

## **IV. BRIEF DESCRIPTIONS/DIGESTS OF THE CASE HISTORIES**

### **NATIONAL ZINC SITE, BARTLESVILLE, OKLAHOMA**

#### **1) Brief History of the Site, Key Issues, and Conflicts**

This case involves heavy metal contamination of the West Side of Bartlesville, a community with a large proportion of low income and minority (African-American) residents. The West Side had long endured a disproportionate burden of environmental hazards within the larger community of Bartlesville, coupled with a profound institutional failure to address environmental problems and concerns. There was a long history of distrust among West Side citizens for local government, which had failed to act on known contamination, research findings of elevated lead levels in West Side children, and citizens' concerns about possible health problems on the West Side. This failure of state and local government to address (or even acknowledge) contamination and health issues was blamed on institutional racism, classism, and a lack of government resources. There was a clear and historic imbalance of power in the city of Bartlesville. Never cohesive to begin with, a proposal to list the contaminated site on the EPA National Priority List (NPL) further divided and polarized the community. Prior to the proposal for NPL listing, the only grassroots group dealing with the contamination was an active group on the West Side (Citizens Against Toxics/CAT). After NPL listing, other groups emerged to represent other interests. Agency-initiated public participation came to Bartlesville very late in the history of community contamination. [The first independent studies were done in 1975; ATSDR 's health consultation, and attendant "public availability" sessions began in 1991.] This and subsequent public participation initiatives focused on issues relating to cleanup. The community was sharply divided on: the level of contamination; the health risks posed by the contamination; and federal- vs. state-controlled cleanup. An interest in using the cleanup process to confer economic advantages on the affected community was also an important element in the case.

#### **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

Recognizing that formal community involvement/public participation mechanisms are necessarily limited in their reach, the federal and state agencies -- and the public participation mechanisms spawned by their community involvement activities -- instituted a variety of activities designed to reach the larger community. These included:

- X public availability sessions and separate meetings with different interest groups to provide information about and discuss the meaning of ATSDR 's health consultation;
- X public meetings and open round table discussions linked to meetings of the more formal mechanisms, e.g., the Lead Steering Committee and the Lead Oversight Committee, described below;
- X a survey of property use in the affected area to inform the Lead Oversight Committee on priorities for soil removal and on possibilities for future development activities on the West Side.
- X Public meetings to introduce the cleanup contractor and to discuss the workplan and time schedule

X The establishment of an information center by the cleanup contractor

Importantly, most of these outreach and communication activities were held on the West Side. These activities were essential to address the legacy of lack of openness and institutional mistrust in the affected community.

### **3) Attention to Building Capacity in the Community Outside the Public Participation Mechanisms**

The state environmental agency provided a technical assistance grant (TAG) to a coalition of interest groups within the community (the Bartlesville Coalition, see below). The Coalition used the TAG funding to hire technical advisors to help them understand the proposed cleanup plan and related technical issues and to help them educate the broader public about this plan. Of interest, the state agency also used the promise of TAG funding to encourage dialogue and reduce conflict among the warring factions within the community. By encouraging the major grassroots environmental group within the affected community [CAT] to join with other interest groups (Bartlesville Environmental Information committee [BEIC] and West Side Alliance for Revitalization [WAR]) in their proposal for TAG funding, the state agency was able to address two important community issues -- the need to build capacity and the need to foster intra-community communication. Later, the Coalition was key in broadening the cleanup process to pursue the wider goals of the affected community.

### **4) Formal Mechanisms for Public Participation**

Three agency-initiated mechanisms for public participation operated in Bartlesville, each established by or formed for the purpose of interacting with different levels of government.

*The Lead Steering Committee.* This mechanism was established by the state environmental agency, primarily as a vehicle for two-way communication between the involved public agencies and the public. By disseminating information about agency initiatives on the West Side and soliciting community input, the agencies hoped to demonstrate their interest in an open decision-making process. Members were appointed by the state agency, after trying to identify the "major players" in the community at a public meeting. Because the primary purpose was getting information out to the community, members of the local media were appointed. Some members of the affected West Side community felt under-represented on the committee. Committee members from the West Side reported a continued sense of a power imbalance, noting their views were not respected or taken as seriously as those of other members.

According to some members and state agency staff, the Committee enhanced intra-community communication among its members; communication with the wider public through public hearings held in conjunction with its meetings; and two-way communication between the agencies and the community. The Committee focused on issues relating to cleanup (identifying priority areas) and on health issues (blood lead testing of children). The agency made considerable effort to make information more accessible to members of the Steering Committee and the public, and to engage them in a discussion of the meaning of the information. This helped address the legacy of lack of openness. Despite this, a perceived lack of independence

from the agencies motivated some sectors of the community to establish their own structures for communication and interaction.<sup>1</sup>

Essentially, the role of this mechanism was limited to information dissemination and two-way communication. There was no shared decision-making. Indeed, the state agency made it clear to participants that their role was advisory only. However, the agencies did take actions that were consistent with community views and priorities. The initiating agency retained its role as decision maker.

*The Select Oversight Committee.* This mechanism was established locally by the Bartlesville City Council, principally as a way to build support in the West Side for a locally-controlled cleanup in lieu of federal cleanup under Superfund. This was done, in part, because of federal and state agency insistence that the proposed locally-controlled cleanup option have full community support.<sup>2</sup> The City Council determined the composition of the Committee and appointed "open minded" citizens unaffiliated with the two warring community groups (BEIC and CAT). The Committee sought to create the opportunity for dialogue among the different community interests about the contamination and to develop a community consensus on how to manage it. This mechanism was the city's attempt to build trust and community cohesion in place of historic distrust for local government and profound community polarization.

The Committee saw itself as an unaligned board -- an alternative, open forum for a public round table discussion on any issue. To help build trust and credibility with the West Side, it resolved to address issues broader than the cleanup of lead contamination. The Committee placed a high priority on economic development for the West Side. It advised City Council to apply for enterprise zone status and to address land use and zoning issues on the West Side. It worked closely with WAR, a group of African-American business persons and community leaders seeking to improve the quality of life for West Side residents. To help establish its legitimacy and independence from the City Council, the Committee held its meetings on the West Side. The responsiveness of the City Council to the recommendations of the Oversight Committee helped establish its credibility in the community. At times, Committee members perceived that

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<sup>1</sup> Notably, in the wake of EPA's decision to include the site on the NPL, a group of corporate representatives, city officials, and members of the Chamber of Commerce created the Bartlesville Environmental Information Center (BEIC), primarily to oppose the listing. It is beyond the purview of this report to analyze the evolution and accomplishments of grassroots groups dealing with issues related to the contamination. Bartlesville had three such groups: BEIC, the Coalition Against Toxics (CAT), and West Side Alliance for Revitalization (WAR).

<sup>2</sup> This essentially gave the West Side veto power on state-controlled cleanup.

the state agency did not support the Committee's efforts to involve and educate the community -- perhaps because the state considered public participation and community relations the responsibility of its own mechanism -- the Lead Steering Committee discussed above. The Select Oversight Committee functioned as a convener and facilitator of disparate views and interests.

*The Bartlesville Coalition* was not established by any government agency. Rather, upon the urging of the state environmental agency which had indicated its preference to provide TAG funding to a coalition, three community groups (CAT, BEIC, and WAR)-- each with different agendas<sup>3</sup> -- came together to apply collectively for a Technical Assistance Grant (TAG). The three groups selected their own representatives for membership on the Coalition. Because of the historical animosity and distrust of the West Side groups for BEIC, the Coalition devised a weighted voting strategy to address the power imbalance and ensure protection of the West Side's interests. The Coalition operated independently and members were accountable to the organizations they represented. The Coalition enhanced public discourse and was able to achieve consensus on state cleanup. They also were able to insert a beautification clause into the final Consent Agreement, which was empowering and precedent to/a prerequisite for economic development on the West Side. Despite this, some members of CAT believed the final Consent Agreement more fully conformed to the interests of the BEIC (state cleanup) and WAR (economic development) than it did to the full range of concerns of its members, who wanted the health concerns of West Side residents addressed in the final Consent Agreement.

#### **5) How Successful Were The Public Participation Mechanisms?**

Table 4-1 rates these three mechanisms on the various criteria described earlier in Section IIC. Although each met some of the criteria for procedural fairness, only the grassroots Bartlesville Coalition was perceived as fully independent, autonomous, and structured to address the power imbalances in the community. Each of the mechanisms met the criteria for procedural competence and all were on their way to meeting their articulated objectives. Each mechanism functioned long enough for the participants to begin to develop a sense of mutual understanding, and each achieved a degree of influence over the cleanup process and other related issues. The agencies were often responsive to the concerns and recommendations of the different mechanisms, although shared decision-making probably would not be the appropriate descriptor for any of these mechanisms. Taken together, the public participation mechanisms in Bartlesville helped facilitate dialogue and consensus around state cleanup in the community, as well as begin to address the historical power imbalances between the West Side

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<sup>3</sup> BEIC was motivated to join because it favored state cleanup and understood this required community consensus. CAT participated because of its long-standing desire for full and certain cleanup. The locus of control of the cleanup was less important. The group also saw in the TAG an opportunity to further develop its skills and infrastructure. WAR was motivated by its strong commitment to economic development for the West Side.

and the rest of the community. Although some members of the affected community (i.e., some members of CAT) were not fully satisfied with the outcome of the process, cleanup -- originally opposed by some members of the larger community -- was in process and a degree of community trust in local and state agencies was restored.

## **6) Mechanisms of Interagency Cooperation**

Two state agencies (ODEQ, OSDH) and two federal agencies (EPA, ATSDR) formed an Interagency Task Force to: 1) address recommendations stemming from the ATSDR health consultation; 2) coordinate related activities; and 3) divide responsibilities for specific projects, e.g., soil testing, blood lead screening of West Side children, and coordination of agency public involvement activities. During its health consultation, ATSDR had prioritized communication with the affected community, which helped establish community trust in the agency. Through the Interagency Task Force, ATSDR was able to use its credibility with the affected community to help rehabilitate the trustworthiness of the involved state agencies. By careful attention to the delegation and assumption of different responsibilities across the federal-state divide, the Task Force was able to more quickly accomplish activities important to the community, e.g., ATSDR funded the state to conduct the blood lead studies, which facilitated more timely release of results than would have been possible if ATSDR performed the studies itself. Moreover, a cross-agency focus on community involvement activities provided a bridge to interagency cooperation on a host of issues related to the site.

Funding provided through the EPA Superfund Accelerated Cleanup Model (SACM)<sup>4</sup> further facilitated interagency cooperation and decision-making around specific remediation activities in high access areas of particular concern to the community.

Staff members from all four agencies were enthusiastic about the level of interagency cooperation that emerged from the Task Force, which provided a structured process for interagency communication and conflict avoidance. Most importantly, the cooperation engendered by the Task Force fostered an ability for the agencies to support each other and stand together in the face of strong opposition to cleanup by some of the more powerful sectors on the community. EPA's state deferral program provided additional leverage for the agencies to prioritize the concerns of the affected community in its cleanup decisions.<sup>5</sup>

## **7) Some Findings from the Case History**

- X One agency -- in this case, ATSDR -- can use its credibility with the affected community to build credibility of other historically mistrusted agencies (e.g., the Oklahoma State Department of Health)

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<sup>4</sup> SACM was an innovative pilot project within EPA designed to streamline the implementation of the Superfund program and to facilitate more speedy cleanups.

<sup>5</sup> The state deferral program required full community support for state versus federal cleanup. This essentially gave the citizens of West Bartlesville a veto on proposals for state cleanup that did not address their full range of concerns.

- X A focus on community involvement activities can provide a focus for interagency cooperation on a host of issues related to the site.
- X By prioritizing communication with the affected community, an agency can help build trust and help address the existing power imbalances in a community.
- X By working together, agencies may be able to accomplish things more efficiently. In this case, for example, ATSDR funded the state to do the blood lead studies, eliminating the necessity of having to go through its own peer review process before results could be released.
- X As with the Lead Steering Committee, inequalities in a community are easily reproduced in community-initiated public participation mechanisms. Membership may simply reflect the original power dynamics within the community.
- X Members of the affected community easily recognize and may be critical of public participation mechanisms that leave out or mute the voices of vocal community members (e.g., the Lead Steering Committee and the Select Oversight Committee).
- X The agencies can help reduce intra-community conflict by catalyzing a coming together of opposing interests, e.g., through the promise of a TAG.
- X An element of success was that public participation with ATSDR began early -- as soon as the agency was called in to do a health consultation.
- X In addition to action around cleanup, beautification and economic development were important to affected community.

