a centralized database of mailing lists of municipal organizations, business associations and other groups that may be

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<sup>50</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740, 5741 (1981) (noting the importance of developing lists of persons and organizations that express interest or are affected by an Agency activity that can be used to send announcements of participation opportunities, notices of meetings, hearings, field trips and other events and notices of available reports and documents).

<sup>51</sup>Clean Water Act and Resource Conservation and Recovery Act permits, 40 CFR §124.10(c)(1)(ix); Federal Operating Permit Programs under the Clean Air Act, 40 CFR §71.11(d)(3)(i)(E).

<sup>52</sup>See, e.g., 40 CFR §124.10(c)(1)(ix).

interested in EPA actions – the database has grown to over 20,000 entries. Other regions are less far along. Where there are mailing lists of local stakeholders, they are likely to reside with a project officer. Some project officers, particularly those associated with Superfund programs, may undertake fairly extensive community outreach efforts to develop community contacts, "branching out" from local government officials to larger advocacy groups, down to smaller advocacy groups.

There appears to be little information-sharing among the different program offices and regions with respect to mailing lists, but an effort is currently underway in EPA's Office of Communications to consolidate some of the information contained in the many mailing lists.

### **3. Discussion**

The use of mailing lists is already an accepted mechanism for reaching communities affected by EPA decisions. Accordingly, the expanded use of mailing lists should not require fundamental changes or new programs. The cost of diligently maintaining lists, developing new lists tailored to particular interest groups and communities, and aggressively using the lists to disseminate information would be relatively low, although not negligible. Efforts to maintain and use more regularly facsimile and e-mail address lists and list serves, in addition to traditional mailing lists, could also be considered. Strengthening the use of mailing lists may, however, be viewed as a limited approach to capacity building that should be combined with additional steps.

## **IV. IMPEDIMENTS TO BUILDING LOCAL CAPACITY**

During the course of the interviews, several impediments to building local capacity for participation in EPA activities were highlighted. These impediments often pointed to interviewees' perceptions of basic problems with EPA's approach to public participation. Although these impediments have broad implications for public participation in general and are not limited to capacity building efforts, the issues raised are fundamental concerns that must be understood and addressed in developing a capacity building strategy.

### **A. Perceived Futility of Public Participation**

A key concern voiced by interviewees was that, regardless of whether the capacity of communities to participate in EPA decisions is increased, participation will be limited by the common perception that participation is futile because communities cannot really have an influence on EPA's decisions.<sup>53</sup> This concern was expressed by

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<sup>53</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740 (1981) (stating that the purpose of EPA's 1981 policy on public participation is to create a strong Agency policy and consistent procedures to make it easier for the public to become involved and affect the outcome of the Agency's



interviewees in a variety of ways, including that communities feel their input does not matter because EPA has already made its decision before it hears from the public.<sup>54</sup> Participation was viewed by some interviewees as "busy work" that is often very time consuming. In the past, community groups have gone through a long process with EPA and industry, only to find that the Agency "does what it wants anyway" and that their efforts did not "amount to anything." Others described the current process as "disempowering" because EPA takes information and makes a decision without addressing the concerns raised by the communities.<sup>55</sup> Several interviewees explained their perception that EPA often has no intention of listening to a community and is just "doing what is required" for public participation. Interviewees also described a "lack of incentive" for local groups to participate that capacity building cannot address. Others said that EPA really only listens to the regulated community and does not really want the involvement of communities because the Agency does not know what to do when community views conflict with the views of the regulated community.<sup>56</sup>

Several interviewees emphasized, however, that if communities think their input makes a difference, they will participate. Accordingly, new approaches to public participation that assure stakeholders that their views will be taken into account could increase public participation.

The interviewees' perceptions are consistent with studies on public participation that find that many citizens view the communication flow in participatory processes as uni-directional, from the Agency to the citizen and believe the information is managed, controlled and manipulated, limiting their capacity to participate. For example, according to these studies, citizens feel that public hearings and meetings are inadequate and that their aim is primarily to convince, rather than to communicate.<sup>57</sup> These perceptions mentioned by numerous interviewees, whether or not grounded in fact, are

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decisions).

<sup>54</sup>See Dale J. Blahna & Susan Yonts-Shepard, *Public Involvement in Resource Planning: Toward Bridging the Gap Between Policy and Implementation*, 22 PUB. INVOLVEMENT IN RESOURCE PLAN. 209, 211 (1989).

<sup>55</sup>This view is consistent with the National Environmental Justice Advisory Council's (NEJAC) Model Plan for Public Participation which recognizes that citizens should be assured that their contribution will influence an Agency's decision and that they will be informed regarding how their input was, or was not, used. Plan at 5.

<sup>56</sup>See Jeffrey M. Berry et al., *Public Involvement in Administration: The Structural Determinants of Effective Citizen Participation*, 13 J. OF VOLUNTARY ACTION RESEARCH 7, 9 (1984).

<sup>57</sup>See generally Cheryl S. King et al., *The Question of Participation: Toward Authentic Public Participation in Public Administration*, 58 PUBLIC ADMINISTRATION REVIEW 317 (1998) (discussing the deficiencies of conventional participation mechanisms); T.F. YOSIE and T.D. HERBST, USING STAKEHOLDER PROCESSES IN ENVIRONMENTAL DECISION-MAKING: AN EVALUATION OF LESSONS LEARNED, KEY ISSUES, AND FUTURE CHALLENGES 10-15 (1998).

powerful deterrents to public participation even if EPA attempts to build local capacity to participate.

