CONSTRUCTIVE ENGAGEMENT RESOURCE GUIDE:

Practical Advice for Dialogue Among Facilities, Workers, Communities, and Regulators

U.S. Environmental Protection Agency

Office of Pollution Prevention and Toxics

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This Constructive Engagement Resource Guide is for all participants or stakeholders who are considering entering into a cooperative partnership or constructive engagement process to address a facility's or sector's impact on worker and environmental health. Participants or stakeholders may include facility managers, facility workers, local, state, and federal government agencies, and community groups. This guide will help participants or stakeholders make informed decisions on whether to get involved in constructive engagement and how best to go about it. The guide provides practical advice and presents case studies. Although many of the examples in the guide are from the computer and electronics sector, the guide is broadly applicable to many industry sectors and types of facilities. You may access this guide and the case studies online at EPA's stakeholder web page at http://www.epa.gov/stakeholders.

You may request copies of the Constructive Engagement Resource Guide (document control number: EPA 745-B-99-008) free of charge via regular mail, telephone, fax, or online.

Mail Order: U.S. Environmental Protection Agency
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Constructive Engagement Resource Guide

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Acknowledgments

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executive summary

As environmental, health, and safety issues gain public attention, government regulation intensifies, and technology advances, cooperation among industrial facilities, communities, workers, and government agencies has become more common. Constructive Engagement is an approach that brings these groups together to establish and monitor a facility's environmental activities through a cooperative, non-adversarial partnership.

The Constructive Engagement Resource Guide arose from the Computers and Electronics Sector Subcommittee of the EPA's Common Sense Initiative. The resource guide examines the nature of Constructive Engagement and the opportunities and challenges it offers to communities, industry, regulators, and workers. It presents a practical discussion of how to evaluate whether to use Constructive Engagement and how to create and conduct an effective Constructive Engagement process. The guide is targeted to the computer and electronics sector and related stakeholders, but the advice presented is transferable to other arenas.

In preparing this guide, eleven diverse Constructive Engagement cases were studied, some through a literature review, others through interviews with participants. Several people involved in Constructive Engagement efforts were also interviewed to develop this guide. The major lessons learned from this research form the foundation of the resource guide.

Constructive Engagement takes many forms, including citizen advisory groups, stakeholder negotiations, formal mediations, "Good Neighbor Agreement" processes, oversight committees, and independent organizations. Constructive Engagement activities have dealt with many issues including site location, facility operations, emission and waste controls, worker health and safety, regulatory relief, site cleanup, and pollution prevention.

Constructive Engagement offers an approach to improving communication among stakeholders and for finding creative solutions to concerns about facility activities. It can promote better relations among groups that have been at odds, and can offer a mechanism for discussing impacts of facility operations. Constructive Engagement can save all stakeholders time, money, and stress in the long run if used appropriately and conducted effectively.

Constructive Engagement also poses challenges, and is not appropriate in all circumstances. Defining a commonly accepted goal, finding a credible means of initiating the process, and getting buy-in and participation from key players are examples. In addition, it is important to develop a discussion and decision-making process that is responsive to differences in power and cultural style. Other challenges include providing access to credible information and expertise, ensuring good faith participation, and keeping constituents and decision makers informed.

Potential participants should consider both the advantages and disadvantages of Constructive Engagement. In deciding whether to participate in a Constructive Engagement initiative, it is important to consider what goals can best be served by the process, what issues can be effectively addressed, what resources are required, and what are the potential costs and benefits of participation. It is also important to compare Constructive Engagement to alternatives such as unilateral action or advocacy.

Constructive Engagement initiators and participants should be clear, explicit, inclusive and collaborative in designing the process, identifying participants, and gaining closure or managing an ongoing process. Specifically, decisions should be made about what procedural guidelines to use, how much decision-making authority the group has, whether to use a facilitator, and how to encourage equal and active participation. Mechanisms for establishing rapport, sharing information, and communicating with the public are also useful. When Constructive Engagement decisions are made by consensus, it is important to handle disagreements and build consensus without resorting to pressure tactics, and to consider what to do if consensus cannot be reached. When the process is open-ended, effort is needed to maintain enthusiasm and participation.

Many important lessons emerged from the cases, interviews, and experiences explored in developing this guide. These include insights about the possibility of a good process even with initial distrust and mixed motivations, the value of preventive action, the importance of high-level support within participating organizations, the limits of Constructive Engagement, and the importance of an open process. Inclusiveness and participant diversity also emerged as success factors, as did access to credible information and expertise, and effective means of sharing sensitive or highly technical information. Often, the key to successful Constructive Engagement is dealing with power inequities and empowering all participants.