**8) Organizational Affiliations and/or Types of Individuals Interviewed for this Case**

**Government Officials**

EPA, regional  
 ATSDR, regional  
 Oklahoma State Department of Health (OSDH)  
 Oklahoma Department of Environmental Quality (ODEQ)  
 Mayor of Bartlesville  
 Bartlesville City Council

**Industry**

Phillips Petroleum Company

**Community**

Members, League of Women Voters  
 Members of Community Organizations, CAT, BEIC, and WAR  
 Members and Former Members, Lead Steering Committee, Select Oversight Committee, and  
 Members, Bartlesville Coalition  
 Residents of West Side Community

**Other**

Member, Oklahoma Toxics Campaign

**Table 4-1. Analysis of Success of PP Mechanisms in Bartlesville, OK**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
Lead Steering Committee	+/-	+	+	+	-	-	-	+/-
Select Oversight Committee	+/-	+	+	+	-	+	+	+
Bartlesville Coalition	+	+	+	+	+	+	+	+
Overall Public Participation Efforts in the Community	+/-	+	+	+	+/-	+	+	

## **SALTVILLE WASTE DISPOSAL SUPERFUND SITE**

### **1) Brief History of the Site, Key Issues, and Conflicts**

Saltville is a small Appalachian town located in far western Virginia. Its salt reserves were an early attraction for resource-based industry, which provided a stable base of employment for local citizens from the early 1800's. During most of the 20th century, Saltville was the quintessential company town, dominated by Mathieson Alkali Works and later Olin Corporation. Olin's shutdown in 1972 caused major trauma in the community. Indeed, the company's departure and consequent loss of employment generated considerable bitterness -- perhaps even more than the legacy of environmental contamination it left behind. At the same time, however, many residents harbored a residual loyalty to the company. This paradoxical combination of resentment, loyalty, hope [of the company's return], denial [of an environmental problem], and substantial economic hardship provide the context in which agency action and public participation must be considered.

Early environmental studies in the area focused on assessments of water quality and mercury contamination of a local river. In 1983, the state health department assessed residents' mercury exposure through biological monitoring. That same year, EPA made a unilateral decision to include a former chlorine plant, two waste ponds, and a section of the river on the NPL. Decades later, elevated levels of heavy metals were found in the town dump, and, in 1994, the state environmental agency asked ATSDR to perform the first of several health consultations. In 1995, the inter-agency Saltville Team (see below) worked with the state health agency on a cancer study. The draft report was withdrawn because of design flaws, and an independent contractor was hired to complete the work. In 1996, EPA attempted to list the town dump on the NPL site. This was opposed by Olin, the town government, and the state environmental agency. Using a little known law, the governor vetoed the site's inclusion on the NPL. Thus, Saltville had both Superfund and non-Superfund sites.

Although the community was economically depressed and disadvantaged, neither the public nor the agencies appeared to address broader social and economic issues in the context of the cleanup. The focus of agency activity was environmental remediation and public health.

### **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

ATSDR engaged in several activities to communicate its activities to Saltville residents. The agency held poster sessions to present information about the contamination to the community. These visual presentations also facilitated one-on-one dialogue between the agency and community residents. This venue gave residents an opportunity to suggest sites they believed should be sampled by the EPA. ATSDR findings that several sites posed a threat to the community's health were communicated via regular mailing to Saltville residents; public availability sessions provided opportunities for two-way communication. EPA also held public meetings, primarily to communicate its remediation plans to local citizens. Citizens, activists, and Olin representatives expressed strong opposition to the agencies preferred option, which the agency later dropped. The Saltville Team (see below) held public availability sessions and specially designed education workshops. Because turnout at these events was generally

limited to a small number of environmental activists, the Team also mailed out information and status reports to reach a broader segment of the public.<sup>6</sup> Working with local residents, the Team developed and delivered two workshops to teach local children about the hazards of eating fish caught in the local river.

### **3) Attention to Building Capacity in the Community Outside the Public Participation Mechanisms**

The agencies did little to build capacity in the community. Although the agencies gave the public a role in identifying sites for soil sampling, the public did not trust the sampling results. This may suggest that the community was not adequately prepared or equipped to fully participate in the sampling process. Agency-funded and community-selected technical assistance may have diminished this problem.

### **4) Formal Mechanisms for Public Participation**

There were not formal public participation mechanisms set into place by the federal or local agencies involved in cleanup of hazardous waste sites in Saltville. Most agency efforts focused on outreach and communication, although interested members of the public were able to exert some influence on the selection of sampling sites and cleanup options through the public meetings held by the agencies. This failure to establish sustained and on-going mechanisms for dialogue and public involvement may have contributed to a lack of trust in the agencies' findings by some members of the activist community, as well as distrust of the agencies' communication activities by the Olin Corporation. Indeed, Olin established its own citizen involvement mechanism -- the Community Liaison Panel (CLP) -- as a response to its perception that the media distorts information gleaned through agency communication and outreach activities. Olin formed the CLP to provide another avenue of information flow to the community. Because the CLP is essentially a mechanism designed to facilitate communication between the community and the industry, it is not considered a public participation mechanism for purposes of this report. For more information about the CLP, see the Saltville Case History in the companion document..

### **5) How Successful Were The Public Participation Mechanisms?**

Community opinion of the agencies' activities varied widely. At one end, environmental activists -- members of the only local environmental group [Mountain Empire Environmental Team/MEET] -- criticized both the design and findings of the cancer study and the soil sampling studies conducted by the agencies. Although they had input into the locus of the sampling activities, they simply did not believe the results. They wanted more than mere input; they wanted real participation, which to them meant control of the contractual terms under which the study would be conducted and a hand in the composition of reports, fact sheets, and other educational materials generated by the study. They credited the agencies with excellent communication, but did not trust the results of their studies. At the other end, town government

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<sup>6</sup> The Team consistently invited the pro-business community to attend its public meetings, but these invitations were declined.

and "pro-business" forces in the community believed the agencies' sampling and community outreach activities were simply unnecessary. They also believed that the agencies and the Saltville Team were not sensitive enough to the negative publicity that would attend some of their actions. Both sides of the spectrum claimed to have the large "silent majority" on their side. In the end, the limited nature of the agencies' "public participation" activities in Saltville did not tap into the concerns, needs, and priorities of the wider community (Table 4-2) and they cannot be judged a success.

## **6) Mechanisms of Interagency Cooperation**

*The Saltville Team.* Although not an example of successful public participation, this case provides a fine example of interagency cooperation. A severe flood in 1978 was the impetus for early interagency (federal, state, and local) cooperation in Saltville. However, when EPA unilaterally decided to list several sites on the NPL without consulting other agencies or the public, the early task force disbanded.

ATSDR suggested the formation of a second interagency mechanisms in 1995. The Saltville Team consisted of representatives from two federal agencies -- ATSDR and EPA -- and the state environmental agency, VDEQ. It was designed to facilitate interagency cooperation; create a joint decision making process for the agencies; and coordinate communication and citizen participation in the cleanup of both NPL and non-NPL sites in the town through public meetings. The team met monthly and made all decisions by consensus. The Team had decision-making authority; their decisions were not second-guessed or reversed by their agencies. This helped enhance accountability and credibility with the local community.

The Team developed and disseminated an amalgamated Saltville Plan which outlined the agencies' intended actions in the town. The Plan laid out a plan and a timeline for agency activities relating to investigation of the contamination and to community involvement. As described above, the Team also held public meetings and disseminated written information to local residents via post. The Team was also responsible for conducting one of the more highly praised activities in the community -- health education workshops for town children on the eating ban on fish caught in the local river. Both team members and community residents are generally positive about the impact of the Saltville Team. Most observers agree that the pace of activity in the public awareness of environmental remediation efforts increased noticeably after the creation of the Team. Team members note that the personalities of those involved were instrumental in making the mechanism work.

## **7) Some Findings from This Case History**

- X Community members (in this case, environmental activists from MEET) can commend the agency's communication efforts, but mistrust the message being communicated. This is testament to what can happen when community is not given a role/voice in study design, investigator selection, etc. .
  
- X There was little public involvement in Saltville -- making it impossible to determine the needs and preferences of the silent majority. In a company town, or in any community where public involvement is low, agencies should employ a variety of mechanisms to

encourage/obtain community involvement. How else will agency know if its plans will benefit the community or address real community problems?

- X Interagency coordination and cooperation, while good in itself, is not an adequate substitute for public participation.

**8) Organizational Affiliations and/or Types of Individuals Interviewed for this Case**

**Government Officials**

ATSDR, regional  
EPA, regional  
Mayor of Saltville  
Member, Saltville Town Council  
Virginia Department of Environmental Quality (VDEQ)

**Community**

Members, Mountain Empire Environmental Team (MEET)  
Staff writer, county newspaper  
Residents, Perryville neighborhood  
Retired nurse, Olin Hospital  
Members, Olin Community Liaison Panel

**Industry**

Facilitator, Olin Community Liaison Panel  
Director for Community Outreach, Olin Corporation  
Site supervisor, Olin Corporation

**Table 4-2. Analysis of Success of PP Mechanisms in Saltville, TN**

Mechanism	Process		Outcome					Overall "Success" of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
Public Meetings	+/-	-	+/-	-	-	-	+/-	-

## **CHATTANOOGA CREEK SUPERFUND SITE**

### **1) Brief History of the Site, Key Issues, and Conflicts**

A stretch of the Chattanooga Creek -- long known as one of the most polluted creeks in the country -- runs through two low income and minority communities in South Chattanooga. From the early 1900s, South Chattanooga has been home to many large industries. Along with the City of Chattanooga and local residents, these industries used the creek as a dumping ground for municipal and industrial waste. For years, residents had complained about the contamination of the creek, along with odors, fumes, and air pollution associated with the local industrial facilities. All of this made for a very distressed living environment for the residents of South Chattanooga.

The Tennessee Valley Authority (TVA) had studied contamination of the Creek several times from the mid 1930s. Its first in-depth analysis in 1980 identified 53 toxic substances in the creek, with some above EPA guideline levels. Despite clear evidence of serious environmental contamination, state and local agencies were slow to respond.<sup>7</sup> Residents interpreted this inaction as an absence of agency concern for the public welfare. This history made it difficult for community residents to trust and respect government agencies.

After learning about the creek contamination from the media and studying several aspects of the problem in class, a group of college students from a local university organized an activist environmental group (Stop Toxic Pollution/STOP) to help get action on the problem. The group failed to attract the interest and support of local residents for several reasons: 1) environmental contamination was not high on the priority list of residents who had to face serious economic and social problems on a daily basis; 2) residents did not expect anything to change, as they had endured environmental and other problems for a long time without any agency action; 3) the students were seen as outsiders, and the racial gap between the residents and the college students was problematic; and 4) the group's lack of resources slowed efforts to communicate with and organize the community. Despite the lack of community support for its activities, STOP became a formidable player in efforts to clean up the creek.

Responding to a request from an individual resident, ATSDR entered the community to do a health study in 1992. In 1994, the agency released its findings that the chemical contamination in the sediment, surface water, and fish in the creek -- along with its biological contamination -- posed a threat to public health. The agency also reported a statistically significant increase in some cancer rates in some areas, but could not attribute the excesses to environmental contamination. Many community members refused to believe this conclusion, ascribing it to a government effort to withhold the truth and avoid the cost of remediation. Concern about health impacts intensified, as did pressure to place the site on the NPL. This finally occurred in 1994 -- for a portion of the creek.

### **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

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<sup>7</sup>The TN Department of Health and Environment (TDHE) did not declare the creek unsafe for drinking, swimming, and fishing until 1983.

One of the earliest outreach and communication initiatives stemmed from a joint effort of state and local government. *The Chattanooga Creek Task Force (CCTF)* -- comprised largely of representatives from state and local agencies, along with a few non-governmental members -- convened in 1980 to direct greater attention to the contamination problems in South Chattanooga, with special emphasis on the creek. Supported by funds from EPA and the University of Tennessee/Chattanooga, the CCTF was the first group to provide local residents with access to and information about the contamination. Some of its first activities were to communicate the findings of the 1980 TVA study to local residents; survey local school children about their fishing and fish eating habits; and instigate a study to contamination levels in fish.

ATSDR undertook several public outreach, communication, and education efforts in Chattanooga. It reached out to local health care providers; it conducted several programs with elementary schools to educate youth about the hazards of the creek and the importance of avoiding them. However, its primary focus of communication was with STOP. STOP members interacted with the agency and also organized a community-wide meeting which ATSDR attended and distributed fact sheets. Given the group's perceived "outsider" status, this reliance on STOP as a focus for and convener of agency outreach activities was problematic.<sup>8</sup> Later, ATSDR recognized that it was not reaching a substantial segment of the community and began to form a more representative and trusted community liaison group to help communicate information about the dissemination. An additional community concern was that the agency people participating in the communication activities were primarily public relations people, not the "scientists" who would be in a position to influence agency decisions.