## **B. Lack of Defined Purpose for Public Participation**

Another impediment to building the capacity of communities to participate in EPA activities is the perception that the role of the public in particular initiatives is unclear and ill-defined.<sup>58</sup> Several interviewees indicated that EPA is beginning to embrace the concept of participation, but that the theoretical underpinnings for why public participation is important are lacking. As a result, EPA's efforts to involve local groups are undirected and often off the mark, contributing to communities' perception that their input does not matter.<sup>59</sup>

Interviewees explained that EPA staff need to decide before involving community groups whether they are really willing to listen to the public.<sup>60</sup> According to these interviewees, EPA needs to be clear about what it wants in a particular case. For example, statutes or regulations may dictate certain decisions on particular issues and limit the flexibility EPA has to adopt public comments. In these situations, the appropriate approach may be to inform the public of its constraints rather than to seek comment. Some interviewees phrased the same point differently, explaining that EPA needs to ask case-by-case: "what is needed from the community and what is the community's role?"<sup>61</sup>

## **C. Lack of Time, Resources and Interest**

An additional theme that emerged in the needs assessment interviews as a potential impediment to capacity building is the lack of time, energy and funding required to participate in EPA-sponsored processes.<sup>62</sup> Most interviewees mentioned this

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<sup>58</sup>EPA has recognized this problem in its Stakeholder Involvement Action Plan: "there is not always an understanding of the type of stakeholder involvement that is most appropriate in a particular situation . . . ." Plan at 1.

<sup>59</sup>The National Environmental Justice Advisory Council's Model Plan for Public Participation states that citizens should be involved in defining their role in the process of public participation. Model Plan for Public Participation at 5.

<sup>60</sup>See JOHN CLAYTON THOMAS, PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS 93-136 (1995) (discussing the importance of determining the degree to which the public is involved in decision-making and the selection of techniques by which to pursue that involvement).

<sup>61</sup>This approach is consistent with the recommendations of the CSI STAKEHOLDER INVOLVEMENT WORKING GROUP REPORT (at 9) and the EVALUATION OF PROJECT XL STAKEHOLDER PROCESSES (at 2-3), EPA 100-R-98-009 (1998).

<sup>62</sup>EPA has recognized in its Stakeholder Involvement Action Plan that it is difficult to recruit stakeholders for some activities because of the large time and resource commitment necessary for effective participation in these activities. Plan at 1. *see also Evaluation of Project XL Stakeholder Processes,*

issue as a problem that needs to be addressed even if capacity to participate is increased. Specifically, interviewees explained that activists and leaders are overextended in their commitments, particularly now that philanthropic funding of local groups is decreasing and local groups can only participate in a limited number of EPA activities. Similarly, the average member of a community is also busy with work, children, and other obligations and interests. This lack of time can be a particular problem in low-income communities where parents may be working more than one job.<sup>63</sup> As explained by some researchers, many citizens express a wish to participate more fully in their communities, but the demands of day-to-day activities hamper their involvement. In the past, civic participation was more common and visible, compared to the present, when citizens find it is almost impossible to fit participation into an already overcrowded schedule.<sup>64</sup> The limited time and energy available for participation in EPA initiatives, coupled with the perception that EPA processes are often overly time consuming and burdensome, could render future EPA capacity building efforts ineffectual. Several interviewees suggested the need for making participation more convenient and less time consuming by developing new approaches to participation.

Communities may also be deterred from participation due to a lack of interest in many of the issues under EPA's jurisdiction. As one interviewee explained, communities get involved when an issue has an immediate effect on them personally, which has resulted in "crisis-driven participation."<sup>65</sup> Accordingly, EPA should devote attention to developing ways to explain that information that is not about crisis can still be relevant to communities. For example, a pending regulation may have no immediate impact on a community but could dictate the emissions limits for facilities in the community for years to come. If the community waits, however, until the facility is causing odors or health problems, rather than participating in the seemingly uninteresting rulemaking or permit review, the opportunity to influence the emissions limitations on the facility may have been missed.

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EPA 100-R-98-009 (1998).

<sup>63</sup>See JULIET B. SCHOR, *THE OVERWORKED AMERICAN* 28-32 (1991) (stating that work hours increased 163 hours per year, or the equivalent of an extra month a year, between 1969-1987).

<sup>64</sup>See Cheryl S. King et al., *The Question of Participation: Toward Authentic Public Participation in Public Administration*, 58 *PUBLIC ADMINISTRATION REVIEW* 317, 322 (1998); see generally T.F. YOSIE and T.D. HERBST, *USING STAKEHOLDER PROCESSES IN ENVIRONMENTAL DECISION-MAKING: AN EVALUATION OF LESSONS LEARNED, KEY ISSUES AND FUTURE CHALLENGES* (1998).

<sup>65</sup>This observation is consistent with other research findings that "citizens usually want to be involved only when they have strong feelings on an issue or when a decision will affect them directly." JOHN CLAYTON THOMAS, *PUBLIC PARTICIPATION IN PUBLIC DECISIONS: NEW SKILLS AND STRATEGIES FOR PUBLIC MANAGERS* 56 (1995).

#### **D. Need for New Participation Processes**

Several interviewees explained that EPA's public participation processes should be the focus of attention rather than capacity building *per se*. These interviewees said the primary problem is the approach that EPA uses in public participation efforts. According to these interviewees, if the processes are improved from a qualitative perspective, more communities will want to participate, thereby eliminating a major impediment to capacity building. In discussing new models for participation, some of the interviewees explained that EPA is using the Administrative Procedures Act model for public participation in rulemaking in a wide range of situations where it is not required and that the approach is limited in scope, focusing on notice and comment and public hearings.<sup>66</sup> As discussed in section III above, several interviewees favored a new paradigm that involves community stakeholders in a more intrinsic way in the process of developing environmental policies, before specific rule proposals are issued or permit hearings are held.<sup>67</sup>

#### **E. Need for Increased Oversight of State Public Participation**

The perception that state-run public participation processes are often inadequate, or minimal at best, was also raised by interviewees as an impediment to capacity building. Because the states are delegated responsibility for many of the core environmental programs, opportunities for meaningful participation by communities are often severely limited. Examples of inadequate participation included the development of a Section 303 list under the Clean Water Act's total daily maximum load program that was based on little or no public participation. Some interviewees suggested that EPA should use its oversight authority to a greater extent to ensure that states provide for adequate public participation.<sup>68</sup> Even if EPA's oversight of state activities for public involvement were minimal, such as commenting during a facility permitting process on the need for public participation, it could encourage states to allow for more public input, according to one interviewee. In addition, EPA could consider developing public participation models that could be adopted by or guide state public participation efforts.

