

Community Engagement Initiative

Action Plan

May 2010

In December 2009, EPA's Office of Solid Waste and Emergency Response (OSWER) circulated for public comment a draft Proposed Action Plan for its Community Engagement Initiative. EPA received and incorporated public comments on the draft Plan and also developed the OSWER Community Engagement Initiative Implementation Plan. The Implementation Plan lays out specific actions and activities that EPA will undertake to achieve the goals and objectives of this Action Plan.

The Community Engagement Initiative will enhance EPA's Office of Solid Waste and Emergency Response and regional offices' engagement with local communities and other stakeholders (e.g., state and local governments, tribes, academia, private industry, other federal agencies, non-profit organizations) to help them meaningfully participate in government decisions on land cleanup, emergency preparedness and response, and the management of hazardous substances and waste.

This effort provides an opportunity for OSWER to refocus and renew its vision for community engagement, build on public involvement practices, and apply them consistently in EPA processes. Specifically, the Community Engagement Initiative focuses on taking active measures to reach out to communities and stakeholders, identifying steps EPA will take to engage these communities and stakeholders in the policy development and implementation processes, and evaluating the effectiveness of changes in processes and procedures.

Basis for Action

The cleanup of contaminated land and pollution and the management of hazardous substances and waste by EPA directly affect communities long after the work is finished. For example, the cleanup of a hazardous waste site involves critical decisions that affect the surrounding communities: What are the potential exposures to the contamination and what are the risks? Who is responsible for the contamination and what government programs are available to oversee the cleanup? Will the cleanup affect adjacent properties? What measures will protect the health and safety of the community during and after the cleanup? Will the cleanup allow for future uses of the site that are consistent with current community goals and plans? What agreements are being made with responsible parties or developers that may affect the community? Who will be responsible for overseeing and maintaining the protectiveness of the remedy (including any institutional controls), and if it is the local community, will they be able and are they willing to meet the responsibilities? Will financial and technical assistance be provided?

In addition to site-specific actions, EPA may also affect communities through its national regulations and policies that affect the management of underground storage tanks, solid waste and hazardous substances, as well as their associated transportation routes and storage facilities. Individual properties, development and land use plans, business operations, local economies, or other vital interests of a community may be affected by EPA regulations and policies.

Guiding Principles

The purpose of this Action Plan is to present guiding principles, goals, and actions to enhance OSWER's relationships with communities as we carry out our mission to protect human health and the environment.

Proactively Include Communities in Decision-Making Processes: The people who are most affected by EPA decisions should have influence over the outcome. Effective community engagement is about a process of interactions that builds relationships over time and recognizes and emphasizes the community's role in identifying concerns and participating in formulating solutions. It establishes a framework for collaboration and deliberation. In the broadest sense, community engagement in environmental decision-making is the inclusion of the community in the process of defining the problem and developing solutions and alternatives. The level of engagement varies by site and issue. Most models of public involvement in environmental policy making allow for a range of citizen participation and interaction. The level of participation is influenced by access to information, the skills and resources of the community members, degree and frequency of communication, and the nature of the action. The size and makeup of an affected community is often relative to the size and scope of the problem being addressed by the EPA action – ranging from a few residents living near a remote leaking underground storage tank, to large populations in towns and cities that could potentially be affected by a new regulation. EPA should manage its resources in smart and effective ways to ensure community engagement

Make Decision-Making Processes Transparent, Accessible and Understandable, and Include a Diversity of Stakeholders: A transparent, interactive relationship with all stakeholders, especially community stakeholders, must be a fundamental principle of EPA's cleanup, emergency preparedness and response, and hazardous substances and waste management programs. Transparency and access is essential to meaningful, deliberate and fair stakeholder participation in EPA decision-making processes. Community stakeholders should have the opportunity to be engaged early and frequently in decision-making processes and have easy access to understandable information that allows them to participate meaningfully. When the decision-making process is transparent, includes a diversity of stakeholders, and prepares stakeholders to meaningfully participate, EPA is obligated to 1) substantially consider all stakeholder concerns, and 2) make timely decisions on public health protectiveness and community benefits. OSWER will refocus its efforts to improve its processes to be transparent and accessible, and present environmental information in a variety of forms and through

multiple venues so that a diverse community of stakeholders can participate in an informed way, including disadvantaged and at-risk populations.

