

US EPA ARCHIVE DOCUMENT

# Draft Recommendations for Implementing EPA's Public Involvement Policy

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**Please direct questions or comments (by March 17, 2002) to:**

Patricia Bonner, US EPA,  
Office of Policy, Economics and Innovation  
1200 Pennsylvania Ave, NW (1807)  
Washington, DC 20460  
fax 202-260-4903  
phone 202-260-0599  
[bonner.patricia@epa.gov](mailto:bonner.patricia@epa.gov)  
or [stakeholders@epa.gov](mailto:stakeholders@epa.gov)

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## 1. Purpose and Executive Summary

The U.S. Environmental Protection Agency (EPA) released its draft Public Involvement Policy in December 2000 and plans to issue the final policy in the spring of 2002. The policy provides guidance to EPA managers and staff on how they can better involve the public in the Agency's decisions. A cross-agency workgroup was charged with developing recommendations to support implementing the new policy and improving the overall quality of EPA public involvement activities. The draft implementation recommendations in this document are the result of the workgroup's efforts. Implementation of these recommended activities depends upon adequate resources for public involvement within EPA.

The commentors on the draft Public Involvement Policy and participants in an online dialogue told EPA that while the Agency is very effective in engaging the public some times on some decisions, Agency practice varies widely. The thrust of the recommended activities proposed in this draft document -- information sharing, training, and evaluation -- is to share the best methods used across EPA, promote their routine use, and develop a means of measuring the results. The goal is for excellent public involvement to become an integral part of EPA's culture, thus improving all of the Agency's decisions.

Many of the laws and regulations that govern EPA's actions require the Agency to conduct certain public involvement activities. These requirements specify that for certain decisions EPA must notify the public, hold public comment periods or public meetings, provide public access to information, or provide other opportunities for the public to participate in decision-making processes. Effective public involvement opportunities in EPA decisions should be designed into EPA's rule-making process at the earliest planning stages.

Many EPA program offices and regions typically provide additional opportunities for public involvement beyond basic requirements, recognizing that when EPA listens to the American people and understands their issues, the Agency can better accomplish its mission. Active public participation in EPA decision-making processes is critical to ensuring that the Agency bases its decisions on the most pertinent information and creates workable long-term solutions for the affected public while protecting public health and the environment.

Through implementing the Public Involvement Policy and these recommendations, the Agency intends to achieve and measure:

- Enhancement of EPA's public involvement activities
- Greater consistency in the ways EPA conducts its public involvement efforts
- Stakeholder recognition of improvement in the quality of opportunities to work with EPA
- Better public understanding of EPA's mission, processes and appropriate roles of partners, stakeholders and the public
- Increased public trust
- Improved quality of the Agency's decisions

In drafting these recommendations, the EPA workgroup recognized the critical need for EPA staff and managers to have the appropriate training and necessary tools to successfully plan, conduct and evaluate their public involvement activities. Therefore, the workgroup recommends that EPA create mechanisms that support continuous learning about effective

public involvement practices, and that human resource systems support staff as they strive for excellence in public involvement.

Chapter 2 summarizes the chronological history of EPA's public involvement policies and their implementation plans.

Chapter 3 outlines the activities recommended for three critical internal functions: training, information sharing, and evaluation. Training recommendations include: disseminating information about available training and support materials across the Agency, developing necessary new training modules, partnering with existing EPA training outlets and courses to include or update public involvement content, providing train-the-trainers courses, and continuing to support trainers and trainees with necessary materials.

Proposed activities that promote information sharing include: creating and managing a communication network for EPA staff; and developing an electronic toolkit to improve dissemination of policy materials, public involvement best practices, case studies and available training materials and opportunities. EPA will update the databases and manage the communication network.

Evaluation recommendations include: adoption of a five-year framework which calls for conducting an agency-wide survey of public involvement practices in 2002; developing measures, survey tools and related training that EPA offices can use to evaluate their public involvement activities; conducting evaluations across the Agency and sharing results; and conducting a second agency-wide evaluation.

## 2. History of EPA's Public Involvement Policies and Implementation Plans

In February 1979, EPA promulgated regulations at 40 CFR Part 25 governing public participation in the Clean Water Act, Safe Drinking Water Act and Resource Conservation and Recovery Act. In the same year, EPA began developing the Agency's first Public Participation Policy. A draft of the policy was published for comment in the Federal Register in April 1980.

EPA actively sought public input on the draft Public Participation Policy and the EPA regional offices held ten public meetings. On January 19, 1981, the Agency issued the final Public Participation Policy. However, plans to publicize and implement the 1981 policy, including training EPA staff and staff of regulatory partners, were not carried out. During the subsequent years, knowledge of the 1981 policy diminished externally and within the Agency.