### **3) Attention to Building Capacity in the Community Outside the Public Participation Mechanisms**

*The Chattanooga Creek Community Involvement Project (CIP)*: Like STOP, this group was formed by people outside the affected community, but in this case by people who had a history of working with residents in South Chattanooga and who recognized the community's difficulties in organizing itself. Its efforts to build local capacity within South Chattanooga was funded by a private foundation. The group's purpose was to help provide equity, tools, and opportunities to minority, low-income people of the community impacted by the Chattanooga Creek Superfund remediation action, so that they might effectively participate in public processes and decision-making about this action. The group sought to foster relationships between and among the community, the agencies, and local businesses, and it created opportunities for small group discussions among these sectors. The group did not do community-wide organizing, but focused its activities on five community organizations. To help establish collaboration between professional and community groups, the CIP created a Community Safety Panel, which sponsored workshops, discussions, and a site tour to provide panel members with opportunities to interact, develop personal relationships, and come to mutual understanding. These activities helped develop a trusting relationship between

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<sup>8</sup> Although leadership of STOP was later assumed by residents of South Chattanooga, the community continued to view the group as one formed by outsiders.

residents and outside organizations. One outcome of the CIP was the development of a list of safety concerns regarding the NPL cleanup.

The *Community-University Partnership (CUP) Grant*, funded by EPA's Office of Environmental Justice, was an important vehicle for building capacity in South Chattanooga. This grant enabled the Tennessee Technical University to work with the South Chattanooga community to build capacity of local residents to understand the scientific and technical aspects of the cleanup and to participate in the related decision making processes. Initially, a large number of community residents opposed the grant because they were unaware of and had not participated in its development (despite efforts of the University to partner with local institutions) and because local organizations would not be the primary beneficiaries of the grant. Although the grant proposal had included job training and soil sampling components, community members were displeased with grant's emphasis on environmental education. They felt residents were already aware of the dangers and that the community's primary needs extended well beyond education about the contamination. The community helped restructure the grant to channel more funds to them directly. The grant was used to: 1) create job training programs so residents would be qualified for the cleanup jobs; 2) provide community organizations with supplies and equipment to help them with their work ; and 3) create a community-based and controlled community newsletter.

Three community-based organizations were major partners in this effort. One organized and was responsible for public outreach activities and for providing residents with access to information about the contamination. This group served as liaison between local, business, and agency interests. The second group was responsible for the community newsletter. The third group organized innovative youth training programs, with free tuition and a stipend to encourage participation.

The CUP grant and subsequent youth training programs provide strong evidence that agency funds can address and achieve both environmental and larger community objectives. The grant also built local capacity, awareness, and networks for collaboration in the community around the contamination. As described below, EPA began to use one of the CUP affiliates for interacting with the community about its remediation plans, and the community was able to organize a response. The CUP helped the community develop a capacity for and interest in participating in decision-making, as well as a sense of community cohesion. The CUP provided a sense of empowerment, self-confidence, and self-sufficiency in the community, which began to develop an ability to design and implement projects without outside assistance. The discussion by some residents about the need to establish a representative community board to work with EPA and other groups on an ongoing basis is further testament to the success of this capacity building initiative.

#### **4) Formal Mechanisms for Public Participation**

*Direct Interaction with a CUP-funded Community Organization.* Although EPA regional officials working in the South Chattanooga community only learned about the CUP grant (see above) through their attendance at a public meeting, the agency then began to work with one of CUP's community-based organizations to interact with the community about its remediation plan. The CUP affiliate helped residents hold meetings, discussions, and planning sessions to formalize a response to EPA's short-term removal plan. Through this mechanism, the residents developed and presented a list of questions, concerns, and issues about the plan to the EPA, including a

request for more job training for local residents to enable them to work in the cleanup effort; a concern about the level of protective clothing to be worn by cleanup workers; the transportation routes of trucks carrying waste; and a request that the preprocessing occur off-site or assurance that adequate monitoring mechanisms if done on-site. The EPA responded to each a every issue at a public meeting.

## **5) How Successful Was This Public Participation Mechanism?**

Although the EPA was not able to give the community everything it wanted,<sup>9</sup> this vehicle for participation was successful in several ways (see Table 4-3). Based in the affected community, the CUP affiliate was able to set up a participation opportunities seen as fair, open, and representative of community views. Formal and informal meetings allowed residents to come together, develop a shared sense of purpose, build networks to address community issues, and create the cohesion and cooperation needed to influence agency decisions. The CUP had helped build both the capacity and interest of local citizens to participate effectively in decisions about the contamination and cleanup in their community. Several groups pursued additional grants to support their activities.<sup>10</sup> Community leaders have requested the creation of a more formal committee to influence agency decision-making, such as a community-wide advisory board.

## **6) Mechanisms of Interagency Cooperation**

The Chattanooga Creek Task Force (CCTF) described above was the only formal mechanism for interagency communication and cooperation in South Chattanooga. This group, comprised primarily of representatives from state and local government agencies, was formed principally to provide local residents with information about a TVA study of contamination in the creek. By all accounts, it achieved this limited objective.

ATSDR and EPA report that the agencies did work together closely to keep each other informed of agency activities in the community, but no formal mechanisms were established for this purpose. The informal communication and cooperation activities were considered successful by the agencies, in this case, and community residents did not voice confusion about the activities of the different agencies.

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<sup>9</sup> For example, the community questioned whether some of the profits from the remediation or the subsequent processing and reuse of tar deposits could be channeled back into the community for its own use. They also pressed the EPA to hire local people or contract with local businesses for participation in cleanup activities.

<sup>10</sup> At least one has been successful. In March 1997, STOP received an EPA Technical Assistance Grant to continue its work.

## 7) **Some Findings from This Case History**

- X The community's original opposition to the University's CUP grant demonstrates that a group's (in this case the University) prior work with and sincere interest in the community will not necessarily generate community support for the group's activities -- especially if there is a historic distrust of outsiders.
- X Economically disadvantaged communities (such as South Chattanooga) may prefer that environmentally-related grants address larger community issues and concerns. They may feel they know quite enough about the environmental contamination and prefer to use agency funding and resources for job training and economic development instead of for environmental awareness and education programs.
- X Participation and capacity-building mechanisms (like CUP and its community-based partnering organizations) can be designed to address simultaneously the environmental, economic, and social issues in an affected community.
- X In developing partnerships with a community, the initiating organization should involve the community early (see, for example, what happened with the Community/University Partnership (CUP) program in Chattanooga).
- X An organization's best efforts to identify community leaders may not be successful if they involve only a segment of the community, (e.g., initial experience with CUP in Chattanooga). There is a danger that these efforts will be colored by its previous relationship, experience, or comfort level with certain people/groups in the community. (Concern expressed by environmental activist in Chattanooga about ATSDR outreach efforts)
- X Although it may be tempting, agencies should not limit their communication and outreach activities to the most interested, receptive, and cooperative groups in a community (e.g., ATSDR's reliance on the STOP group in Chattanooga). This may anger community residents who do not identify with that group, and impede communication efforts.
- X It is important that agency people who are in the position to make or influence decisions attend and participate in community involvement activities and events. Community members may resent or be skeptical when agencies relegate these activities to public relations or community involvement staff (Chattanooga).
- X As seen in Chattanooga (and also in St. Louis), communities with known contamination and evidence of health problems [anecdotal or otherwise] may distrust government studies that fail to find a relationship between the contamination and perceived or actual health effects. Expectations are otherwise. Negative findings often generate mistrust and a perception of agency incompetence or coverup.
- X Mechanisms that function over time (e.g., CUP, CIP in Chattanooga) can provide opportunities for discussion that can lead to personal relationships and a newfound understanding (of different points of view).

- X A sustained capacity building initiative (the CUP) coupled with even loosely organized public participation initiatives can help a community once described as "fragmented" and without identifiable leaders develop the cohesion, spirit, and ability to translate its concerns and ideas into action.

## 8) Organizational Affiliations and/or types of Individuals Interviewed for this Case

### **Government Officials**

EPA, regional  
ATSDR, regional  
TN Department Water Pollution Control Division  
TN Superfund Division  
State representative

### **Community**

President, Emma Wheeler Homes Resident Association  
President, United Community Action Alliance  
Members, Alton Park/Piney Woods Improvement Corp.  
Mary Walker & Associates  
Community leaders and organizers  
    St. Elmo Precinct Chair  
    Piney Woods Precinct Chair  
    Alton Park, Precinct Co-chair  
Principal and teacher, Calvin Donaldson Elementary School  
High school students  
Reporter, TN Times  
Local Reverend  
Representative, Senior Citizens Group  
Members, Stop Toxic Pollution (STOP)

### **Local Business**

President, Chattanooga Chamber of Commerce  
Owner, local club  
Owner, local trucking business

### **Other**

Asst. Dean, Chattanooga State Technical and Community College (CSTCC)  
Professor and CUP grant recipient, Tennessee Technical University (TTU)  
Other faculty and staff from TTU

**Table 4-3 Analysis of Success of PP Mechanisms in Chattanooga, TN**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
Direct Interaction with Community Organization/CUP Affiliate	+	+	+	+	+	+	+	+

## **ALBUQUERQUE: SOUTH VALLEY SUPERFUND SITE (SAN JOSE)**

### **1) Brief History of the Site, Key Issues, and Conflicts**

Once an agricultural community, San Jose is populated predominantly by Hispanic and low-income persons. The development of industry in the community transformed its economic base as well as the quality of its environment. Seriously contaminated wells in the community, which served the larger municipality of Albuquerque, were decommissioned in the early 1980s and the area surrounding them designated an NPL site. There were years of significant interagency conflict around sources of, and plans to cleanup, the contamination. The wells were a major source of conflict, with EPA and ATSDR recommending that the wells remained closed until treated or until a new well could be installed at a new location, and the local Department of Public Works pressing for the wells to be brought back into production. The identification of petroleum contaminants in the deep ground water beneath the community caused an additional problem. Because CERCLA has a petroleum exclusion, the EPA initially was not prepared to address the groundwater contamination through the Superfund program.

Community residents had not benefited from development in the area and felt betrayed by local industry and the U.S. government, which had created jobs and profits for others and left a legacy of contamination. They believed the governmental response to the contamination in their community had been inadequate and half-hearted, mainly because community residents were low-income people of color. They were unhappy with EPA's early community involvement activities, which were basically seen as insincere and pro-forma. NPL listing had affected their property values, their ability to access loans to improve their homes, and further eroded their economic prospects, as clean businesses are reluctant to locate in a contaminated area. As in other low-income communities, the quality of education in San Jose is poor and opportunities for advancement are rare. The consequent social problems have created additional barriers for the community. Community residents are distrustful of all levels of government and resentful of outside organizations and academic institutions that benefit from their misfortune in terms of contracts, grants, and the like. Residents are firmly committed to participating in any effort to develop solutions for their tightly linked environmental, economic, and social problems. They have pressed for meaningful participation in agency decision making because they believe: 1) residents have special and unique knowledge of their problems as well as the community networks and resources needed to solve them, and 2) such participation provides an effective way for the community to define and protect its own interests while building the capacity to address its own problems.

### **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

Early agency efforts to provide information to the community were inadequate and unsatisfactory. They clearly did not provide an opportunity for true communication and dialogue, and the community was highly critical of these so-called community involvement activities. The nature of these activities began to change with the formation of the Design Review Committee, described below. This Committee, along with the Summit (also described below) engaged in activities to reach the broader community of San Jose in order to share information and elicit community views. However, they did much more than serve as communication vehicles. They became mechanisms for meaningful participation, and are thus described under that section below. The San Jose Community Awareness Council had long

been an important vehicle for community advocacy, organization, and communication. The group took up the issue of environmental contamination and became the primary organization to represent and safeguard the interests of the community in this context as well.

### **3) Attention to Building Capacity in the Community Outside the Public Participation Mechanisms**

In early 1990, the EPA awarded a technical assistance grant (TAG) to the San Jose Community Awareness Council. The TAG improved the ability of this important community group to participate in the Design Review Committee (see below) and other participation processes in a meaningful way. The group used some of the grant funds to hire its own technical advisor, who routinely attended meetings of the Design Review Committee along with members of the Awareness Council. The TAG helped the community group participate in the process as an equal partner. This may be one factor that accounts for the relative success of the mechanisms described below.

### **4) Formal Mechanisms for Public Participation**

The EPA and the San Jose community have committed to working as partners in efforts to address the contamination of the South Valley. Several mechanisms were created to develop and enhance partnership opportunities.

