

US EPA ARCHIVE DOCUMENT

Assessing Public Involvement in EPA's Stakeholder Negotiations Background Information for EPA Staff

Introduction

Enclosed are two questionnaires for EPA staff to use in generating feedback on stakeholder negotiations where public involvement is either part of a negotiation process or contributes to it. The questionnaires are a component of the evaluation section in the *Framework for Implementing EPA's Public Involvement Policy*. The questionnaires are for people who participate in stakeholder negotiations and those involved in stakeholder negotiations but who do not participate in the actual negotiations. The **first questionnaire** is for identified stakeholders participating in a negotiation process and measures their satisfaction with access to information from the public relevant to a completed negotiation process. The **second questionnaire** is for use with members of the public who are involved in a stakeholder negotiation process, but who are not participating directly at the table, and measures their satisfaction with their involvement in various aspects of the negotiation process.¹

What is a Stakeholder Negotiation?

Stakeholder negotiation addresses environmental issues that require resolution. At EPA, stakeholder negotiations range from settling enforcement actions to environmental planning activities (e.g., watershed planning, Brownfields/Superfund site reuse). Stakeholder negotiations may be subject to the Federal Advisory Committee Act, the Administrative Dispute Resolution Act, and/or the Negotiated Rulemaking Act. If you're not sure which statutes apply to your process, consult your Office of Regional Counsel or the Office of General Counsel.

What roles do stakeholders play in negotiation processes?

Generally, stakeholders are individuals and organizations that have strong interest in the Agency's work and policies. In a stakeholder negotiation, a convenor (e.g., a neutral third party or EPA) invites a group of stakeholders who represent identified interests in a particular environmental issue to participate directly in the negotiation to develop an agreement. The convenor may invite other members of the public to provide input to the stakeholder negotiation process, but not directly participate in the negotiation.

What is EPA's role in a stakeholder negotiation process?

EPA may have two different roles in a stakeholder negotiation process: initiator and/or participant. When the initiators, EPA may or may not participate directly in negotiation. In other instances, EPA may participate as a stakeholder in a negotiation that another party initiates. In either case, EPA should comply with applicable laws and regulations.

How do stakeholders participate in a negotiation process?

Depending upon the issues in question, and the interests or initial involvement of the stakeholders themselves, stakeholder participation spans the spectrum from observation and discussion, to substantive contributions, to full participation in a decision-making process.

How is the public involved in stakeholder a negotiation process?

Most often, the public does not have the authority to make decisions. However, the public has an important, and, at times, a crucial role in a stakeholder negotiation. EPA is aware that the

¹ EPA's Conflict Prevention and Resolution Center will be performing program evaluations of stakeholder negotiations and other alternative dispute resolution processes using the OMB approved program evaluation system of the US Institute for Environmental Conflict Resolution.

best decisions are those based on the best information; often the public has information not available at the state or federal level. Not only do decision makers need public support for implementing environmental policies and programs, but the public often can provide information that makes such policies and programs more complete and likely to succeed.

How can the Stakeholder Negotiations questionnaires be useful to you?

Information from these questionnaires should help Agency staff better understand what worked well with respect to public involvement in stakeholder negotiations, and what improvements they can make for future stakeholder negotiations. Specifically, the questionnaires can help EPA staff understand how stakeholder participants and other members of the public viewed mechanisms for accessing information, types of information provided, and the impacts that information had on the negotiation process and outcome. Once Agency staff have the summarized data they can assess whether the public involvement process has met its goals for success, make modifications if necessary, and compare progress over time.

When should I use the questionnaires?

Use both questionnaires following the conclusion of a stakeholder negotiation process that included a public involvement component. The key is to use the questionnaires to the extent that they can help you design and implement effective public involvement in a stakeholder negotiation.

Are the questionnaires in compliance with the Paperwork Reduction Act?

Yes. The questionnaires were cleared with the Office of Management and Budget (OMB) under ICR #2151.01, OMB Control No: 2010-0039. This clearance will allow EPA to collect information (via the questionnaires) from more than nine non-federal entities.

Who designed these questionnaires?

The Evaluation Task Group of EPA's Public Involvement Workgroup designed these questionnaires. Task Group members consulted EPA staff who are regularly involved in the design and implementation of stakeholder negotiations about this effort. The Task Group used their suggestions and advice to help shape the questionnaires.

What should I do when preparing to administer a questionnaire?

See "Checklist for Administering the Questionnaire."

What do I do with the questionnaire data once the forms are returned?

As soon as you can, record and tabulate the responses you receive to each question on each survey in a format that works for you. Include the date, location, total number of respondents and which survey you used on the form. After each use of the same survey, check the past results so you can track improvement in the respondents' ratings.

On an annual basis, EPA must report use of the surveys to the Office of Management and Budget. Just before Thanksgiving, send a summary of your use of all the surveys to: bonner.patricia@epa.gov. Please note all the surveys used, the number of times you administered each, and the total number of respondents to each survey. If you have seen improved ratings, add a note about what you changed and what difference it made in not only the rating, but the activity itself. That way we will be able to track the use of the questionnaires, and learn from you what is and is not working well, and gauge whether and how the questionnaires are useful to your efforts to improve public involvement activities. If you have suggestions for additional surveys or changes to existing surveys, send those along too.

When it becomes available, you may collect, collate and analyze the data from the respondent forms using a pre-formatted Lotus 1-2-3 spreadsheet program. In addition, the spreadsheet program will allow you to summarize data over a period of time, making it easy to generate annual summary reports for your management. More information on how to use the program is available in the "Checklist for Administering the Questionnaire and Using Results" and within the Lotus 1-2-3 spreadsheet program.

How can I use the results?

The completed questionnaires should provide you with information that can help you design improvements to activities and to your overall involvement process. You can learn what worked well, what participants feel is important and what should change to better accommodate their needs. It will be up to you to decide how much data you need to prompt changes. While it is prudent to be cautious about making changes based upon a small amount of feedback data, you may find a number of the respondents' ideas useful. If you can act on their suggestions, even in a small way, participants will appreciate that you listened.

How can I communicate the results?

Use the performance and summary reports from the Lotus 1-2-3 spreadsheet program to talk with managers, staff, and those directly and indirectly involved in stakeholder negotiations about the effectiveness of the public involvement component of the stakeholder negotiation and where changes may be necessary. Communicate overall results to those involved in the stakeholder negotiation in follow-up materials distributed to stakeholder negotiation stakeholders. A few brief sentences describing overall what participants thought of public involvement in the stakeholder negotiation, their suggestions for improvement, and what might be considered to improve the process would let stakeholders know that you valued their input.

What is EPA's Public Involvement Policy and where can I get more information?

EPA's 2003 Public Involvement Policy underscores EPA's commitment to improving its practices and is based on seven steps for 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. Review and use input, and provide feedback to the public
7. Evaluate public involvement activities

The *Framework for Implementing EPA's Public Involvement Policy* urges development of tools to improve public involvement information sharing, training and evaluation at EPA. This questionnaire and the database program are examples of such tools. Cross-agency work groups developed the Policy and Framework using public comments and ideas gathered through a two-week, Internet-based Dialogue on Public Involvement in EPA Decisions. Copies of the Policy and *Framework* are available @ <http://www.epa.gov/publicinvolvement/public/index.htm>.