In July 1999, the EPA Innovations Task Force issued "Aiming for Excellence: Actions to Encourage Stewardship and Accelerate Environmental Progress" (EPA 100-R-99-006). In the report, EPA pledged to evaluate its public participation policies and regulations in light of current practices, relevant statutes, regulations, and Executive Orders. In October 1999, EPA convened a cross-agency workgroup to evaluate the Agency's existing public participation requirements and practices, and to provide recommendations to the Administrator.

On November 30, 1999, EPA re-published the 1981 policy in the Federal Register and asked for suggestions on changes to the policy, on the processes that work well or need improvement, and on how the Agency should involve the public in revising the policy. Based on public comments and internal review, in its report to the Administrator, "Engaging the American People," the workgroup recommended:

1. Revising the 1981 policy to accommodate:
  - New statutes and regulations
  - An increased awareness and understanding of the processes associated with engaging the public
  - Changed relationships with state, local and tribal governments
2. Implementing the new policy across the Agency, focusing on the areas of:
  - Public involvement training for EPA staff and delegated program partners
  - Sharing public involvement information among EPA staff
  - Creating mechanisms for tracking, measuring and evaluating the effectiveness of EPA's public involvement efforts

In the year 2000, members of the workgroup drafted a revised Public Involvement Policy. The Associate Administrator for Policy, Economics and Innovation released the draft policy for public comment from December 2000 through July 2001. The central feature of the draft policy is a description of the following recommended six basic steps for conducting effective public involvement:

1. Plan and budget for public involvement activities
2. Identify the interested and affected public
3. Consider providing technical or financial assistance to the public to facilitate involvement
4. Provide information and outreach to the public

5. Conduct public consultation and involvement activities
6. Assimilate information and provide feedback to the public

Coinciding with the release of the draft policy, EPA created a new cross-agency workgroup whose principal task was to draft recommendations for implementing the policy, which would be released when the final policy was issued. The implementation workgroup divided into four task groups, with three focusing on the implementation areas recommended by the 1999 policy review workgroup, and the fourth on developing recommended revisions to the draft policy. The draft implementation recommendations in this document are the result of the implementation workgroup's efforts.

EPA received 202 public comments on the draft Public Involvement Policy. Comments came from 26 state agencies, 12 local governments, 17 environmental organizations, 82 citizens, five industrial interests, five agricultural interests, and others. Many of the comments raise implementation concerns and recommend improvement in how EPA plans and conducts public meetings, holds staff and managers accountable for public involvement, ensures that public input influences EPA's decisions, uses electronic communication methods, and provides feedback to participants or commentors. EPA will analyze all the public comments, write a Response to Comments document, and release it with the final Public Involvement Policy in the spring of 2002.

EPA also convened an online dialogue in July 2001, "Online Dialogue on Public Involvement in EPA's Decisions," to obtain additional practical suggestions on implementing the policy. During the ten-day event, 1,144 people participated, providing considerable input on what EPA should and should not do to achieve effective public involvement. Dialogue participants suggested ways EPA could improve its efforts in:

- Identifying members of the public who should be invited to participate
- Providing technical and financial assistance to assist the public's participation
- Using collaborative processes or other participatory practices
- Evaluating EPA's public involvement activities and making EPA accountable
- Conducting effective public involvement for local site-specific decisions
- Providing outreach to the public in ways that better consider their needs
- Making information and documents more easily available to the public
- Improving public involvement in permitting and rule-making
- Working with states, tribes and local governments

The recommended implementation activities in this document reflect many of the ideas received in public comments on the draft policy and from the Online Dialogue. EPA will accept comments on these draft implementation recommendations for 60 days following publication on EPA's web page and notice in the Federal Register. After revision, these implementation recommendations will be issued along with the Final Public Involvement Policy in the spring of 2002. This recommendations document will be dynamic, changing as the Agency implements the policy and as training, information sharing and evaluation tools are developed, disseminated and used across the Agency. Updates will be posted on the Agency's website at [\[http://www.epa.gov/stakeholders\]](http://www.epa.gov/stakeholders).

### 3. Implementation Recommendations

#### 3.a. Training Component

##### Purpose

The draft Public Involvement Policy states that the Administrator will: "Provide incentives to Agency personnel to ensure commitment to and competence in implementing this policy." It calls upon Assistant Administrators and Associate Administrators to: "Provide guidance and technical assistance and training as appropriate to support authorized and delegated program activities of state, tribal, regional and local entities; and to develop guidance and training needed to ensure that program personnel are equipped to implement the policy." Regional Administrators are charged to: "Ensure that Regional staff members are trained, and that resources are allocated for public involvement." To fulfill their responsibilities, the Agency's leadership must understand the need for and benefits of public involvement, and staff must know how to choose the appropriate forms of public involvement, conduct these processes and competently perform the six basic steps for conducting effective public involvement that are outlined in the policy (also listed on page 4 of this document).