*The Design Review Committee* was established by the EPA to involve relevant parties in the discussion of cleanup strategies. Members included representatives from four state and local regulatory agencies, numerous PRPs, and a well-respected and active community organization, the San Jose Community Awareness Council. EPA invited the participation of these groups, which were free to send their own members to meetings, often accompanied by consultants. The meetings were open, but members agreed to a ban on lawyers. The sheer number of participants posed logistic and substantive problems, including a variety of competing agendas. The committee considered complex technical issues, as well as the community concerns and issues identified by the Awareness Council. To relieve the burden of participation on the community, the EPA and the Design Review Committee began to attend meetings of the Awareness Council rather than ask the community group to come to them. Features of this mechanisms that enhanced its effectiveness were: 1) a ban on lawyers (agreed to by participants); 2) the sharing of technical information by the technical experts from the participating agencies and PRPs; and 3) the participation of community, which improved decision making and helped build trust. The EPA was open and shared information with the Committee, and this helped build trust. The Committee was a partnership vehicle for the EPA, the community, the agencies, and the PRPs.

*Albuquerque Environmental Justice and Superfund Summit* was a ground breaking effort to build partnerships and create dialogue among a broader range of stakeholders in order to develop solutions to the issues faced by the South Valley. It was planned, designed, sponsored, and implemented through a breakthrough collaborative process that included community organizations, government, and industry. Each group had reasons to participate and collaborate. Businesses were interested in redevelopment; government agencies were becoming more dependent on public support; a presidential executive order on environmental justice has just been issued; and the community wanted both cleanup and justice. Involving such a large number of disparate groups in a single planning process was difficult and time

consuming, but the sponsors were committed to shared decision-making and community-building, even at the expense of efficiency.

Although the goal was to build partnerships to facilitate fast and complete cleanup of environmental contamination, in response to community concerns, the Summit addressed issues of economic development as well. The community believed the issues were linked; environmental restoration would play a key role in the economic revitalization of the area.<sup>11</sup>

EPA Region VI agreed that economic empowerment is an integral component of environmental justice.

The Summit also served as a vehicle for inter-agency communication and community outreach; regional administrators of different federal agencies, such as the DOD, DOE, SBA, were invited and did participate in the Summit.

## **5) How Successful Were The Public Participation Mechanisms**

As seen in Table 4-4, both the Design Review Committee and the Summit were successful vehicles for public participation in San Jose. They were open, accessible, and took care to ensure that a variety of viewpoints and forms of expression were included. Members of the Design Review Committee and Summit Planning Committee participated as respected equals. Indeed, a well-placed TAG provided the affected community with the technical expertise needed for meaningful participation. The purposes of both mechanisms were well understood and agreed upon by participants, who were free to define their own agendas and issues for consideration. Both allowed participants ample time to learn about and discuss the issues and to reflect upon the viewpoints of others. Based on a desire for real partnership, both mechanisms helped improve the previously poor relationship between the community and the agencies and provided opportunities for meaningful involvement in agency decision-making. To date, the community has supported agency decisions that it has participated in making, and there is general agreement that the participation/partnership processes are working.

The ongoing nature of the Design Review Committee and the open, collaborative nature of the Summit's planning process have resulted in productive dialogue among stakeholders with competing interests and helped build and cement relationships between and among the agencies and various grassroots and industrial groups in the community. Participants have reported that these mechanisms have engendered a spirit of mutual respect, a commitment to continue to improve communication among often contentious groups, a recognition of the value and validity of the different forms of knowledge, and enhanced trust between and among the different community groups and government agencies. At the same time, participants agree that the benefits accrued to date would last only if the collaborative processes continue. If they fail to do so, previous efforts will likely be viewed as just more window dressing.

## **6) Mechanisms of Interagency Cooperation**

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<sup>11</sup> Environmental cleanup and restoration would remove the liability concerns of businesses that might then be willing to locate in the community, and it could also provide jobs and income to members of the impacted community.

Federal interagency cooperation efforts operated only informally in the San Jose community at the time of the study. Federal agencies -- DOE, DOD, SBA, ATSDR, and EPA -- participated in the Summit, contributing to its success. One public participation mechanisms -- the Design Review Committee -- involved representatives from four state and local regulatory agencies, numerous PRPs, and the San Jose Community Awareness Council.

## **7) Some Findings from This Case History**

- X As explained by a community activist in South Valley/Albuquerque, there are historical [e.g., we tried before and nothing happened]; cultural [accept things as god ' s will]; and social [outsiders may have low expectations of low-income, minority residents; residents have other, more immediate social and economic concerns] reasons why community residents may not get involved in public participation efforts even when provided the opportunity.
- X One way to maintain community involvement and prevent citizen burn-out is for the agency to link its public participation activities to regularly scheduled meetings of community organizations, as with the Design Review Committee in South Valley/Albuquerque. It is often unrealistic to expect citizens to attend additional agency-sponsored public meetings.
- X Communities (like South Valley/Albuquerque) may consider lack of economic opportunity and community development as important environmental issues, because they may have been the result of environmental problems or prior environmental injustice.
- X Superfund is a logical springboard for addressing economic development issues. Linking the two is important for communities and for the agency -- the latter because as a community ' s disposable income goes up, they are in a better position to demand more services, including enforcement of environmental regulations.
- X Meaningful community participation can help develop solutions to these problems because: 1) residents have special and unique knowledge of their problems as well as the community networks and resources needed to solve them, and 2) such participation builds their capacity to address their own problems.
- X Statutory or regulatory limitations may adversely impact an agency ' s relationship with a community. In San Jose, petroleum was one of the contaminants in the wells, and petroleum does not fall within the EPA Superfund mandate. Community trust in and respect for the agency was initially damaged because the agency resisted cleanup of the petroleum- contaminated sites.
- X It is not just working together, but working together on an equal footing that helps build trust and mutual respect. The Design Review Committee and EJ/Superfund Summit in South Valley/Albuquerque were successful in this respect. To maintain effective relationships, all parties must continue to work at it and to revisit commitments previously made.

- X One way to address the issue of economic development is through technical assistance, such as TAGs to communities and TA to minority-owned companies trying to get federal work. Organizers of the EJ/Superfund Summit in South Valley/Albuquerque recognized that TA can be helpful in terms of training these businesses about bonding requirements, bid packages, getting SBA loans, etc., and they provided access to this kind of information through the Summit.
- X Including disparate groups in a single planning process (the Summit) was facilitated by the existence of ongoing networks among community groups in Albuquerque.

**8) Organizational Affiliations and/or types of Individuals Interviewed for this Case and the Following Case on the Sandia Site**

**Government**

ATSDR, regional  
 DOE, Sandia  
 EPA, regional  
 State Groundwater Quality Division  
 City of Albuquerque Health Department  
 City of Albuquerque Department of Public Works  
 Office of Mayor

**Community**

Environmental activists  
 Executive Director and members, San Jose Community Awareness Council  
 Members, Mountain View Neighborhood Association  
 Members, Sandia Citizens Advisory Board (CAB)  
 Representative, Albuquerque Public Schools  
 Superfund Summit facilitators

**Industry**

Eveready Oil  
 Community Involvement Office, Environmental Restoration Office, Sandia National Laboratory  
 General Electric  
 Community Involvement Office, Lockheed Martin  
 AT&SF Railroad  
 Project Manager for Remediation

**Other**

Southwest Center for Environmental Excellence and Opportunity, Albuquerque Technical Vocational Institute (TVI)  
 Faculty and staff members, University of New Mexico

**Table 4-4. Analysis of Success of PP Mechanisms in Albuquerque/South Valley, NM**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
Design Review Committee	+	+	+	+	+	+	+	+
EJ/Superfund Summit	+	+	+	+	+	+	+	+
Overall PP Efforts in the Community	+	+	+	+	+	+	+	+

## **ALBUQUERQUE: SANDIA NATIONAL LABORATORY SITE**

### **1) Brief History of the Site, Key Issues, and Conflicts**

Founded in 1945 as part of Los Alamos National Laboratory, the mission of Sandia National Laboratory was to provide engineering support to Los Alamos and Lawrence Livermore National Laboratories in the design of nuclear weapons. Since the end of the Cold War, Sandia has sought to broaden its operations beyond defense and the nation's nuclear arsenal to conduct energy and environmental research, as well as to address emerging research needs of industry and government. Located just outside Albuquerque, Sandia has identified numerous on-site areas for cleanup of radioactive, chemical, and petroleum contamination. It has developed several mechanisms for public involvement in cleanup decisions and has funded organizations to help build capacity in the local community.

### **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

Sandia has established several mechanisms to facilitate outreach and communication with the local community. Its Community Involvement and Issues Management Office coordinates the agency's public involvement efforts and serves as a clearinghouse for local and national public involvement activities. The DOE-funded capacity-building mechanisms described below have elements of outreach, communication, and education. The Citizens Advisory Board (also described below) has developed a variety of ways to communicate with the broader public. It advertises and then holds its own meetings in community centers throughout Albuquerque; it mails out 1900 newsletters on a quarterly basis. Many CAB members want to pursue additional outreach and communication activities, such as radio and TV publicity, mall displays, a web site, presentations to community groups and to children through the schools, and a system that allows residents to write to the CAB with their issues and complaints. Because they are volunteers, CAB members have little time to pursue these ideas and suggest they need paid staff dedicated to community outreach. Members of the CAB are interested in educating the broader public about the value and importance of Sandia and its work, as well as about the potential environmental risk posed by the institution.

### **3) Attention to Building Capacity in the Community Outside the Public Participation Mechanisms**

Sandia and DOE have devoted significant resources to building the capacity of local institutions and to foster partnerships between the DOE/Sandia and the local community.

*The Southwest Center for Environmental Excellence and Opportunity* was established with DOE funds by the Albuquerque Technical Vocational Institute (TVI) to increase the number of Hispanics in environmentally-related careers; to strengthen the infrastructure and capacity of Hispanic businesses to participate in clean-up activities; and to increase the understanding and participation of the local Hispanic public in DOE environmental management programs. As a well-established and well-respected community college with a focus on community development and service learning programs, TVI was an excellent vehicle for this capacity-building program. Much more than universities which are seen by the community as interested only in research

and "studying them to death,"<sup>12</sup> the Center has prioritized community involvement in the design and implementation of its programs. It works closely and shares its resources with community organizations to develop an understanding of the gaps in the network of services and organizations in the community. That way the Center can help address the needs without duplicating the work of existing community organizations. The Center also networks with other institutions and organizations working on environmental issues related to DOE and Sandia.

*The Bernallilo County Health Department Technology Transfer Program* is another capacity building program in the area. Initiated by the Bernallilo County Health Department, funded by the DOE Office of Science and Technology and the county, and administered by Sandia, the goal of this partnership program is to build the capacity of local institutions to maintain the quality of their groundwater by transferring technology -- in this case innovative technologies known to the DOE and other federal agencies for identification and cleanup of subsurface groundwater contamination. Despite the magnitude and significance of groundwater protection, the task often falls to small local agencies with limited resources and expertise to deal with it. This program allows the County Health Department to identify cost-effective technologies and then work with local companies that might purchase the necessary equipment and be hired as contractors by the local authorities. A second focus of the partnership is to disseminate information to other local health agencies facing similar issues. Members of the Health Department believe that building the capacity of local institutions is critical for successful community involvement. If communities are to participate, they must share in the development of ideas and receipt of resources. Indeed, they suggest that, without attention to capacity-building, the large amounts of money spent by federal agencies on public participation may result in duplication, reams of paper, and no ability to prevent new problems in the future.

#### **4) Formal Mechanisms for Public Participation**

*Citizens' Advisory Board (CAB):* Following a DOE directive, Sandia established a site-specific Citizens Advisory Board (CAB). The purpose is to provide input and recommendations for the environmental management of Sandia. A Steering Committee of local residents was responsible for publicizing the openings on the CAB and choosing members from those who responded. The Steering Committee wanted a diverse and balanced Board. They sought to balance the board demographically and politically; they submitted a slate of 30 members to DOE, which reviewed, approved, and appointed them. Initially, the CAB suffered from a lack of structure and organization. This resulted in a serious decline in membership, eroding the CAB's viability, diversity, and representativeness. Important advocacy groups are not represented. Some members suggest that these groups may not be comfortable the CAB's corporate model, i.e., seeking consensus and keeping discussion/disagreement "within the family." The technical nature of the CAB's discussions have led to a professionalization of its the membership. The open discussion format essentially requires that members have a high degree of personal empowerment and significant public speaking experience. This has discouraged the participation of low income people with less formal education. Cultural barriers

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<sup>12</sup> For a community commentary on this and related issues, see page 55 of the case history included in the companion document..

may also play a role in limiting the diversity of the CAB. CAB members are cognizant of these issues, and have suggested a variety of solutions, e.g., DOE could fund community organizations to help local residents acquire the skills and capacity to participate effectively or DOE could fund individuals to study the issues.