Explain Government Roles and Responsibilities: There are usually numerous governmental agencies involved in decision-making processes. However, many community members see the various agencies as one entity. For this reason, successful community engagement must be coupled with solid and thoughtful interagency collaboration. OSWER programs should explain exactly what EPA can and cannot do and the roles and responsibilities of other governmental agencies. It is important for community members to understand what role EPA can play and what EPA cannot deliver.

Ensure Consistent Participation by Responsible Parties: Given the role of regulated entities and responsible parties in conducting cleanups, EPA must ensure that responsible parties engage community stakeholders in accordance with these principles. Responsible parties conduct and/or fund the great majority of response activities and often work in consultation with EPA personnel on community outreach activities or provide funding to communities to get technical assistance. This is consistent with EPA's commitment to first require responsible parties to provide funding and conduct site cleanup activities before using public resources. EPA will continue this practice of overseeing responsible party implementation of community engagement activities.

Goals of this Action Plan

EPA invites you to provide input to this Action Plan. This Action Plan is intended to be a working document, and specific actions will be developed and refined with ongoing feedback and input from communities and other stakeholders, local governments, tribes, states, and EPA program offices. When reviewing the proposed actions, please consider the following questions: Are there certain best practices that should be scaled-up? Are there specific components of guidance and policy that we should evaluate? Among these actions, which are the highest priority? Are there additional areas on which we should focus? What are the best mechanisms to effectively communicate progress?

This initiative involves EPA programs dealing with brownfields, federal facilities, leaking underground storage tanks, the Resource Conservation and Recovery Act (RCRA), enforcement, the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA – Superfund), the Emergency Planning and Community-Right-to-Know Act (EPCRA), and the Clean Air Act Risk Management Program. Many of EPA's programs are delegated to states and tribes. For those programs, EPA will continue to work closely with states, tribes, and local governments to achieve our shared goals for meaningful and effective community engagement. The results of the Community Engagement Initiative will be evaluated on a regular basis and considered in annual planning process. The success of the Community Engagement Initiative is strongly dependent on partnerships and effective communication with the public and among government agencies.

OSWER will lead this initiative in coordination with the EPA regions, the Office of Enforcement and Compliance Assurance (OECA), OECA's Office of Environmental Justice, and other EPA offices to achieve the following goals:

Goals

- I. Develop transparent and accessible decision-making processes to Enhance meaningful community stakeholder participation
 - Engage stakeholders in the decision-making process before it is started
 - To the extent practicable, provide early and frequent opportunities for stakeholders to participate
- II. Present information and provide technical assistance in ways that will enable community stakeholders to better understand environmental issues and participate in an informed way during the decision-making process
- III. Produce outcomes that are responsive to stakeholder concerns and are aligned with community needs and long-term goals to the extent practicable
 - Enhance EPA's culture of valuing community perspectives
 - Evaluate and measure the effectiveness of community engagement activities

Objectives and Actions

The following objectives listed under each goal¹ will be informed and advanced through specific actions conducted by EPA regions and OSWER programs in Fiscal Years 2010 and 2011. The actions will lead to improved processes and tools for EPA to work with communities to design specific community engagement activities and plans. The level of community engagement for any particular site or issue may vary based on the nature of the problem, the make-up and needs of the community, and the anticipated scope of site or project work.

Implementation plans and schedules are in development and will identify specific actions and the roles of OSWER programs, regions and other involved EPA offices²

¹ Goals are mutually supportive, and some objectives overlap among goals. But for clarity, each objective is listed once, under one goal.

² For example, for Goal 2, Objective 3 – Technical Assistance, OSWER programs will closely review Technical Assistance Grant (TAG) regulations / guidance and other technical assistance processes to determine opportunities to improve them and award technical assistance support to broad and diverse stakeholder groups. And for Objective 5 – Delivery of Information, Regions may look for specific opportunities to pilot new processes and technologies to provide information to at-risk communities near hazardous waste sites.