Constructive Engagement appears to have a promising future. In order for its potential to be realized, more people must learn how to design, conduct, and participate in these processes, and better funding mechanisms for Constructive Engagement must be developed.

This guide should help people interested in Constructive Engagement understand what is involved, what are the advantages and costs, how to decide whether to participate, and how to conduct an effective process.

how to use this guide

You can use the Constructive Engagement Resource Guide to learn about Constructive Engagement in two general ways:

- In the **chapters** you will explore the issues and find practical guidance to help you decide whether to participate and how to build your own Constructive Engagement process.
- In the **case studies** in Appendix 1 you will find examples where Constructive Engagement was used by stakeholders to collectively address environmental issues.

If you learn best through stories and illustrations, you may want to jump to the case studies first and then read some of the chapters for more clarity. If you prefer to learn through concepts and step-by-step instructions, you may prefer to read the chapters first and refer to the case studies along the way.

Chapters

There are five chapters in the guide:

- **Chapter 1** introduces the concept of Constructive Engagement, its evolution, its use in the computer and electronics industry, and the roles of various stakeholders.
- **Chapter 2** explores in greater depth what Constructive Engagement is and is not, describes some typical Constructive Engagement processes, and discusses some of the challenges of Constructive Engagement from the viewpoints of various stakeholders.
- **Chapter 3** provides guidelines to help you decide whether to become involved in Constructive Engagement, including an overview of the costs and benefits.
- **Chapter 4** provides guidelines to help you design and conduct an effective Constructive Engagement process. This is the "how-to" chapter.
- **Chapter 5** summarizes the lessons and principles underlying the specific guidelines in the resource guide.

Appendices

The eleven case studies presented in Appendix 1 are the main source of the guidance and lessons presented in the chapters. The rich assortment of examples illustrate different approaches and reflect the experiences of stakeholders who have participated in Constructive Engagement. Briefly, the cases presented include:

- **Lucent Technologies Microelectronics Group,** Allentown, PA. A major technology firm has used a Local Environmental Advisory Group to obtain community involvement and participate in EPA's Project XL.
- **Rohm and Haas,** Bristol, PA. A Community Advisory Committe functions as a key component of the plant's community relations program to promote communications among the company, its workers, and the community.
- **Shell Oil Company,** Martinez, CA. After a large oil spill, a Community Advisory Panel was convened to ease the permitting process for a large facility expansion, and has since helped Shell's communications and problem solving with the community.
- **Sybron Chemicals,** Birmingham, NJ. A Neighborhood Involvement Council was established after a series of incidents at a manufacturer of specialty chemicals.
- **Vulcan Chemical Company,** Wichita, KS. Vulcan's Community Involvement Group originated in shouting matches over a planned incinerator, but has since helped persuade the chlor-alkali manufacturing facility to make significant environmental changes.
- **Lead Steering Committee,** Bartlesville, OK. A committee was convened by the state Department of Health because of community concerns about heavy metal contamination from a National Zinc smelter site.
- **Intel's Project XL,** Chandler, AZ. A stakeholder group reached consensus after a long and arduous process, allowing Intel's semiconducter manufacturing facility to participate in EPA's Project XL.
- **New Bedford Harbor, MA.** A multi-party mediation was held by the Massachusetts Office of Dispute Resolution to determine how to clean up the New Bedford Harbor Superfund site.
- **Silicon Valley Pollution Prevention Center,** San Jose, CA. A nonprofit organization, established as a result of a settlement with the City of San Jose, serves as an ongoing collaborative forum on pollution prevention issues.
- **Romic Environmental Technologies Corporation,** East Palo Alto, CA. A Citizen Advisory Panel evolves from addressing immediate concerns about Romic's hazardous waste recycling and disposal business to longer-term issues.
- **Sheldahl, Inc.,** Northfield, MN. Workers from Sheldahl's circuit board manufacturing facility joined with citizens in an effort that led to a binding commitment by Sheldahl to a toxic use reduction plan for methylene chloride.

In addition to the case studies, the appendices include background on the development of this guide, sample forms for use in planning and conducting a Constructive Engagement process, a list of organizations, hotlines, and other resources, and contact information for the authors and contributors to this guide.

We hope you find this guide useful, and we wish you success in your Constructive Engagement experiences!