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<sup>66</sup>See 5 U.S.C. §§553b-553c; see also Susan Casey-Lefkowitz et. al., *Country Report on Public Participation*, 4<sup>th</sup> PAN-EUROPEAN ENVIRONMENTAL MINISTERS CONFERENCE (1998).

<sup>67</sup>See generally Cheryl S. King et al., *The Question of Participation: Toward Authentic Public Participation in Public Administration*, 58 PUBLIC ADMINISTRATION REVIEW 317 (1998); see generally T.F. YOSIE & T.D. HERBST, USING STAKEHOLDER PROCESSES IN ENVIRONMENTAL DECISION-MAKING: AN EVALUATION OF LESSONS LEARNED, KEY ISSUES AND FUTURE CHALLENGES 17-34 (1998) (discussing methods to engender effective participation processes).

<sup>68</sup>See Final EPA Policy on Public Participation, 46 Fed. Reg. 5740, 5745 (1981) (specifying that Regional Administrators should annually evaluate public participation activities of the states and localities and work with them to improve their processes as necessary).

Whether accurate or not, citizens' perceptions that at least some states do not embrace public input may alone serve as an impediment to local capacity building by deterring communities from increased involvement in environmental decision-making. Thus, improving state implementation of public participation activities under delegated programs merits further consideration as a key element of creating a climate favorable to building the capacity of communities to participate in environmental initiatives.

## **V. OBSERVATIONS AND CONSIDERATIONS FOR MOVING FORWARD**

The needs assessment interviews, viewed in light of the relevant literature and capacity building models, point to several considerations that EPA and the public should take into account in efforts to move forward on building the capacity of local communities to participate in EPA activities.

### **A. Numerous Opportunities Exist to Build Local Capacity**

The interviews indicate that opportunities for building the capacity of local communities to participate are ample and range widely in scope and content. Some are small and incremental, such as improving EPA mailing lists. Others are more expansive and fundamental such as creating a cadre of information brokers to work with communities or ombudsmen to advocate for communities within the Agency. Capacity building efforts can also include effective traditional approaches, such as increasing the convenience of meetings and the use of mailing lists. In addition, newer approaches, such as using the Internet to disseminate information and pursuing more collaborative approaches to participation such as the Common Sense Initiative, can build capacity by increasing access to information and technical assistance. The plethora of approaches and suggestions offered by interviewees and represented in many capacity building models that already have been tested does not solve the challenge of determining how to focus EPA's capacity building efforts, but it is encouraging that communities have many ideas as to how to move forward.

Moreover, there was considerable agreement as to the basic components of capacity building. For example, information was described, in a variety of ways, as the most important aspect of local capacity building. Furthermore, in-person delivery of that information, also described in a variety of ways, was viewed as the best mechanism for achieving the dissemination of the information. In addition to in-person delivery of information, other approaches emerged with broad support, as discussed in section III above. Thus, despite the wide range of approaches for addressing the needs highlighted by the interviews, several starting points for moving forward on capacity building are evident, as described in section VI on next steps.

### **B. The Need to Involve the Public in Shaping Capacity Building**

In any step forward on local capacity building, public involvement in developing

these efforts will be crucial to both their acceptance and effectiveness for several reasons.

First, the capacity building needs of various stakeholders may vary; therefore, public input is necessary to understand the range of these needs and how to prioritize and address them. Second, capacity building efforts will only be effective if they are supported and welcomed by the communities that they are intended to assist. If capacity building initiatives and approaches are developed independently by EPA or with a limited group of stakeholders, they will not have credibility and are likely to be less effective. Third, public involvement in developing an approach to capacity building can serve to build confidence in EPA processes and, therefore, may help to chip away at a serious barrier to capacity building efforts, the public's skepticism about EPA's true interest in community concerns.

### **C. The Need to Address Lack of Public Confidence In and Inaccessibility of EPA Processes**

If not addressed, community concerns about EPA's fundamental approach to public participation may interfere with capacity building efforts. As discussed above, a key impediment to capacity building is the perception among stakeholders that their participation is futile because EPA does not listen to their perspective and sometimes has already decided how to resolve issues before considering their input. While this perception does not directly address the capacity to participate *per se*, if communities choose not to participate even when they have the capacity to do so (e.g., information and technical assistance), capacity building efforts will not produce increased levels and quality of participation. A concerted effort to address this lack of confidence in EPA's public participation processes may help to facilitate capacity building efforts.

This lack of confidence and trust in EPA processes could be addressed in part by clearly defining the role of the public in each decision or pending action. The failure to do so can result in a disconnect between EPA's and the communities' expectations with respect to the communities' role in public participation processes. While some constraints on the use of public input may be dictated by statute or regulation, in many cases EPA is likely to have considerable discretion as to how to involve the public and incorporate stakeholder views into Agency decisions. To the extent that a community role can be clarified and communicated to the public before a proceeding begins, confidence in participation processes may be increased. This approach is consistent with the Report of the Common Sense Initiative Council's Stakeholder Involvement Workgroup, which recommended a "process model for early planning of stakeholder involvement" that would, among other things, "ensure that when involvement techniques are chosen, EPA staff members will have set clear goals and know what they are hoping to accomplish with the public. . . ."<sup>69</sup>

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<sup>69</sup>See U.S. EPA, REPORT OF THE COMMON SENSE INITIATIVE COUNCIL'S STAKEHOLDER INVOLVEMENT WORK GROUP at 9 (1998).