CAB members developed their own organizational framework, including bylaws and a mission statement. At the same time, some members report a lack of clarity and direction in the CAB, in part because DOE did not provide a good sense of what the Board was all about. The CAB hired its own administrator and took the office off-site, greatly enhancing its own sense of autonomy and independence from Sandia. The administrator structures the meetings and organizes materials for the volunteer Board. This has improved members' ability to participate in meetings. Previously, members had difficulty organizing and prioritizing the mountains of information given to them by Sandia. Still, participation requires an excessive amount of time. Some members have suggested that the CAB turn its attention to policy vs. technical issues. This would likely reduce demands on members' time and perhaps result in more substantive changes in the agency activity. There is also some concern that members who have the most time or are the most vocal will come to dominate the process. This has led to an interest in using participatory techniques, such as the Delphi and nominal group process techniques, that would enhance fairness in the participation process. CAB members currently make decisions by consensus, which some believe enhances the cohesiveness of the group.

Although the CAB has taken many steps to distance itself from Sandia and DOE, the agency still sets its agendas and controls its budget. Some members have suggested that the agency uses these methods to limit the independence of the Board. They have suggested that the formation of an "Issues Committee" within the CAB would allow the group to be proactive; it would help them define for themselves the issues to be addressed and the information needed.

CAB members are linked to the larger public because they are parts of existing community networks or organizations. Although they report that the DOE expects them to represent the community, members suggest they do not feel comfortable speaking for the community. They do not see themselves as accountable to the larger public, which had no real role in appointing them. Rather, they see themselves as vehicles of communication between the community and the DOE. CAB members have a strong interest in providing information to and obtaining information, views, and concerns from the larger public and have instituted several mechanisms to do so -- such as newsletters and holding open monthly meetings at community centers.

Members disagree on the extent to which Sandia and DOE have been accountable to the CAB. Some believe that DOE is willing to take advice from the CAB. Others believe that the information and recommendations provided by the CAB have not been well utilized by the agency. Some members perceive a low level of commitment within Sandia to community involvement and the CAB. There is concern that high level agency personnel with decision-making authority do not attend the CAB meetings. All this has caused some members to lose trust in the process.

## **5) How Successful Were The Public Participation Mechanisms?**

Table 4-5 suggests that, at the time of this study, the only formal public participation mechanism put into place by Sandia could not be characterized as successful. Although attempts were made to ensure diversity and representativeness among CAB members, a variety of barriers

and organizational problems have eroded membership diversity. Public interest and advocacy groups are not represented on the CAB, suggesting an absence of important viewpoints, especially those most likely to promote and protect the interests of the least advantaged in the community. Although it has taken steps to acquire autonomy, the CAB does not define its own agenda or control its own budget. There is a lack of clarity about purpose, and members are divided on whether or not it has had any meaningful influence on Sandia 's and DOE 's decision-making processes. As a standing committee, the CAB has the potential to facilitate mutual understanding and competent decision-making among its members and the agency. But the time commitment required of its voluntary board may hamper achievement of these outcomes or result in the disproportionate influence of those members who have the time to devote to the issues or the ability to dominate the process.

## **6) Mechanisms of Interagency Cooperation**

Aside from the Design Review Committee discussed above in the South Valley site -- which involved the participation of four different regulatory agencies, along with PRPs and a local community group, the technology transfer program created between DOE and the Bernalillo County Health Department was important for local capacity building and should be regarded as a successful multilevel interagency cooperative effort.

## **7) Some Findings from This Case History**

- X CABs can easily become professionalized. Agencies can structure agendas such that they demand technical knowledge from participating members. As with the Sandia CAB, this professionalization and technical orientation may effectively preclude participation of community members with little education or level of personal empowerment.
- X CABs need resources to be independent and to provide support for its citizen members. The Sandia CAB had funds to hire an administrator and operate an office outside the facility. Many CAB members suggested that citizen boards have more need for administrative support than a board of experts.
- X Although appointed to represent "the community" , CAB members may not feel comfortable with this role. Many members of the Sandia CAB said they could not speak for the community, even though the facility/agency assumed they did. In the words of one member: "DOE would say we need the public to tell about these things and you, the board, represent the public. But we don't represent the public because we were appointed by DOE." Another notes: "They [Sandia] go around and say the CAB endorsed it and therefore the community supports it. This is not necessarily true".
- X CAB community members question agencies' interest in and commitment to the public participation process and to shared decision-making when only low ranking personnel attend the public meetings. The appointment of public participation coordinator or community liaison does not signal a real agency-community partnership.
- X Partnerships with respected community organizations can be key to capacity building efforts. In Albuquerque, DOE 's decision to partner with the Technical Vocational

Institute (TTI) instead of the state university was well received by the community, which perceived TVI more closely tied to and interested in helping the community.

- X Agencies need to train their own bureaucrats in the value and use of public participation. Sandia CAB members suggested such training, noting that the necessary accountability will only occur if agency staff understand and respect the public participation process .

**8) Organizational Affiliations and/or types of Individuals Interviewed for this Case and the Preceding Case on the San Jose/South Valley Site**

**Government**

ATSDR, regional  
DOE, Sandia  
EPA, regional  
City of Albuquerque Health Department  
City of Albuquerque Department of Public Works  
Office of Mayor  
State Groundwater Quality Division

**Community**

Environmental activists  
Director and members, San Jose Executive Community Awareness Council  
Members, Mountain View Neighborhood Association  
Members, Sandia Citizens Advisory Board (CAB)  
Representative, Albuquerque Public Schools  
Superfund Summit facilitators

**Industry**

Eveready Oil Co  
Community Involvement Office, Environmental Restoration Office, Sandia National Laboratory  
General Electric  
Community Involvement Office, Lockheed Martin  
AT&SF Railroad  
Project Manager for Remediation

**Other**

Southwest Center for Environmental Excellence and Opportunity, Albuquerque Technical Vocational Institute (TVI)  
Faculty and staff members, University of New Mexico

**Table 4-5. Analysis of Success of PP Mechanisms in Albuquerque/Sandia Site, NM**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
Citizens Advisory Board (CAB)	-	+	-	+/-	-	-	-	-

## ROCKY FLATS ENVIRONMENTAL TECHNOLOGY SITE

### 1) Brief History of Site, Key Issues, and Conflicts

Rocky Flats opened in 1952 as an Atomic Energy Commission (AEC) facility whose unique mission was to process, purify, and machine plutonium for the manufacture of triggers for nuclear weapons. Located just 17 miles northwest of Denver, the facility sits on nine square miles of land, including thousands of acres of largely undeveloped "buffer zone" adjacent to nearby communities. As an industrial complex, it has over 100 buildings. For most of its history, the facility was operated by private contractors exempt from external governmental oversight, including environmental regulation, on the basis of national security. A legacy of secrecy and lack of accountability fostered significant community mistrust, despite the fact that many local residents worked there. In the 1970's, residents in surrounding communities voiced health and safety concerns. In the late 70s and early 80s, peace activists lobbied for more openness and for a halt to nuclear weapon production.

Numerous studies had been done over the years to assess both contamination and health effects, many funded by AEC and later DOE. Except in a few studies conducted by independent researchers, the public was not involved in the design of the studies and often was not included in the dissemination of results. DOE was not supportive of independent research and often did not cooperate with investigators. Independent studies frequently concluded that both contamination and health problems were more significant than reported in DOE-sponsored studies. All this exacerbated mistrust.

In the late 1970s and early 1980s, the state made several attempts to institute oversight and regulatory activities at the site, but DOE resisted state efforts to enforce more openness about waste generation at the facility. During this period, scores of environmental and peace organizations emerged at the grassroots level, many of which formed coalitions to coordinate activities and consolidate power. A 1986 Compliance Agreement between the state health department, DOE, and EPA began to bring the facility into compliance with hazardous waste laws, and set the stage for interagency cooperation at Rocky Flats.

Public involvement activities at the DOE commenced in the late 1980s with the formation of several advisory committees at the national level. The federal committees and commissions were composed of experts appointed to represent the public interest. The state also established an expert-based citizen advisory committee for Rocky Flats to serve as a communication link between the public, the DOE, the plant contractor, and involved regulatory agencies. But public trust in DOE and Rocky Flats continued to erode as reports of unsafe handling of plutonium and falsified safety records surfaced in the community. In 1989, the FBI and EPA executed a search warrant of the Rocky Flats facilities, and a grand jury was empaneled to investigate alleged environmental crimes at the site. Rocky Flats was added to the NPL that same year.

In the early 1990s, Rocky Flats was converted from a nuclear weapons production facility to an environmental restoration unit. This conversion resulted in significant job losses for the local community and a change in the composition of the workforce. In addition to having to cope with the economic impact, local communities were also concerned that the loss of workers with knowledge of the site's history and with experience in handling hazardous materials would adversely impact the quality of the cleanup. There was also increasing concern about the

possible impact of contamination on local water supplies. At the same time, there was considerable community and private interest in developing the site for commercial and public use.

## **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

Different levels of government established a variety of formal public involvement mechanisms in Rocky Flats. These are described in a later section below. These mechanisms, in turn, created their own outreach and education activities in order to inform and engage the broader public. For example, the state-initiated Health Advisory Panel (HAP) opened its technical work sessions and subcommittee activities to the public and released drafts of study documents to the public for review and comment. It sent out postcard notices of meetings on important aspects of the study or to announce the availability of draft documents for public review and comment. The Rocky Flats Local Impacts Initiative (RFLII) convened focus groups and task forces on such issues as risk assessment, DOE's strategic plan for the site, public involvement, and possibilities for private, interim use of the site prior to ultimate cleanup.<sup>13</sup> It also was a major force behind the two public summits, also described below. The Rocky Flats Citizens Advisory Board (CAB) meets in public and allows non-CAB members to participate on its committees.<sup>14</sup> In an attempt to incorporate community input into the development of its recommendations, the CAB hosts workshops, panel discussion, and public meetings to discuss key issues. It prepares and distributes fact sheets, brochures, community calendar announcements, weekly faxes on its activities, press releases on its decisions and recommendations, and a quarterly newsletter, with enclosed survey cards to elicit public opinion. It also maintains a reading room, a web page, and a listing in the Yellow Pages.

The state itself played an active and important role on broad-based public outreach. The Colorado Department of Public Health and Environment (CDPHE) developed a comprehensive public involvement program, which included a quarterly newsletter, periodic fact sheets, and special reports, as well as quarterly public meetings. It also designed a variety of activities to address the different levels of interest, concern, education, and scientific/technical knowledge in the community. For those citizens most comfortable with written information, the agency developed ten technical topic papers to answer frequently asked questions and to explain complex scientific and technical issues in a simple, clear, and concise way. For citizens who wanted a more active role and/or who had particular interest in the public exposure studies, the agency worked with its HAP to establish a citizen's environmental sampling committee, discussed further below. To reach people who are likely to attend meetings of community

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<sup>13</sup> Their proposed criteria for interim use included re-employment of Rocky Flats workers, no new construction, and no pre-determination or preclusion of future long-term uses for the site.

<sup>14</sup> This was done to enlarge the scope of public participation in the CAB work and in recognition that some citizens may want to contribute and participate, but can not spare the time required to be a full CAB member.

organizations, the agency worked with the HAP's Public Involvement Subcommittee to establish a Speakers Bureau.

### **3) Attention to Building Capacity in the Community Outside the PP Mechanism**

When EPA announced the availability of technical assistance grants to help affected communities get involved in the cleanup process, a variety of community groups in Rocky Flats expressed interest, as did the state-appointed citizen's advisory group. A TAG for the affected community was awarded to the Rocky Flats Cleanup Commission (RFCC), a broad coalition of grassroots environmental and peace groups that had been active in monitoring the activities at the plant and highly critical of DOE and other regulatory agencies. The RFCC was the only organized group involved in the Rocky Flats cleanup that focused solely on the public interest, i.e., it did not address business or municipal interests. The TAG helped the group become an active conduit of the communities' views to the agencies until it failed to receive additional TAG support in 1993.

Local and municipal governments contributed to capacity building through some of the programs implemented by the Rocky Flats Impact Initiative (RFLII), a public involvement mechanism established through a formal intergovernmental agreement. Described further below, the RFLII conducted numerous activities to address one of the major issues in the local community, jobs for displaced nuclear production workers. In this context, its Commercialization Task Force implemented several programs to help create the infrastructure to encourage fast-growing industries to locate in the area.<sup>15</sup> These programs helped build local capacity through technology transfer, training, support of research and development, and assistance to workers and companies.