To achieve success in implementing the Public Involvement Policy, EPA management and staff must understand why public involvement is an integral part of the Agency's business and must have the skills, knowledge, experience and tools to conduct appropriate public involvement processes. For example, the Superfund program sponsors in-depth training in public participation for its community involvement coordinators, and public involvement is part of training provided to rule writers. However, some programs approach training on an ad-hoc basis or rely on training individuals. EPA has not encouraged a sustained agency-wide effort to train management and staff in the elements and skills of public involvement processes.

##### Actions

To help guide the Agency's efforts, the Training Task Group has:

- Developed matrices of public involvement training modules for general staff and for staff specifically assigned to full-time public involvement work
- Collected a library of public involvement training materials, agendas and outlines from within and outside the government
- Compiled an annotated bibliography of the most helpful of the documents above
- Begun identifying training courses, materials or sources for each of the modules listed in the Training Matrix

##### Recommendations

The task group recommends that EPA:

1. Develop performance standards for public participation. Include an appropriate level of proficiency in public involvement processes in position descriptions and performance standards for those managers and staff involved in developing and implementing rules, policies, permits, programs, innovative projects and compliance activities.



2. Develop the training matrix and course modules identification package and distribute it to management and staff for use in development of Individual Development Plans, in hard copy and over the Intranet.
3. Identify modules in the matrix that can be enhanced or that have not been developed, and sponsor development of appropriate training materials or courses, including on-line courses when appropriate.
4. Identify modules in the matrix that already have adequate training courses or materials available and provide this information to program office management, EPA Institute, EPA's Intranet site, and other sources of training information for EPA staff and management.
5. Distribute the training matrix and list of course modules to states, tribes and state and tribal organizations for their use, and encourage partnerships with appropriate EPA offices to conduct joint training. Post the information on EPA's web site.
6. Conduct a study to identify the training, resource materials, handbooks, fact sheets, bibliographies etc. that could be provided to outside parties such as environmental groups, citizens groups, environmental justice groups, small businesses, and industry so that they are better able to participate effectively in public involvement activities.
7. Identify potential EPA trainers and conduct training across EPA.

### 3b. Information Sharing Component

#### Purposes

To fully implement the Public Involvement Policy, EPA staff must be knowledgeable about effective techniques and tools, and share creative ideas for involving the public in EPA's decisions. The various EPA programs and regions routinely conduct public involvement activities, but their successes and "lessons learned" are not shared for the benefit of other programs and offices. A communications network is needed for EPA staff.

EPA staff would also benefit from the creation of an electronic toolkit that contains references and descriptions of useful public involvement materials, case studies and resources. Such materials are often created by individual EPA offices and programs, and by other agencies and organizations, but staff across EPA may not be aware of or have access to them. Such a compilation, constructed in a format that makes it easy to search for and find useful information, would assist EPA staff who are looking for ideas on how to involve the public.

#### Actions

The Information Sharing Task Group has:

- Conducted a survey to determine the value of creating a communications network. Approximately 200 EPA staff responded to the survey. Survey results show that 68 percent of the respondents think that a network is valuable, and up to 84 percent might join the network. The results indicated the preferred discussion topics for the network, as well as preferred mechanisms for communication.
- Gathered materials and resources on public involvement practices, begun compiling summaries of this information, and developed a prototype for a database that could house this information in a format that is accessible and useful to EPA staff.

#### Recommendations

The task group recommends that EPA:

1. Create a communications network for EPA staff who interact with and involve the public. This network will help EPA staff to communicate with each other to share recommended practices as well as to identify the constituencies and circumstances where each may be more or less effective; provide information on training and job opportunities; and seek and provide advice about addressing specific public involvement issues. Once successfully operating for at least a year within EPA, the Agency may consider extending the network to allow others involved in public participation activities, such as EPA's regulatory partners in states, tribes and local governments, other federal agencies, and others involved in public participation activities to join the network.
2. Create a searchable descriptive compilation of resource materials, case studies and "lessons learned," and periodically update it. The compilation would serve as an electronic tool kit, be organized by specific category, and provide as much additional information as possible by supplying underlying links to descriptions, web links and

contact information. It would include material created by EPA, as well as other federal agencies, state, tribal and local governments, public involvement practitioners and other sources. The compilation will include materials that showcase public involvement practices used for development of rules, permits, and policies, as well as for meeting administrative requirements for consultation with tribal governments, environmental justice communities, small businesses, etc. This compilation at first would be available only to EPA employees through the Intranet, but eventually would be made available to all others through the Internet.