Furthermore, providing timely and more extensive feedback to communities about whether and how their input was used by EPA could help ensure citizens that the Agency is listening to them even if their views are not adopted. When EPA does not provide adequate feedback to stakeholders that participate, it is easy for the participants to assume their views were not taken into account if the Agency did not adopt their positions. EPA has recognized this problem in its Stakeholder Involvement Action Plan: "[I]t might not be clear how the [stakeholder involvement] activities contribute to actual Agency decisions. This can lead to frustration as participant expectations do not concede with Agency actions."<sup>70</sup>

In order for EPA to determine an effective role for the public in specific proceedings, the Agency may need to step back and examine more broadly and comprehensively the purpose of public participation in general and the appropriate role for the public in the many different types of decisions that the Agency makes. EPA is in the process of developing a set of principles for public participation as part of its Stakeholder Involvement Action Plan that may help toward this goal. It is essential, however, that EPA involve the public in an early and clearly defined manner in the process of developing its principles. Otherwise, the principles are less likely to be accepted by the public and serve their intended purpose of facilitating EPA's participation efforts.

Finally, overhauling EPA's public participation processes in an effort to make involvement less burdensome and more accessible could make capacity building efforts far easier. A common concern among interviewees was the time and energy that is required to participate in EPA activities. Ways to make community participation easier range from fundamental reforms – such as developing entirely new processes that allow for community input in a more efficient manner – to improving current approaches such as stepping up efforts to make documents more readily available in communities and holding meetings in convenient locations. In addition, the perception that EPA staff are inaccessible, overly bureaucratic, and uncomfortable working with communities continues to be an impediment to capacity building. Again, this concern could be addressed through a wide variety of approaches ranging from training phone operators in how to direct calls from the public to new programs that use community members or staff trained in community outreach to disseminate information from EPA.

## **VI. NEXT STEPS**

This section outlines an integrated approach to moving forward on building the capacity of citizens and communities to participate in environmental decisions. The comprehensive approach outlined below would require substantial resources and, therefore, may not be feasible to implement in its entirety. For this reason, these

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<sup>70</sup>EPA Stakeholder Involvement Action Plan at 1 (1998).



recommended next steps are designed so that some of them can be pursued and implemented separately. For example, the specific approaches outlined in section C below could be initiated independent of the more overarching steps discussed in sections A and B, although this may not be the optimal strategy for purposes of designing a long-term approach to capacity building.

## **A. Public Participation Authority, Goals, and Public Participation Plan**

Any approach to building the capacity to participate in EPA activities is necessarily linked to the public participation processes used. The processes define in large part what capacity is being built to do and whether participation is likely to occur once local capacity is built. Thus, although this study was not designed to address public participation processes and approaches specifically, it nevertheless became apparent early in the course of the project that, in developing an approach to capacity building, public participation issues were implicated and require attention before capacity building needs can be met by EPA. For this reason, the discussion of next steps focuses initially on public participation processes and approaches as they relate to capacity building efforts.

### **1. Review of EPA's Mandate and Authorities for Public Involvement**

A critical first step in addressing capacity building needs is to determine when public participation is required and when it is discretionary. In addition, it is necessary to determine the type of public participation required (*e.g.*, notice and comment, meetings). A threshold review of the statutes and regulations EPA implements would provide the foundation for EPA's capacity building efforts because it would serve as a reference for what communities need the capacity to do with respect to Agency activities. For example, the research could produce a list of mandatory public participation opportunities, such as commenting on Superfund cleanup plans, and the mechanisms for doing so, such as stakeholder group discussions, submitting written comments, or attending public hearings.

As part of the review of EPA mandated and discretionary public participation duties, a study of the authorities of the states with respect to public participation under delegated programs would advance capacity building goals. Furthermore, because so many programs are delegated to the states, research on EPA's authority to review and oversee state public participation efforts is necessarily an integral part of such a review. Again, unless meaningful opportunities for public participation are available, at the state level as well as through EPA, local capacity building efforts will not produce an increase in the level and quality of community involvement.

### **2. Development of Public Participation Goals and Principles**

While much has been written on general goals and purposes in seeking public participation, EPA Headquarters and the Regional offices have not yet fully adopted and

integrated specific goals and principles into their public participation processes. Clearly defining these goals would advance public participation and capacity building efforts on many fronts, including clarifying the expectations of both EPA staff and stakeholders about public involvement. While EPA has taken strides in this direction with its draft principles for public participation and its Stakeholder Involvement Action Plan, additional efforts may be necessary.<sup>71</sup>

Goals could be developed first on a general level. For example, goals could include seeking to make better informed decisions, documenting how EPA responds to community concerns, and facilitating better acceptance by citizens of EPA decisions. In addition, goals could be developed that address more specific and complex issues, such as EPA's expectations with respect to state public participation efforts under delegated programs. The goals could also address issues such as the challenges of involving the public in science-based decisions. For example, one goal could be to provide the public with lay-person explanations or guidebooks on how various regulatory requirements work in practical terms or how scientific findings relate to pending EPA decisions. Thus, capacity building could focus in part on how to develop these lay-person guides and deliver them to communities.

Any effort to develop goals and principles should involve the public early and extensively. As a part of that effort, it would be critical to manage communities' expectations and clearly identify any limitations and constraints up front so that the public can participate in a useful and constructive manner and maintain confidence in EPA processes. White papers could be developed for purposes of guiding public input, and the plethora of research on public participation purposes could also inform EPA's efforts.