### **4) Formal Mechanisms for Public Participation**

Government agencies at all levels established many vehicles for public participation in Rocky Flats. The focus of these participatory mechanisms sometimes differed and sometimes converged, but always reflected the range of concerns in the affected communities -- health impacts, extent of environmental contamination, remediation and cleanup, redevelopment, and future use of contaminated sites.

*Health Advisory Panel (HAP):* The HAP was established by the CO Department of Public Health and Environment (CDPHE) to oversee studies analyzing the potential public health impacts of past releases from the Rocky Flats plant. Comprised primarily of independent scientific experts appointed by the agency, the purpose of the HAP is to oversee the research studies and inform and involve the public in the research. The latter is seen as essential to ensuring the credibility of the research. The HAP's technical meetings are open to the public, and the public has an opportunity to review and comment on draft documents released by the study contractors.

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<sup>15</sup> The Rocky Mountain Entrepreneur Resource Program provides small business research and management assistance vouchers to Rocky Flats workers and companies. The Regional Atmospheric Response Center transfers Rocky Flats technology to track hazardous emissions to benefit Colorado public safety agencies and businesses. The Rocky Mountain Environmental Remediation and Technology Center supports research and development of environmental technologies. The Rocky Mountain Manufacturing Academy transfers excess manufacturing equipment from Rocky Flats to the Colorado community college system for training.

CDPHE worked with the HAP to develop an extensive public involvement program, which includes newsletters, public meetings, and activities designed to accommodate different levels of public interest. As noted above, these included a technical symposium, written papers, and a speakers' bureau. The CDPHE also established a Citizens' Environmental Sampling Committee (more below), which offered citizens an opportunity to collect and participate in the analysis of their own soil samples.

Some have criticized the HAP, suggesting that its mission, design, and selection process were not open. This resulted in excluding some people from membership, especially those who have been outspoken critics of the CDPHE.<sup>16</sup> Involvement of the broader public in HAP activities has been low. This may be because the community trusts HAP members to reflect their views and protect their interests [so suggests some HAP members], or because the public does not feel respected [according to some members of the public who say the HAP and the study contractors failed to address their criticisms of the study methodology]. These individuals have demanded that the draft and final reports contain public comments and unedited critiques. They have also insisted that the HAP add to its panel three citizens deemed knowledgeable about the environment and the science (outcome unknown). Other members of the public suggest a lack of trust in the HAP process because of its failure to conduct an epidemiologic study, which these community members view as essential to creating public trust and respect for the agency and as a symbol of the agency's respect for the community. There is also concern that the CDPHE has not addressed the subjective experience, well-being, and mental health of residents impacted by Rocky Flats.

*Citizens' Environmental Sampling Committee.* Recognizing the inadequacies of the existing soil sampling records and the lack of public trust in governmental agencies and their contractors, CDPHE worked with the HAP to establish this committee to conduct a soil sampling study. Concerned citizens and community organizations were invited to select sampling sites, a sampling methodology, and the analytical laboratory, and then to analyze the data and write a report of the results. CDPHE arranged for Colorado State University to present soil sampling demonstrations so participants could learn sampling techniques. The agency also arranged a tour of a radiological sciences laboratory at the University so members could see how soil samples are analyzed. Committee members had full decision-making authority. They selected topics and experts for educational presentations and selected the sites for sampling. It was an innovative and empowering approach to both public participation and capacity building. It was not, however, without problems. Participation on the Committee declined precipitously. Some HAP members suggest that outspoken and abrasive participants drove many away. HAP members take some responsibility because effective facilitation was lacking. Some members of the public have criticized the study on technical and scientific grounds. HAP members acknowledge the limitations of the study, but many believe that giving the public a meaningful role was more important.

*Rocky Flats Local Impacts Initiative (RFLII):* This broad-based group representing both public and private sector interests was created through an intergovernmental agreement among local and municipal governments to identify impacts of the conversion at Rocky Flats and to formulate strategies to take advantage of the transformation. RFLII is composed of permanent and

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<sup>16</sup> HAP members and CDPHE staff acknowledge that, although some of the more outspoken people in the community are difficult to work with, they have made important contributions to the exposure study.

rotating members from specific entities (cities, counties, interest groups, Chamber of Commerce, Rocky Flats employees, Steelworkers union, affected landowners), with non-voting representation of the DOE and the plant contractor. Members are appointed by the organizations they represent, and thus are accountable to and have a relationship with these larger constituencies. To help address the problem of providing a voice for constituents who cannot be defined geographically or economically, RFLII created three "at large" positions. All meetings are open, and many municipalities and businesses participate regularly. Many members are elected public officials.

RFLII worked to develop a region-wide response to a set of interconnected issues, including jobs,<sup>17</sup> future site use,<sup>18</sup> and environmental remediation. It also became an active participant in DOE and other agency efforts around cleanup of the site. RFLII itself has participated as an actor in the agencies' public involvement processes, but has also developed its own mechanisms to facilitate broader public involvement in the cleanup, as described above. RFLII is funded by the DOE, has its own staff, and conducts its studies by hiring consultants or using its own staff members.

Although RFLII has been very active and influential in a variety of different areas, it has been criticized for being too business-minded. Some community members believe that RFLII carries more weight with and gets more respect from the agencies than other groups in the community because of the nature of its Board. Some insist that the group does not represent all of the communities' interests. RFLII's structure, however, has the potential to ensure that final decisions regarding future use and economic impacts will be made by those who already control or have major influence over land use decisions.

*Future Site Use Working Group (FSUWG)*: Because of strong community interest in the potential reuse of the Rocky Flats site, RFLII worked with local governments, the state, DOE, EPA, and other interest groups to create a mechanism to enable different parts of the community to work together and provide input into the decisions about future site use. The goal of the initiative was to study options available for future site use and to make informed recommendations to DOE and other agencies on this issue. Indeed, many participants believed

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<sup>17</sup> For example, its Commercialization Task Force worked with state and local elected officials, area universities, and other stakeholders to produce a Rocky Flats Economic Conversion plan to expand industry and business within the metropolitan area to absorb displaced Rocky Flats workers.

<sup>18</sup> For example, RFLII developed a list of "criteria for interim reuse" to reflect community concerns and to serve as a constant reminder of the area's priorities. These criteria included re-employment of Rocky Flats workers, ability to expand into the community, non-interference with cleanup activities, no new construction, and no pre-determination or preclusion of future long-term uses for the site.

the group had been given a special role in generating recommendations that would be used in final decisions made by government officials. To select members, RFLII conducted over 70 interviews with stakeholders and assembled a list of categories and/or organizations to be represented on FSUWG. These groups were asked to choose delegates to participate in FSUWG. Participants represent local governments, environmental, peace, health, and economic interest groups, and neighboring landowners associations, along with representation from DOE, EPA, and CDPHE. Members of the CAB also participate as co-delegates. FSUWG members were entrusted by their constituencies to make recommendations that would balance environmental and health concerns with business and development interests.

FSUWG was charged with identifying opportunities and constraints for the future use of the site. Although funded by DOE, it operates independently, without interference from DOE or RFLII. Unlike RFLII which hires consultants and has its own staff, members of FSUWG did its own studies -- reviewing relevant information, soliciting relevant input. Members worked hard to achieve broad-based consensus on many difficult issues; they report that FSUWG was a process in which participants learned to talk, listen, and respect each other's differences and opinions. When DOE made no formal response to the group's recommendations, members perceived it as a lack of respect for the group's efforts and an indication that the agency was not trustworthy. When DOE later circulated documents which were seen as having significant divergence from the group's recommendation, there was considerable anger and public outrage. It was seen as a violation of public trust.

*Rocky Flats Citizens Advisory Board (CAB):* In response to a federal initiative to establish site-specific advisory boards at federal facilities, a public working group convened by the Governor and a Congressman recommended the formation of a CAB for Rocky Flats. They drafted the membership application and selection criteria and advertised widely for applications. A joint EPA/CHPHE selection committee reviewed the applications and used the criteria to appoint six initial Board members. These members refined the criteria and selected an additional 23 members. Current CAB members come from academia, government, public interest and environmental groups, workers, the business community, and the health sector. The purpose of the CAB is to provide informed recommendations and advice to government agencies and others on decision related to the cleanup, waste management, and any other decontamination concerns at Rocky Flats. The CAB seeks to include the broader public in the cleanup decision-making process, create credibility and trust, ensure that the available funding is allocated to issues considered most important to the community, and make the cleanup process more publicly accountable and reasonable. Members say their goal is to provide consensus recommendations that reflect a diversity of viewpoints.

Members adopted a mission statement and bylaws; developed a budget; hired staff; produced a workplan; prioritized site-specific issues; and established numerous working committees -- open to non-CAB members who want to focus on the particular concerns of the working committee. The CAB has utilized and endorsed recommendations of the FSUWG. Unlike RFLII, CAB does its own research and analysis. Decisions are made by consensus, which requires a high level of shared understanding. CAB meetings are open and include an official time on the agenda for public comment. Members see the CAB as having to be accessible and responsive to the public, and they have created opportunities for obtaining and incorporating broad community input into the development of its recommendation (see above). Yet few CAB members represent stakeholder groups in such a way that they are accountable to them. Some CAB

members and local residents are frustrated with DOE ' s perception that the CAB represents and speaks for the community.

Despite its efforts to reach out to the community, the CAB is subject to a fair amount of criticism. Some members of the community say that the CAB is not inclusive; that they have been excluded from participating in CAB ' s design and implementation, and that the CAB is watered down with moderates.<sup>19</sup> Some community members also believe that the government used the CAB to replace the only community involvement mechanism (the Rocky Flats Cleanup Commission/RFCC) that was independent, community-driven, focused on the public interest, and more inclusive and representative of the diversity of community interests. Others argue that the RFCC members were self-selected and therefore did not represent the broader community the way some government-driven processes do. Moreover, DOE ' s creation of the CAB and RFLII was seen by some as a deliberately divisive strategy and an attempt of DOE to get more control over the membership and the participation processes. On the other hand, the agencies did attempt to bridge the two mechanisms by including three members of the RFCC on the CAB when it was first formed.

Many members commented on the time and work it took to be a CAB member. When issues are technical, a lot of education is required and committee members need time in the beginning to get up to speed. At the same time, many members question the value of their contribution on technical issues, and some local residents questioned the ability of CAB members to review remediation plans because they lack adequate scientific, technical, and engineering training. CAB member gave an example of DOE inviting their input on the design of a cap for the solar pond that would be used to bury waste. They gave their advice; but the cap was rejected by the community. The DOE had not asked the earlier question -- should we cap it or truck it out?

*Summits I and II:* Despite the agencies ' cooperative strategic planning process, the public remained concerned that too many disjointed projects were occurring at Rocky Flats. The desire for an opportunity to discuss the "big picture" produced the idea for a Summit in which community members and agency decision-makers could converse and work together to determine overriding priorities to guide the cleanup process and promote better integration of activities. Funded by DOE, Summit I got off to a rocky start. Community members were angered that they had not been involved in planning the Summit and developing its agenda.<sup>20</sup>

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<sup>19</sup> Some members of the CAB suggest that this criticism comes from "social vandals" who are dedicated to conflict and are unable to work with others.

<sup>20</sup> Community involvement professionals from DOE, CAB, RFLII, CDPHE, and EPA formed a Summit Organizing Committee, which selected a contractor to design and organize the event. The contractor did conduct some 50 interviews with stakeholders in the community to help ensure that the community ' s perspectives were reflected in the planning process. Despite this, community members did not believe they had a meaningful role in

Participants revised the agenda and identified a set of issues to be addressed in small group discussions during the Summit. Participants reached consensus on eight priorities for cleanup. The Summit was followed by a "Summit Report Back" in which the site manager reported DOE and regulators' actions taken in response to the identified priorities. This enhanced accountability. Many said that Summit I introduced a spirit of cooperation to the dialogue among the agencies and the different parts of the community. Some say that a personal statement made by the facility manager took "moral courage" and added to trust.

Summit II was held in the context of the release of the draft versions of a multi-agency Vision for the site and the contractor's accelerated site cleanup plan (see below). A facilitator [selected by the organizing committee made up of DOE, CDPHE, League of Women Voters, RFLII, the plant contractor and to a lesser extent than Summit I, the CAB] interviewed potential participants to help define the purpose of the Summit and then circulated a draft purpose of the Summit to potential participants for feedback. Participants were also invited to submit position papers to be distributed at the event. At the Summit itself, participants further fleshed out the agenda and voted on the top 12 issues to be addressed at the Summit. Upon the community's insistence, only community members were allowed to vote; regulatory officials were not. Participation at the Summit was broad-based. Participants had agreed that the purpose was to be a "ground floor" discussion of a vision for the future of the site [not just a commentary of the agencies'prepared Vision documents], which could provide specific and usable community guidance for the authors of the proposed Vision document. The 12 issues were discussed by small groups, which developed their own "vision statements" on each topic. The participants as a whole reviewed and reached consensus on many but not all of the vision statements. Follow-up to the Summit included a meeting and a written comparison of Summit outcomes on different issues with the multi-agency Vision, and DOE's response on each issue.