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- GOAL 1 DEVELOP TRANSPARENT AND ACCESSIBLE DECISION-MAKING PROCESSES TO ENHANCE MEANINGFUL COMMUNITY STAKEHOLDER PARTICIPATION**
- **ENGAGE WITH STAKEHOLDERS TO INVOLVE THEM IN DECISION-MAKING PROCESSES BEFORE THE PROCESS IS STARTED**
 - **TO THE EXTENT PRACTICABLE, PROVIDE EARLY AND FREQUENT OPPORTUNITIES FOR STAKEHOLDERS TO MEANINGFULLY PARTICIPATE IN DECISION-MAKING PROCESSES**
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Before starting the decision-making process, EPA should make sure the various segments of affected communities are engaged and have an opportunity to be represented in the process, - especially disadvantaged and at-risk populations - and work with community stakeholders to:

- Conduct a community stakeholder analysis
- Define the decision-making process and determine decision points and schedule
- Determine forums and opportunities for stakeholder participation
- Determine what information will be made available for review and when
- Explain legal and resource issues

OSWER and regions will conduct activities to inform and improve:

Objective 1: Decision-making Processes: Identify and revise critical decision-making processes, guidance, and rulemaking procedures to support more enhanced, transparent, and upfront collaboration with community stakeholders

Objective 2: Enforcement Processes: Identify and evaluate how enforcement processes can advance the goals of community engagement

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- GOAL 2 PRESENT INFORMATION AND PROVIDE TECHNICAL ASSISTANCE IN WAYS THAT WILL ENABLE COMMUNITY STAKEHOLDERS TO BETTER UNDERSTAND ENVIRONMENTAL ISSUES AND PARTICIPATE IN AN INFORMED WAY DURING THE DECISION-MAKING PROCESS**
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EPA should present complex scientific and technical information so that all members of the community, including at-risk and non-English speaking populations, can participate in an informed way. EPA should also help communities to easily access electronic information systems. OSWER and regions will conduct activities to inform, improve and develop:

Objective 3: Technical Assistance: Evaluate existing technical assistance processes and pursue specific actions to 1) improve and broaden the availability of technical assistance to communities and 2) enable broad and diverse community representation in decision-making processes

Objective 4: Risk Communication: Evaluate and improve risk communication practices and provide cross-program training so that hazard information is presented accurately and in ways that are clearly understandable to various community stakeholders

Objective 5: Delivery of Information: Evaluate how information is delivered to at-risk and remote communities and develop options for improvement – to enhance communities’ ability to be informed and meaningfully participate in decision-making processes. Issues include: electronic access/digital divide; simplified information; location of information; timely release of information

GOAL 3 PRODUCE OUTCOMES THAT ARE RESPONSIVE TO STAKEHOLDER CONCERNS AND ARE ALIGNED WITH COMMUNITY NEEDS AND LONG-TERM GOALS TO THE EXTENT PRACTICABLE

- **ENHANCE EPA’S CULTURE OF VALUING COMMUNITY PERSPECTIVES**
- **EVALUATE AND MEASURE THE EFFECTIVENESS OF COMMUNITY ENGAGEMENT ACTIVITIES**

EPA programs have a long history of working with communities to achieve successful results. OSWER should build upon good examples of community engagement practices and ensure that key principles are applied effectively and consistently to all critical EPA processes. OSWER should regularly evaluate and, when appropriate, revise its measures and goals for meaningful community engagement. OSWER and regions will conduct activities to inform, improve and develop:

Objective 6: Community Engagement Training: Develop and provide a training program to: 1) strengthen fundamental community engagement skills of key personnel to enable effective community engagement practices and strategies for projects and sites, and 2) enhance “One-site, One-team” project management approaches - to enable all team members to understand project and community facts, communicate a consistent message to the public and ensure that decisions are based on the results of community consultation

Objective 7: Measures: Evaluate and measure the effectiveness of community engagement activities to promote continual improvement and identify needs and opportunities for future action

Objective 8: Local Workforce Development: Evaluate and promote job training and the use of local labor on environmental projects