### **3. *Development of a Public Participation Plan***

Once EPA's statutory and regulatory authority is clarified and goals and principles are established, the Agency will be in a position to develop a more detailed approach for how to use its authority to accomplish its goals and principles. Specifically, EPA could determine how the Agency will exercise public participation duties that are mandatory and whether and how to exercise discretionary authorities. The plan could provide a road map of EPA public participation opportunities and approaches under all of the programs the Agency administers, and thereby help to educate communities, states and all EPA staff about how to involve the public more effectively in environmental decisions.

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<sup>71</sup>EPA's Stakeholder Involvement Action Plan recognizes that although there is no "one-size-fits-all" approach to stakeholder involvement, Agency-wide principles can provide useful guidance to those planning stakeholder involvement activities. Plan at 3.

An integrated approach that would apply Agency-wide could be developed through the use of an internal EPA work group process that involves the Regional offices and that is informed by research on potential options and approaches. Early public participation in this process of developing a plan would be essential but again should be based on realistic expectations.

## **B. A Strategic Approach to Capacity Building**

After EPA has adopted goals and principles for public participation and developed a public participation plan, it will be well-positioned to address the need for local capacity building. Rather than initiate specific pilot projects or initiatives immediately, EPA could develop a strategic plan that would lay out a path, as well as governing processes and goals, for delivering citizens and communities capacity building tools that would increase the level and quality of their participation in EPA activities. The plan could be an EPA-wide effort that includes all of the program offices, as well as the Regional offices. In developing the plan, EPA could set limits on the amount and duration of the funding and support it is willing to provide for capacity building and could incorporate goals and approaches to foster private sector support for capacity building efforts.

A strategic plan would help to guide capacity building efforts in an integrated, consistent, cost-effective, and focused manner.<sup>72</sup> The research presented in this report on potential approaches and models could serve as a starting point for development of the strategic plan, but the plan should be developed with substantial public input through a process that establishes reasonable expectations about what it is feasible for EPA to do with respect to capacity building. The public could include members of national, local, and environmental justice groups that could work closely with EPA Headquarters and Regional offices.<sup>73</sup>

The components of a capacity building plan would need to be determined but could include, for example, the following issues:

Developing Specific Initiatives: The plan could establish a process for identifying and implementing specific capacity building approaches and initiatives using this study as a starting point.

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<sup>72</sup>EPA's CBEP Program is a step toward establishing a strategic, Agency-wide approach to capacity building, in that it is intended to apply to all Agency programs and help communities develop the tools and capacity to be stewards of their resources.

<sup>73</sup>EPA's CBEP Program recognizes the important role that EPA Regional offices play in working with communities. As explained in the CBEP Framework document, the Regional offices may provide hands-on, substantial assistance to stakeholders within designated priority locations, including placing Agency employees within a community, or providing funding, technical assistance, and/or data and information.

Clarifying Capacity Building Authority: The plan could develop procedures for determining whether particular approaches to capacity building are within EPA's statutory and regulatory authority to implement.

Tailoring Capacity Building for Specific Audiences: The plan could provide an approach for determining whether capacity building should vary in light of the public's differing levels of knowledge about environmental and/or technical issues; the particular type of environmental problem involved in the decision; the physical location(s) or geographic extent of the environmental problem; and the type of decision being considered or proposed. The information collected about the need for tailoring capacity building to specific communities or audiences could inform any broad initiatives on capacity building that are developed.<sup>74</sup>

Minimizing Burdens: The strategic plan could provide for a review of EPA participation processes for possible ways to reduce the time and cost of participating and for developing new processes that would be less burdensome. This type of review would be a particular challenge in light of the increased support for collaborative processes that involve the public in an integral way in EPA decision-making, because such processes are often time-consuming. The plan could also include steps for assessing ways to make public participation less burdensome for EPA.

Developing Staff Incentives: The plan could examine ways to encourage EPA and state Agency staff to use public participation more effectively, including providing substantial feedback to community and citizen participants about their input and whether or not it was used to reach a decision. Incentives could include new performance measures or new employee awards.

Establishing Benchmarking: The plan could establish strategies and methods for measuring whether capacity building efforts are successful.

Developing a Feedback Loop: The plan could provide for mechanisms for receiving ongoing feedback from the public about whether capacity building efforts are effective and how they could be improved.

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<sup>74</sup>EPA could consider expanding its current efforts to employ community profiling techniques (which have been adopted through the CBEP program) to obtain a more comprehensive understanding of the social dynamics involved in capacity building. This technique can be used to determine such things as local knowledge about particular issues, key subgroups within the community that influence these issues, historical trends in natural resources use, and other social factors. Also, the National Environmental Justice Advisory Council has emphasized the importance of regionalizing materials to ensure cultural sensitivity and relevance. Model Plan for Public Participation at 7.

### **C. Potential Pilot or Programmatic Initiatives**

Ideally, any specific initiatives should grow out of a strategic planning process, but EPA's resources are not infinite and the Agency may want to move forward on some concrete proposals, whether or not it undertakes the efforts suggested in subsections A and B above. Accordingly, the following section outlines an overview of some of the initiatives that could be undertaken now – either simultaneous with, or independent of, the activities in subsections A and B – based on the foregoing discussion of potential approaches to capacity building.

Several options may merit consideration by EPA that could be tested either in a pilot format or integrated into day-to-day operations. Because of the numerous approaches and combinations available to the Agency, it is important to note that the following options are only representative of the myriad potential approaches that emerged from the interviews and research on other models. For a more specific discussion of any of the approaches summarized below, see Section III above.

The details of any of these approaches to capacity building would need to be developed with substantial input from communities and other stakeholders. As discussed above, EPA's involvement of stakeholders in the development of approaches to capacity building is essential to assuring the credibility, support, and effectiveness of the efforts. Furthermore, if any of these approaches is integrated into daily operations or tested in pilot format, it is critical that the public be given the opportunity to evaluate on a timely basis the effectiveness of the new efforts and to provide regular input on how to improve them. A pilot project should, therefore, have a clear evaluative component.