## **5) How Successful Were The Public Participation Mechanisms**

Despite some modest differences, Table 4-6 suggests that most of the formal public participation mechanisms operating in Rocky Flats can be considered successful. The processes were both fair and competent, and most were on the way to achieving their objectives. Together, they provided numerous forums for public dialogue, which resulted in a remarkable degree of community understanding of and consensus on the priority issues relating to cleanup, reuse, and employment, as well as consensus on desired cleanup outcomes. To date, the agencies have addressed some, but not all, of the community's goals and priorities in its interagency cleanup agreement and some of the most controversial issues have yet to be resolved (e.g., whether or not to clean up the soil to background levels). The number, variety, and intensity of the public involvement mechanisms in Rocky Flats have created sizeable community expectations and bases for assessing agency accountability to the public. The extent to which the agencies can and will meet these expectations is yet to be determined, but will have significant implications for public trust in and support for government's role in contaminated communities.

## **6) Mechanisms of Interagency Cooperation**

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the planning process.

*Public Participation Focus Group (P2).* In response to public frustration with the number of meetings and perceived lack of coordination among agencies' public involvement activities, this group was convened by the RFLII and the agencies to coordinate public involvement activities and to design a strategy that integrates public concerns and priorities into all the activities at Rocky Flats. P2 is composed of community relations professionals from the EPA, CDPHE, and DOE and its primary contractor, as well as members of the CAB and RFLII. It is an interesting approach to interagency cooperation, in that it includes representatives from two of the more active community involvement mechanisms. P2 meets every three weeks to coordinate schedules and topics and to develop and implement strategies for more effective public participation at Rocky Flats. Based on public recommendations at Summit I, P2 authored a Public Participation Guidance Document to assist DOE and other government agencies in revising their approaches to and processes for community involvement. A P2 member reports that the group's efforts to coordinate public involvement activities in Rocky Flats have been recognized and appreciated by the stakeholders.

*Quality Action Team and Rocky Flats Cleanup Agreement (RFCA).* DOE, EPA, and CDPHE implemented this interagency team to help them work cooperatively to regulate and cleanup Rocky Flats. The agencies collectively developed 22 principles to guide their negotiation process, including setting priorities based on risk, public involvement, economic development, waste storage, and improved/streamlined cleanup. The principles were shared with the public for comment and some changes were made to the principles. With the CAB providing stakeholder input, the agencies sought to negotiate a comprehensive regulatory agreement. In the process, a "workout session" was held to resolve issues holding up the process. In addition to the agencies, the Workout Session was attended by officials from the offices of the Governor and Lt. Governors, the site contractor, and the Defense Facilities Safety Board. Collectively, this group developed a written consensus proposal of a conceptual vision for the future of Rocky Flats. This "Vision" document set goals for cleanup and closure activities. The group also determined that enhanced interagency cooperation could help achieve more results with the available resources. To this end, they established a multi-agency group to evaluate alternative cleanup standards and provide a single regulator and/or single set of consistent requirements over particular activities at the site. A series of public involvement activities were instigated to solicit public discussion of and comment on the "Vision." The cleanup contractor had just completed its draft plan [the Accelerated Site Action Plan/ASAP], and a decision was made to circulate it for comment at the same time. Despite this proactive involvement strategy, the community, for the most part, did not support either the Vision or the ASAP. They criticized both the process used to develop the documents and the outcomes proposed in the documents. Criticisms of process included: 1) that the public was not involved early enough in the preparation of documents; and 2) that circulating the two documents together generated confusion and broke down the distinction between the regulating agencies and the DOE contractor. Regarding outcomes, the community believed that the documents did not reflect the broad-based community consensus on preferences and priorities developed through earlier participation efforts, e.g., FSUWG. Summit II (above) produced community consensus on different issues in the Vision. The final RFCA incorporated many but not all of the goals expressed by the community.

## **7) Some Findings from this Case History**

- X The structure of DOE contracts for cleanup -- with the new emphasis on performance - based payment, may impact the contractor's willingness to involve the public in its operations. Public participation is an intensive and time-consuming process for which the contractor will have to be rewarded to ensure its undertaking. In the words of a community resident from Rocky Flats: "Kaiser-Hill has bonuses built into the contract; if you do these things, you get bonuses. The fallout has been that public involvement is not a priority, so they don't work on it."
- X Extensive and sustained public participation can result in broad-based community consensus on priorities for and outcomes of cleanup activities. Despite the difficulties with particular mechanisms in Rocky Flats, the intensity and duration of public participation activities have led to a remarkable degree of consensus in the community on priorities and cleanup activities.
- X Involving citizens in actual technical work, such as soil sampling, can both empower and give them a special understanding of the complexities of the scientific issues involved in cleanup and related issues. This was done with the Citizens' Sampling Committee in Rocky Flats.
- X The credibility of any citizen participation process is undermined when agencies do not explain why the public's input, suggestions, or recommendations have not been accepted or incorporated into the agency's plans and decisions. A stark example of what can happen can be found in the strong community response to the "Vision" document prepared for Rocky Flats by DOE and state government officials. Community members insisted that those who spend time in a public participation process deserve an opportunity to: 1) hear why their position or recommendation has been rejected; 2) clarify or reargue their positions; and 3) debate and challenge the agency's decision. Effective feedback processes will help alleviate complaints that the "agency didn't listen." At the same time, community members acknowledge that those who participate owe the agencies a clear and frank explanation of their criticisms.
- X Some community members may be turned off by conflict, which can occur even when the process involves only community residents (e.g., the Citizens Sampling Committee). Members of several public participation processes in Rocky Flats emphasized that all participants (not just the loudest or most disruptive) must have the opportunity to be heard. The mechanisms must also find ways to prevent harassment and intimidation of participants. It was suggested that good facilitation may help.
- X The role of community participation should be discussed by the agency and the involved participants up front. This will reveal differences in expectations. Community expectations have serious implications for public trust in the agency. In Rocky Flats, many stakeholders believed that, because they initiated community involvement activities, agencies would follow the recommendations that result. The agencies, on the other hand, believed that the community involvement activities would enable them to hear and consider community views, but that the ultimate decision was their responsibility. In the words of an agency official: "Just because we don't agree with [the community] doesn't mean we haven't listened."

- X The relative merits of self-selection vs government-driven selection of membership in public participation mechanisms must be examined. The former may not result in representativeness [volunteers], but neither may the latter. (Compare, for example, the HAP, the RFLII , the Rocky Flats Cleanup Commission, and the Citizens Sampling Committee in Rocky Flats.)
- X The issue of elitism in public participation mechanisms (like the Rocky Flats CAB and the Sandia CAB discussed earlier) deserves attention. This may be the result of structural considerations in how the mechanisms are set up (e.g. having interested persons submit written applications and go through an interview process as in Rocky Flats) or in the types of issues considered by the mechanism (e.g., technical instead of policy issues, as in both the Rocky Flats and Sandia CABs).
- X Limited participation in formal mechanisms (like public hearings, HAP activities, CAB meetings, etc) does not necessarily mean that the public is not interested or have concerns. These mechanisms must find ways to go to the community rather than have the community come to them. For example, the CAB did a needs assessment by putting survey cards in its newsletters and asking residents to list the three most important issues facing the community.
- X Public participation mechanisms that create opportunities for local government officials and community members to work together can help facilitate mutual understanding and help develop community consensus. The Future Site Use Working Group (FSUWG) in Rocky provides an example.
- X Process is especially important when the public participation mechanism involves a lot of different groups, has a lot of conflict, or includes people who disrupt or want to take over the process. According to individuals involved in the Citizens Sampling Committee, effective facilitation can be important to the success of (especially these kinds) of mechanisms.

## **8) Organizational Affiliations and/or types of Individuals Interviewed for this Case**

### **Government**

DOE, Rocky Flats

EPA, regional

ATSDR, regional

Colorado Department of Public Health and the Environment (CDPHE)

Denver Dept of Public Health

Council member, City of Broomfield

City of Westminster

### **Community**

Members, HAP

Members, Citizens Sampling Committee

Members, CAB

Members, RFLII

Members, FSUWG

Members, P2  
Member, Steelworkers Union  
Local peace activists  
Local environmental activists  
Local residents  
Citizen participants, Summits I and II  
Facilitator, Summit II

**Industry**

Regional Manager, US West  
President, Kaiser Hill  
Employees, Kaiser Hill  
Consultant engineer

**Table 4-6. Analysis of Success of PP Mechanisms in Rocky Flats, CO**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
HAP	+/-	+	+	+	+/-	?	+	+
Citizens Sampling Committee	+/-	+	+	+/-	+	+	+	+
RFLII	+	+	+	+	+/-	-	+	+
FSUWG	+	+	+	+	+	?	+/-	+
CAB	+	+	?	+	?	?	+	?
Summits	+	+	+	+	+	+	+	+
Overall Success of Public participation Activities in the Community	+	+	+	+	+/-	?	+	

## ST. LOUIS FUSRAP SITE

### 1) Brief History of the Site, Key Issues, and Conflicts

This case involves five sites contaminated with radioactive waste: 1) the St Louis Downtown Site (SLDS), contaminated by Mallinckrodt Chemical, which processed and produced several forms of uranium as feedstock materials used in the development of nuclear weapons; 2) the St. Louis Airport Site (SLAPS), a site near a landing strip used to dispose of waste that had accumulated at the Mallinckrodt plant;<sup>21</sup> 3) the Latty Avenue/Hazelwood Interim Storage Site (HISS), a site for storing the radioactive dirt that came from a site on Latty Avenue, where a private company had earlier trucked the waste from SLAPS to recover valuable minerals, and later another company kiln-dried the waste from that recovery operation as well as all the remaining material at SLAPS material;<sup>22</sup> 4) the SLAPS Vicinity Properties, 78 residential sites contaminated by spillage that occurred when waste was hauled from SLAPS to Latty Avenue; and 5) West Lake Landfill, where waste from SLAPS mixed with topsoil is landfilled. Some of these sites were located in or near black communities, some in or near white communities, and some in or near mixed communities.

For security reasons, the federal government did not disclose the content of the waste material from SLDS. It told the community that it was not radioactive, but rather was the type of refuse from any ordinary commercial firm of this type and was not dangerous. The local community did not question this assertion. Few members of the public were even aware that Mallinckrodt had processed uranium for almost 15 years at the plant in North St. Louis. Initial efforts to characterize the waste at these sites was initiated at the federal level following the development of the Formerly Utilized Sites Remedial Action Program (FUSRAP) in 1974.<sup>23</sup> Oak Ridge

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<sup>21</sup>The landing strip is now part of the SL International Airport -- 15 mi NW of downtown St. Louis in the city of Berkeley. SLAPS is bordered by a recreational ball field, a creek, and McDonald Douglas, the largest employer in the City. Between 1947-1958, workers hauled more than 175,000 tons of residues from the SLDS to the SLAPS.

<sup>22</sup> HISS is surrounded by commercial, light industrial, and transportation facilities, as well as a small residential development within one mile of the site.

<sup>23</sup> The Atomic Energy Commission established the FUSRAP to identify, investigate, and clean up or control sites where contamination above today's guidelines remains from the early years of the nation's atomic energy program. The program incorporates 46 sites within 14 states.

National Laboratory studied many of the sites and found radioactive contamination, but federal officials did not communicate with the public about any aspects of the studies, including the results. Without public input, in 1979 the DOE developed a plan to consolidate and store the waste from the FUSRAP sites at the SLAPS. This decision marks the beginning of public awareness and political action concerning the waste in and around St Louis. At this stage and throughout the years of decision-making that followed, the public's preferred avenue of influence was political. They attended public meetings held by local officials and delivered petitions to U.S. representatives citing their opposition to DOE's consolidation plan. They were often successful.

