

US EPA ARCHIVE DOCUMENT

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Re: Review of Environmental Protection Agency Public Participation Policies
64 Federal Register 229, 66906-66913 (November 30, 1999)

The National Association of County and City Health Officials (NACCHO) is pleased to provide the following comments on the Environmental Protection Agency's Public Participation Policies. NACCHO represents the nearly 3000 local public health agencies – in cities, counties and towns - in the United States. These agencies serve on the front lines in protecting and promoting the health of their communities.

As the governmental presence at the local level responsible for the protection of public health, local public health agencies play a critical role in environmental health protection. While other local agencies may provide environmental services or have environmental responsibilities, local public health agencies have unique characteristics that make them essential players in protecting public health and the environment. Local public health agencies: 1) focus on prevention rather than treatment or enforcement; 2) serve the entire community (rather than individuals) and, therefore utilize population-based approaches; and 3) possess expertise on the critical link between health issues and environmental factors. In addition, local public health agencies have unparalleled community-based knowledge, contacts, and resources. As community-based agencies, they are able to respond rapidly to their communities' environmental health concerns. Local public health agencies are often the first point of contact for concerned residents and their primary source of information about environmental hazards.

NACCHO commends the United States Environmental Protection Agency (EPA) for undertaking an ambitious, but critically important effort to assess how well the EPA's regulations and policies ensure public participation in decision-making. NACCHO's responses to the EPA Workgroup's two issues are outlined below.

- 1) What changes need to be made to the 1981 Policy on Public Participation? What is working well, and how does the experience of the past nineteen years suggest the need for improvements in the general procedures for involving the public in EPA programs and decisions?

The 1981 Policy on Public Participation – was intended “to strengthen EPA’s commitment to public participation and to establish uniform procedures for participation by the public in EPA’s decision-making process.” This policy has been the basis for EPA’s public participation requirements in the nineteen years since its initial publication. We believe that this policy provides an excellent framework for public participation and should be shared with other federal agencies. Changes should not alter the intent of the policy, but rather improve implementation procedures based on the experiences over the last nineteen years. NACCHO’s comments and suggestions below reflect local public health agencies’ recommendations with regard to EPA’s public participation process.

- The EPA’s implementation of the 1981 policy usually focuses on meeting the legal requirements, rather than having the public play a significant role in EPA’s decision-making processes. Engaging the public goes beyond “listening” to developing full and equal partnerships with communities in designing and implementing EPA’s programs and decisions. Some specific examples of EPA actions that inhibit meaningful community collaboration include: no opportunities for local agencies, groups and residents to participate in the development of public participation work plans; posting hearing notices through media channels, rather than through direct contact with local agencies, groups and residents; public hearings/meetings (as opposed to information/share sessions) that are led in a bureaucratic fashion, for the sole purpose of recording the public’s comments, with answers only provided in writing after the meeting; and a general lack of open dialogue among EPA, local agencies, groups, and residents to share information, concerns, questions, and future actions. A more effective approach to engaging the public would be a more flexible implementation of the 1981 policy allowing for collaboration with local agencies, groups and residents throughout all phases of the public participation process and the ability to tailor activities to meet the needs of individual communities.
- EPA should work within its own agency and with state and local agencies to implement President Clinton’s Executive Order #12898, directing all federal agencies to take into account the disproportionate burdens placed on communities of color. Issues here often involve state policies and actions that can hinder progress in this area. For example, in Michigan, the Governor abolished an environmental review process that was active from 1974-1990. EPA’s assistance in providing opportunities for affected communities to participate in decision-making processes would be very helpful to those trying to improve their communities’ health at the local level.
- EPA has developed excellent websites to disseminate information and data. However, often EPA’s materials and data are unavailable in formats that are relevant to those at the local level. Data and information on polices and programs relevant to a specific geographic area would help to improve communities’ access, understanding and engagement in local-level EPA activities. A system where users can enter their zipcode and receive data and information on EPA activities relevant to their local area, as well as links to other sites with local information, would improve the public’s understanding and engagement in EPA’s programs and policies.

- EPA needs to utilize other venues for information dissemination besides the Internet. The Internet is excellent for displaying information, but is not available to everyone and does not encourage dialogue --- it only provides one-way communication. In addition, national data that are available on the Internet do not reflect the totality of local circumstances. Omitted is such information as community history, health of affected residents, local media stories, and local monitoring information. A more holistic approach to engaging the public in EPA programs and decisions requires open dialogue among EPA, local agencies, groups and residents to share information, interpret data, and consider locally relevant information.

2) How can EPA further engage the public in the effort to revise the 1981 Policy and other EPA regulations and policies which may need to be updated in regard to public participation? What are the suggested elements of a strategy to further engage the public in updating requirements and filling gaps in EPA's regulations and policies concerning public participation?

- EPA's support of local leadership development and education will increase the public's engagement in EPA's policies and programs. NACCHO supports the establishment of local environmental "analysts" from communities (particularly from communities of color) trained to collaborate with local residents on interpreting data, understanding environmental laws and regulations, and defining scientific terminology. The availability of such local expertise would increase the public's understanding and participation in updating EPA's policies and regulations.
- EPA's engagement in and support of community processes, such as NACCHO's *Protocol for Assessing Community Excellence in Environmental Health (PACE EH)*, will enable EPA to learn more about a community's environmental health concerns and inform residents about opportunities for public participation in EPA decision-making. NACCHO's *PACE EH* process is intended to provide assistance and guidance in strengthening a collective understanding of and appreciation for the critical role environmental health plays in the overall health of a community. *PACE EH* provides a framework for a comprehensive community-based environmental health assessment that should enhance decision-making by providing an accurate and verifiable profile of the community's environmental health status (to the level of data that is available), on which decisions can be based. Rather than simply following priorities set by federal or state authorities based on legislative mandates, a completed assessment process should allow community decision-makers to plan and direct resources specific to their locale. In addition, the process should establish a foundation of trust and broad-based support among community partners and federal participants so that decision makers can act cooperatively and decisively if crises arise.

On behalf of the nation's local public health agencies, NACCHO looks forward to an ongoing, productive involvement in evaluating and updating EPA's public participation policies. If you have any questions on our recommendations or would like to discuss any of these issues further, please contact Beth Resnick, Director of NACCHO's Office of Environmental Health at 202-783-5550 x 221 or at bresnick@naccho.org.