#### **1. Information Dissemination**

Building local capacity through improved information dissemination could be pursued in a variety of ways – through new programs and by improving EPA's current way of doing business. Several new approaches to disseminating information to communities through in person information delivery (phone and face-to-face) may merit further examination. Approaches that would require the development of new programs that could be tested on a pilot basis include independent information brokers, community ombudspersons, and a new general hotline. The strengths and weaknesses of these approaches and important considerations in testing them are discussed in section III of this paper. The key challenges would be to staff the efforts with people who are trusted and credible with the communities they serve. This could be achieved in a variety of ways, including accountability mechanisms such as boards of directors in the case of information brokers or through the establishment of hotline dockets that must be completed. Although new programs of this type present considerable resource implications, it may be possible to explore some of these approaches through collaboration with established federal, state and non-governmental organizations' programs such as the USDA Extension Service. While such collaborative efforts may not

solve long term funding problems or provide the best approach for the long-term success and effectiveness of EPA's local capacity building efforts, they could at least allow for the testing or vetting of some of these approaches.

Improved information dissemination could also be pursued through approaches that seek to strengthen mechanisms already being used by the Agency. These include increasing document access at the community level, updating and more aggressively using mailing lists, enhancing e-mail capacity, improving established hotlines, and continuing to fill data gaps by increasing the scope and quantity of data available on the Internet.

Finally, using regulated entities and community groups to help disseminate information to stakeholders could be further explored. As discussed in section III above, the use of these groups could be structured in a variety of ways: businesses could disseminate information in utility bills or through mailings to communities impacted by their operations; community groups could be given grants to facilitate the dissemination of information to their constituents; and collaborative efforts between industry and stakeholders, such as the Common Sense Initiative, could be used to increase the flow and exchange of information. Each of these approaches presents unique challenges that may be difficult to overcome, but each approach also has distinct strengths that may warrant further consideration.

A suggested approach for moving forward with an information dissemination initiative or pilot is to develop, convene and staff a conference that would include a wide range of stakeholders such as representatives of communities, citizen organizations and industry, as well as governmental officials, to identify and prioritize the approaches that have the greatest potential to build capacity and to design one or more pilot projects. The pilot projects could include those that would require, as well as those that would not require, federal financial support.

The conference organizers would identify and invite individuals and organizations with expertise in the relevant models, or other models that might inform the conference on the strengths and weaknesses of each alternative approach. The participants at the conference, with the assistance of conference staff, would select a pilot that could be undertaken with existing EPA resources, by leveraging resources, or by partnering with an NGO or another governmental Agency. The participants could then recommend an EPA or state regulatory activity for purposes of applying the pilot approach. The group volunteering to undertake the pilot activity would then report periodically to the conference participants about the status and success of the activity.

If appropriate, a second conference would be convened within a year after the initiation of the pilot project or projects to review and evaluate the pilot and determine how to institutionalize or broaden successful initiatives. A detailed review of the process for developing the pilot, an evaluation of the pilot, and a study of how to

overcome any barriers to effective implementation and possible incentives that could encourage or refine the implementation of the project, would enable leaders throughout the country to adopt and implement similar projects.

## **2. *Training for Communities***

Several approaches to providing education and training to communities as a way to build capacity may merit consideration. First, training in how to participate in EPA processes, such as education on dispute resolution or running meetings, could be provided through workshops, guidebooks, and other mechanisms. In addition, training on environmental laws and regulations, including for example how permitting processes work, could be offered. This approach, discussed in more detail above, focuses on building the capacity of those that are already interested in participating in EPA processes and want to be able to participate more effectively. Training, depending on how it is implemented, may focus capacity building resources on a relatively small number of citizens, but perhaps with a greater return in terms of quality of participation than the broad brush approaches that focus on wider dissemination of information to larger groups.

In order to develop a specific training initiative or pilot project, a workshop could be developed in conjunction with community representatives from a selected region. Working with those representatives, experts in skills training for citizens could: identify the objectives of a training initiative; develop an agenda; select appropriate faculty; and design hands-on exercises and role-playing training mechanisms. The training course could then be piloted and a report prepared for public dissemination detailing the lessons learned and the successes of the workshop design. The report and workshop materials would also serve as a model for future workshop or training initiatives or as part of a blueprint for training trainers.

## **3. *Technical Support***

Building capacity through enhanced technical support could also be considered. The possible approaches to providing technical support vary considerably. Efforts could focus on using the current TAG model under the Superfund program as a basis for providing support for participating in other programs or for broadening the scope of activities that grants would cover. Other ways of exploring technical assistance include the use of new collaborative approaches, such as the Common Sense Initiative or Good Neighbor Agreements, that can allow the regulated community to provide the technical support that communities need to understand and participate in regulatory initiatives. Increasing the accessibility of technical documents and preparing succinct summaries of technical issues or legal requirements could also enhance local capacity from a technical and scientific perspective. Furthermore, consideration of models used in Europe for providing technical support to communities could result in the development of new approaches.

In order to develop a technical assistance pilot project or initiative, a similar conference-based approach as described with respect to an information dissemination pilot project could be used. Conference organizers would need to establish up front clear parameters and limitations with respect to potential approaches, in order to manage expectations of the participants.