### 3c. Evaluation and Accountability Component

#### Purposes

To assess the success in implementing the Public Involvement Policy, EPA must have the ability to track and measure progress and to evaluate the effectiveness of public involvement activities. The policy states that the Administrator will: “evaluate the adequacy of public involvement activities..., the appropriateness and results of public involvement expenditures, and the effectiveness of this policy.” The policy calls upon Assistant, Associate, and Regional Administrators to: “Evaluate the effectiveness and appropriateness of public involvement expenditures and activities under their jurisdiction, revising and improving them as necessary.”

To fulfill their responsibilities, the Agency’s leadership and staff must have a framework and tools to evaluate and measure how well EPA is implementing the policy’s six basic steps for conducting effective public involvement (listed on page 4 of this document) in both regulatory and non-regulatory processes. Although individual programs and projects currently conduct evaluations of their public involvement activities, EPA has not encouraged a sustained agency-wide effort to determine the extent and quality of such activities and to improve their effectiveness for both participants and EPA.

#### Actions

To help guide the Agency’s efforts, the Evaluation and Accountability Task Group has:

- Proposed a five-year framework for evaluation
- Researched current measures of public involvement
- Developed and internally distributed a survey to assist in outlining the types of evaluations that would assist Agency practitioners to improve their activities
- Contracted for a baseline survey to evaluate how the Agency is currently implementing its policy

This baseline survey should provide insights about:

- Obstacles to the use of the six basic steps for conducting effective public involvement (listed on page 4 of this document)
- The implementers' perceptions about the quality and value of the involvement efforts
- The impact of the involvement efforts on the quality of the Agency decision or effort
- How, if at all, Agency programs are documenting and assessing their public involvement efforts

The findings may provide Agency managers with helpful feedback on which aspects of public involvement work effectively and which ones do not, which may need more attention, and where additional public involvement resources may need to be allocated.

#### Recommendations

The task group recommends that EPA adopt a five-year framework for evaluation to:

1. Establish minimum expectations regarding public involvement practices and establish measures to help staff and managers better identify whether public involvement practices are performed appropriately and have the intended effects
2. Develop and periodically use a broad-based agency-wide internal survey to evaluate how the Agency performs its public involvement activities, and to determine if EPA is using the Public Involvement Policy to improve related activities
3. Develop a suite of tools that staff (and other partners) can use to evaluate and measure public involvement activities on a consistent basis
4. Develop resources to support EPA-wide public involvement evaluation activities

Tasks to support the framework include:

1. Establish Measures
  - Collect and share information from public involvement practitioners regarding current measures for evaluating the quality and outcomes of public involvement activities
  - Outline minimum expectations for public involvement practices and the measures for tracking progress (quality, consistency, impact, etc.)
2. Evaluate Implementation of the Policy and Report Results
  - Establish a baseline for measuring future progress in implementing the Public Involvement Policy internally using a survey instrument enabling us to determine how effectively programs and regions are carrying out the six basic steps for conducting effective public involvement (listed on page 4 of this document)
  - Report baseline public involvement survey findings and make recommendations for improvement to the Administrator, senior managers, programs and regions
  - Use the evaluation framework and tools to measure, track, evaluate, regularly report progress, and continually improve EPA's implementation of its Public Involvement Policy and recommended implementation activities
  - Critique the evaluation framework and processes, and report throughout EPA with recommendations
  - Develop a report describing how the results of the first survey are being used and how recommendations for improvement are being implemented
  - Repeat the "baseline" internal survey to learn the effect that implementing the policy is having on the quality of EPA's public involvement practices
  - Report the results with recommendations for improvement to the senior managers, programs and regions
  - Provide a comprehensive report to the Administrator on EPA's implementation of its Public Involvement Policy with recommendations
3. Develop and Ensure Use of Evaluation Tools
  - Establish a series of survey/feedback templates for evaluating processes, activities and events.
  - Develop an OMB approved Information Collection Request (ICR) to support gathering public involvement feedback
  - Develop training in the use of the tools, measures and techniques

- Internally promote the tools, measures and techniques
  - Provide training on using the tools, measures and techniques
  - For internal use, establish a central collection of evaluation instruments that EPA programs and regions have used to review their public involvement efforts. Collect copies of the analytical reports documenting improvements made based on the feedback. Provide contact information for obtaining raw data. Use the collection to share lessons learned (possibly expanding on the information sharing compilation/data base).
4. Support Public Involvement Evaluation Activities
- Establish specific centralized staff, budget and responsibility to support evaluation activities in programs and regions.

EPA proposes to share the tools, experience and knowledge developed as we carry out the evaluation framework. The Agency hopes that state, tribal and local governments, as well as other organizations, will find our work useful and will contribute their own tools, experience and knowledge through the mechanisms for sharing information described in Section 3b of this document.