#### **4. *Proactive Assessment of Community Needs***

Although not a direct capacity building tool, proactive assessment of community capacity building needs could in the long run prove valuable to capacity building efforts. A series of roundtables could be convened across the country to seek focused and local perspectives on the specific and general needs of citizens and communities. The roundtables would build on the interviews from this study by providing a forum for constructive dialogue among citizens and the government. The discussions would also help determine whether capacity building efforts need to be sensitive to various factors unique to particular communities, processes, media, or issues. The roundtables would be designed to capture the insights of individuals; to foster discussion among the participants; to help identify pilot projects that could be implemented with existing resources; and to serve as resource material for a capacity building strategic plan for the states and EPA. A report on the roundtable discussions could be disseminated to the public to secure feedback from stakeholders. The report would assist communities in working with localities, states, and EPA in strengthening their capacity to participate in regulatory and other government processes.



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## *Appendix A:*

# **Additional Information on Programs and Initiatives**

### **United States Government Agencies:**

Small Business Administration (SBA):  
1100 Vermont Avenue, N.W.  
Washington, D.C. 20005  
(202) 606-4000

United States Department of Agriculture (USDA):  
Independence Avenue between 12<sup>th</sup> and 14<sup>th</sup> Streets, S.W.  
Washington, D.C. 20250  
(202) 720-2791

United States Environmental Protection Agency (EPA):  
401 M Street, S.W.  
Washington, D.C. 20460  
(202) 260-2090

### **Programs and Initiatives:**

Business Information Centers (BICs):  
SBA  
[www.sba.gov/starting/bics/html](http://www.sba.gov/starting/bics/html)

Calumet Environment Resource Center (CERC):  
Chicago State University  
Paul and Emily Douglas Library  
9501 S. Martin Luther King, Jr. Drive  
Chicago, IL 60628-1598  
bsmfs@csu.edu  
(773) 995-2964

Center for Environmental Information and Statistics (CEIS):  
EPA Office for Policy  
[www.epa.gov/ceis](http://www.epa.gov/ceis)  
(202) 260-1849

Center of Excellence for Sustainable Development (CESD):  
United States Department of Energy  
Office of Energy Efficiency and Renewable Energy  
Denver Regional Support Office  
1617 Cole Blvd.  
Golden, CO 80401  
[sustainable.development@hq.doe.gov](mailto:sustainable.development@hq.doe.gov)  
(800) 363-3732

Common Sense Initiative Council Report (CSI):  
EPA Office of Reinvention  
[www.epa.gov/commonsense/index.htm](http://www.epa.gov/commonsense/index.htm)  
(202) 260-1849

Community Research Network (CRN):  
The Loka Institute  
P.O. Box 355  
Amherst, MA 01004  
[www.loka.org/crn](http://www.loka.org/crn)  
(413) 582-5860

Cooperative State Research, Education and Extension Service:  
USDA  
[www.reeusda.gov](http://www.reeusda.gov)  
(202) 720-4423

Eisenhower National Clearinghouse:  
Ohio State University  
[web@enc.org](mailto:web@enc.org)  
(614) 292-9734

Emergency Planning and Community Right to Know Act (EPCRA) Hotline:  
(800) 424-9346

Envirofact Warehouse:  
[www.borderecoweb.sdsu.edu/Drct\\_pgs/enfacts.html](http://www.borderecoweb.sdsu.edu/Drct_pgs/enfacts.html)  
(202) 260-3130

EnviroLink Network:  
5808 Forbes Avenue  
Second Floor  
Pittsburgh, PA 15217  
[www.envirolink.org](http://www.envirolink.org)  
(412) 420-6400

Environmental Defense Fund Scorecard:  
Environmental Defense Fund  
1873 Connecticut Avenue, N.W.  
Washington, D.C. 20009  
[www.scorecard.org](http://www.scorecard.org)  
(202) 387-3500

Environmental Enforcement: A Citizen's Guide:  
EPA Office of Enforcement and Compliance Assurance  
[www.epa.gov/ARD-RS/enforce/citizenf.htm](http://www.epa.gov/ARD-RS/enforce/citizenf.htm)  
(202) 564-2440

Environmental Health Network:  
P.O. Box 16267  
Chesapeake, VA 23328  
(757) 546-0663

Environmental Information Service Center (EISC):  
EPA Region VIII  
999 18<sup>th</sup> Street, Suite 500  
Denver, CO 80202-2466  
(303) 312-6312

Environmental Monitoring for Public Access and Community Tracking (EMPACT):  
EPA Office of Research and Development  
[www.epa.gov/empact](http://www.epa.gov/empact)  
(202) 564-6620

Environmental Quality Incentives Program (EQIP):  
USDA Natural Resources Conservation Service  
14<sup>th</sup> and Independence Avenue, S.W.  
Washington, D.C. 20250  
[www.nhq.nrcs.usda.gov/OPA/FB96OPA/eqipfact.html](http://www.nhq.nrcs.usda.gov/OPA/FB96OPA/eqipfact.html)

EPA Federal Advisory Committees:  
<http://134.67.104.12/html/ozpmrh/FACA.htm>

EPA Framework for Community-Based Environment Protection (CBEP):  
[www.epa.gov/ecocommunity](http://www.epa.gov/ecocommunity)

EPA Stakeholder Involvement Action Plan:  
EPA Office of Reinvention  
[www.epa.gov./reinvent/stakeholders](http://www.epa.gov./reinvent/stakeholders)  
(202) 260-1849

Good Neighbor Project:  
P.O. Box 79225  
Waverly, MA 02179  
[www.enviroweb.org/gnp](http://www.enviroweb.org/gnp)  
(617) 354-1030

Integrated Data for Enforcement Analysis System (IDEA):  
EPA Office of Enforcement and Compliance Assurance  
<http://es.epa.gov/oeca/idea>

Joint Center for Sustainable Communities:  
United States Conference of Mayors and National Associations of Counties  
1620 Eye Street, N.W.  
Washington, D.C. 20006  
[www.usmayors.org/uscm/sustainable/menu-wn.htm](http://www.usmayors.org/uscm/sustainable/menu-wn.htm)  
(202) 942-4224

Local Government Environmental Assistance Network:  
777 North Capitol Street, N.E.  
Suite 500  
Washington, D.C. 20002  
[www.lgean.org](http://www.lgean.org)  
(887) TO-LGEAN

Master Gardeners Program:  
USDA  
(515) 294-2336

National Center for Environmental Publications and Information:  
P.O. Box 42419  
Cincinnati, OH 45242-2419  
[www.epa.gov/ncepihom/index.html](http://www.epa.gov/ncepihom/index.html)  
(800) 490-9198

National Environmental Justice Advisory Council Model Plan for Public Participation:  
EPA Office of Environmental Justice  
[es.epa.gov/oeca/oej/nejac](http://es.epa.gov/oeca/oej/nejac)  
(202) 564-2515

Natural Resources Conservation Service (NRCS):  
P.O. Box 2890  
Washington, D.C. 20013  
[www.nrcs.usda.gov](http://www.nrcs.usda.gov)

Natural Resources Defense Council Clean Air Network:  
1200 New York Avenue, NW  
Suite 400  
Washington, D.C. 20005  
[www.cleanair.net/index.htm](http://www.cleanair.net/index.htm)  
(202) 289-2395

Natural Resources Defense Council Clean Water Network:  
1200 New York Avenue, NW  
Suite 400  
Washington, D.C. 20005  
[www.cwn.org/homepage.htm](http://www.cwn.org/homepage.htm)  
(202) 289-2395

North American Association for Environmental Education (NAAEE):  
410 Tarvin Road  
Rock Spring, GA 30739  
[www.naaee.org](http://www.naaee.org)  
(706) 764-2926

National Pollutant Discharge Elimination System Permit Writers Training Courses:  
EPA Office of Water  
[www.epa.gov/owm/npdesup.htm](http://www.epa.gov/owm/npdesup.htm)  
(202) 260-5700

Office of Environmental Justice Small Grants Program:  
EPA Office of Environmental Justice  
[www.epa.gov/oeca/oej/ejgrantf.html](http://www.epa.gov/oeca/oej/ejgrantf.html)  
(800) 962-6215

Office of Reinvention Stakeholder Internet Website:  
EPA Office of Reinvention  
[www.epa.gov/reinvent/epastake](http://www.epa.gov/reinvent/epastake)  
(202) 260-1849

One Stop Capital Shop (OSCS):  
SBA  
[www.sba.gov/onestop](http://www.sba.gov/onestop)

Permit Improvement Team (PIT):  
EPA Office of Reinvention  
[www.epa.gov/ooaujeag/notebook/pit.htm](http://www.epa.gov/ooaujeag/notebook/pit.htm)  
(202) 260-1849

Plug Your Classroom Into the Environment:  
Environmental Defense Fund  
[www.edf.org/Earth2Kids/teachers](http://www.edf.org/Earth2Kids/teachers)  
(800) 684-3322

Project XL Stakeholder Involvement: A Guide for Project Sponsors and Stakeholders:  
EPA Office of Reinvention  
[www.epa.gov/ProjectXL](http://www.epa.gov/ProjectXL)  
(202) 260-1849

Resource Conservation and Recovery Act (RCRA)/Superfund Hotline:  
EPA  
(800) 424-9346 or DC local (703) 412-9810

Restoration Advisory Boards (RABs):  
Department of Defense  
(703) 545-6700

Sector Facility Indexing Project (SFIP):  
EPA Office of Enforcement and Compliance Assurance  
[www.epa.gov/oeca/sfi](http://www.epa.gov/oeca/sfi)  
(202) 564-2440

Senior Environmental Employment Program (SEE):  
EPA Region V  
77 West Jackson Blvd.  
Chicago, IL 60604-3507  
(202) 260-2574

Six Steps to Cleaner Greener Printing:  
Environmental Defense Fund  
[www.edf.org/pubs/Brochures/GreenPrinting](http://www.edf.org/pubs/Brochures/GreenPrinting)  
(800) 684-3322

Small Business Development Centers (SBDCs):  
SBA  
[www.sba.gov/sbdc](http://www.sba.gov/sbdc)  
(202) 205-6766

Small Business Ombudsman (SBO):  
EPA Office of the Small Business Ombudsman  
[www.epa.gov/sbo/sbtcfor.htm](http://www.epa.gov/sbo/sbtcfor.htm)  
(800) 368-2772, x234 or (202) 260-1211

Smart Growth Network:  
[www.smartgrowth.org](http://www.smartgrowth.org)

Sustainable Development Challenge Grants (SDCG):  
EPA Office of Policy  
[www.epa.gov/ecocommunity](http://www.epa.gov/ecocommunity)  
(202) 260-1849

Sustainable Development Extension Network (SDEN):  
The Council for Excellence in Government  
[www.excelgov.org/techcon/sden/index/htm](http://www.excelgov.org/techcon/sden/index/htm)  
(202) 728-0418

Technical Assistance Grant Program (TAG):  
EPA Office of Solid Waste and Emergency Response  
[www.epa.gov/oerrpage/superfund/tools/index/htm](http://www.epa.gov/oerrpage/superfund/tools/index/htm)  
(202) 260-4610

Technical Outreach Services for Communities Program (TOSC):  
Michigan State University  
[www.egr.msu.edu/tosc](http://www.egr.msu.edu/tosc)  
(800) 490-3890

Toxic Release Inventory (TRI):  
EPA Office of Prevention, Pesticides, and Toxic Substances  
[www.epa.gov/opptintr/tri](http://www.epa.gov/opptintr/tri)  
(202) 260-2902

United States Consumer Products Safety Commission Hotline:  
[www.cpsc.gov](http://www.cpsc.gov)  
(800) 638-2772

United States Environmental Hotline:  
[www.epa.1800cleanup.org](http://www.epa.1800cleanup.org)  
(800) CLEANUP