In 1984, despite well-organized protest from some parts of the St. Louis community, Congress directed the DOE to re-acquire the SLAPS site from the City to use as a permanent disposal site for consolidated wastes. To acquire ownership of the land, DOE worked aggressively with local municipal officials, but the agency did not involve these officials or the larger community in decisions about remediation. Initially, municipal officials trusted the DOE's conclusion that the SLAPS consolidation plan was the best solution to the city's waste problem; their support for the land transfer was based on their own lack of financial and technical resources to address the problem themselves. But environmental groups opposed the transfer of the property to DOE without seeing a formal cleanup plan. They did not want to cede decision-making about cleanup to the DOE because they did not trust the DOE's commitment to act in the community's interest. They argued further that the DOE did not have to own the site to take action to clean up the waste. Through outreach to and education of the local community, the environmentalists helped rally public concern about health issues. Working with other groups, such as local unions, they lobbied local officials to oppose the land transfer.

Although initially supportive, local officials reversed their support for the land transfer when information was leaked that a DOE-sponsored study had found that the site was insufficient to contain all the waste. DOE had not officially released this information to the public or to local officials. This caused many public officials to question the agency's trustworthiness and commitment to openness. Municipal officials began to oppose the transfer without a guarantee of a role in decision-making about remediation. After DOE contracted additional studies to develop a more accurate account of the volume of waste material that would need to be stored, the agency proposed using the Berkeley ball fields in the construction of a radioactive waste dump. This dramatically increased the level of resident interest in this issue. Local officials and citizens did not want "hot dirt" from surrounding municipalities in their community. Municipal officials themselves sought to influence the decision-making process through political means -- putting pressure on their congressional delegation to seek funds for removing the waste from St. Louis.

In 1988, DOE gave the city an ultimatum -- transfer the SLAPS site to the agency or face the risk of being held partially responsible for the financial costs of the cleanup. This action was perceived as a threat, further damaging the trust between the community and the DOE. When the agency found small amounts of radioactive contamination in the ball fields, the public perceived that the agency had not disseminated this information promptly. This eroded public trust for the agency even further. They did not trust the agency's assertion that the contamination was not harmful to human health. The city discontinued use of the ball fields. When 200 drums of radioactive waste were found buried near the SLAPS site, the agency

stated that they did not pose a health threat. The Community questioned how the agency could make such an assertion at the same time they were saying that further testing was needed.

At this point, a prominent citizen activist asked the Missouri Department of Health (MDOH) to investigate cancer rates in areas surrounding the sites. The investigation did not reveal an excess of cancer. Shortly thereafter, members of a local community reported a cancer cluster in their community -- 4 cases of leukemia along one block of a street in a small residential development near one of the sites. The MDOH conducted a preliminary investigation and uncovered additional cancer cases in the neighborhood. Media coverage heightened community awareness and concern about cancer. Anecdotal evidence of health effects grew. MDOH requested assistance from ATSDR, which was unable to draw conclusions about excess cancer or whether these cancers could be attributed to radiation exposure. DOE continued to present information that the risk to local residents was low. The public tended to believe that the DOE could not be trusted to judge (or be forthright about) what was or was not dangerous in their communities. Local citizens were not able to reconcile agency assertions with their personal knowledge of people and families near contaminated sites who were dealing with cancer. To many, it seemed like a government coverup.

In 1989, the FUSRAP sites were placed on the NPL. This increased agency-initiated public participation activities in the communities because of CERCLA mandates. NPL listing put the city at risk as a PRP. This led local officials to drop their opposition to the transfer of the SLAPS land. They passed a bill giving DOE full autonomy in determining the manner of disposal at the site, freeing the city of all financial and legal liability. Ironically, the DOE then refused to accept the land transfer, primarily because of their discomfort with the clause that would "hold harmless forever" the city of St. Louis. DOE's refusal was seen as a betrayal and another indication that "you can't trust the government."

At the same time, the public continued to use political tactics to make its case. Citizens in many of the affected municipalities generated petitions calling for the removal of wastes and a ban on permanent storage. Community members held marches and rallies; they expressed their opposition to a waste storage bunker in non-binding referenda. One local politician used waste removal as part of his successful campaign for the office of County Executive.

With the initiation of its Remedial Investigation/Feasibility Study (RI/FS) process, the DOE again convened public meetings to determine what the public wanted the agency to do with the waste -- despite the fact that, over the years, the communities had vocalized -- very strongly and clearly -- their preference that the waste be moved to a non-urban, geologically sound location. The public and its elected officials had been adamantly opposed to the permanent storage of the waste in their community. When DOE released its recommendations in 1994, it called for just that -- waste consolidation and a permanent bunker at SLAPS. The public was outraged by DOE's recommendation. Public trust and respect in both DOE and its public involvement activities declined substantially. The public had no involvement in selecting the criteria for evaluating options and believed the DOE's overriding criteria were financial. The value most salient to the public was fairness -- the government created the waste, and they should clean it up [the way the community wanted] regardless of cost.

To begin to address the public's concerns, the DOE held a 3-hour Summit to bring parties together to discuss a practical, viable, cost-efficient, and long-term solution that would be supported by the community. At the meeting, an Assistant Secretary for DOE promised that the

agency would not force a storage bunker on the community and announced a \$15 million package to begin remedial actions in the area, including the removal of contaminated soil from six residential properties to a disposal facility in another state. The Summit and the agency's promise began to establish trust and redefine the DOE's relationship with the public. It also created a new set of community expectations that the DOE will not establish a permanent dump for the waste within St. Louis.

## **2) Attention to Broad-based Outreach, Communication, and Education in the Community**

For many years, the public meeting was the only formal mechanism for public participation in the cleanup of the St. Louis sites. Meetings were held by a variety of regulatory agencies and municipal organizations. DOE's early community involvement efforts in St. Louis also used public meetings to provide information to the community about the status of contamination and remediation at the site and about health risk. The meetings were also used to facilitate two-way communication between the agency and the public. In St. Louis, many local citizens were comfortable with this mechanism. It was seen as more accessible and inclusive than more formalized mechanisms, although still time-consuming and intimidating to some. Many citizens also used the public meetings as a forum to communicate among themselves. The meetings provided an opportunity for citizens to learn from each other -- about the site, about cleanup options, but especially about health risks and health problems in the community.

But the mechanism was also problematic. The involved public often felt the agency was presenting inconsistent and conflicting messages at these meetings. This was interpreted as agency incompetence and a lack of trustworthiness. Staff turnover contributed to the sense of inconsistency, and comments perceived as unrealistic -- e.g., the dirt won't hurt you unless you eat it -- eroded trust even further. These comments did not reassure the public, but were interpreted as an effort to downplay the serious hazards of radiation. Members of the public tended to trust their own perceptions over agency assertions. There was also frustration that public meetings did not provide the desired measure of agency accountability to the community.

Later, the agency began to broaden its outreach activities. It conducted community interviews to identify public issues and concerns about the FUSRAP sites. It distributed literature about radioactive waste and its risks. Once the FUSRAP sites were listed on the NPL, the DOE extended its community involvement efforts even further. It established information repositories and an administrative record at local libraries and a public information office near one of the sites. Its contractor developed a community relations plan to ensure public input into decisions and to keep the communities informed about the progress of remedial actions. It also established a formal mechanism for public participation, the St. Louis Site Remediation Task Force, described below.

## **3) Attention to Building Capacity in the Community Outside the PP Mechanism**

*Targeted technical assistance.* The DOE sought to enhance the technical capacity of its sole formal public involvement mechanism, the St. Louis Site Remediation Task Force (described below). It provided funds for the Task Force to establish and obtain technical assistance from an independent and balanced panel of geological and hydrogeological experts. The Task Force convened this panel to examine whether the radioactive wastes buried at the SLAPS site posed

a significant threat to the surface water of Coldwater Creek and the deep groundwater aquifer. The Task Force had a high level of trust in its Coldwater Creek Panel, but the contribution of the Panel's technical assistance to the Task Force's decision-making process was complicated by a lack of agreement on the role of the Panel. The DOE expected that the Task Force would accept and adopt the Panel's recommendations, but members of the Task Force considered the Panel advisory. They would use the Panel to obtain a better understanding of the technical issues to make more effective decisions.

The Panel met twice in public and made several presentations to the Task Force on its progress. Its final working session was closed to the public. The Panel found that surface water, sediments, and shallow ground water quality had been impacted by runoff from the SLAPS site, but that contamination levels posed no imminent threat and would not have a significant impact on surface water or the lower aquifer for at least 100 years. The panel also concluded that the hydrogeological features of the SLAPS site did not meet criteria for siting a radioactive waste storage or disposal facility there. The Task Force did not accept and approve the technical recommendations of the expert panel. Ultimately, they did not have enough trust in the Panel to accept conclusion that differed from their own preconceptions [and perhaps the preferences of their constituencies] about what should be done at the site. The insights and technical information provided by the Panel did not change their own opinions about the waste at the site.

#### **4) Formal Mechanisms for Public Participation**

*St. Louis Site Remediation Task Force.* After the Summit, the DOE established its first formal mechanism to involve the community in decision-making about the cleanup of the St. Louis FUSRAP sites. Initial members of the Task Force were municipal officials, many with prior involvement in the issue. The facilitators were a director of the dispute resolution program at the University of Missouri - St. Louis and a local environmental consultant. The group later broadened its membership to include residential and commercial property owners, at least one local activist, a representative of Mallinckrodt Chemical Company, and local, state, and federal regulators. The Task Force defined its role as identifying and evaluating feasible remedial action for the cleanup of radioactive waste at the St. Louis site and to petition DOE to pursue a cleanup strategy that is environmentally acceptable and responsive to public health and safety concerns. The Task Force did not define its goal as finding the least costly solution to the problem. They did not rule out any option, but investigated the costs for different options, and then pursued political means to secure federal funding for complete removal of the waste.

Task Force members worked together, through smaller Working Groups, over a period of nearly two years and developed a series of recommendations regarding alternative permanent storage sites, cleanup priorities, cleanup technologies, and plans and objectives for cleanup of specific sites. The Alternative Sites Working Group assessed and ranked ten possible disposal sites around the country and included community concerns in their evaluation criteria.<sup>24</sup> The

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<sup>24</sup> All of the sites ranked as "preferred" were located in other states. Those ranked as "relatively acceptable" were located in state but outside the St. Louis area. Three St. Louis sites were ranked as "unacceptable," primarily due to their location in the midst of a major population center, their inhibiting effect on community and economic development, unfavorable climatic, seismic, and hydrogeological conditions, and capacity limitation.

Priorities Working Group developed recommendations and priorities for interim remedial action activities, and the DOE has acted consistently on the groups' recommendations. This has helped demonstrate the agency's accountability and build trust. By involving the Task Force in apportioning funds for remedial action and consistently acting on Task Force recommendations, the DOE reached an unprecedented level of cooperation with the community. The Remediation Options Working Group used a software program to express their preferences for remediation strategies, which they recommended to DOE.<sup>25</sup> The Technologies Working Group screened known treatment technologies and recommended a particular technology which it thought showed potential for achieving cleanup standards.

The Task Force achieved consensus on the future use of the site, the desired level of cleanup, and a remediation approach. It submitted its recommendations to the DOE in 1996. To address the cost issue, the Task Force argued that the total relative cost of removal would be comparable to the non-removal options proposed by the DOE. It also instigated political efforts to secure the resources that DOE would need to clean up the community. They expect that the agency will follow its recommendations.

Despite this list of accomplishments, the Task Force has been subject to criticism. Because it is composed largely of politically- and professionally affiliated individuals, some community members consider it an elite group, which the Agency has tried to coopt. Although Task Force meetings were open, these community members complain that there is little opportunity for the public to interact with the Task Force. The timing of meetings -- 7:30 am -- also posed a barrier to broader public participation. Although the Task Force opened up its working groups to members of the public and even provided them with a vote, the Task Force did little to publicize this opportunity. This may explain why some community members believe that the Task Force has accomplished nothing. Some local residents believed that the Task Force had replaced other public participation mechanisms (i.e., agency-sponsored public hearings) which were more inclusive of the broader public, and that the agencies were now directing their communications to and through the Task Force. Some felt that the decisions were being made behind closed doors, and others complained that the public was really not aware of the Task Force. Had members of the media been included in the Task Force, the public would probably been better informed.

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<sup>25</sup> The Working Group recommended that most of the FUSRAP sites be cleaned up for unrestricted use, with removal of all contaminated soils to a licensed commercial facility. The recommended that some of the sites be cleaned up for limited use as industrial/commercial/recreational sites.

Although the Task Force was established to act autonomously, some members of the public felt it was allied too closely with the DOE. Indeed, the Task Force facilitators reported to the DOE. The high level of DOE involvement in the Task Force threatened its credibility with some members of the community.<sup>26</sup> A clear structure of accountability between the Task Force and the public was lacking, although some members were locally elected officials and therefore representative of and accountable to their constituencies. Some community members believe that Task Force members are trying to advance their own agendas rather than the interests of the residents as a whole. At the same time, others believe that the Task Force did not have the flexibility to make independent decisions and recommendations because they were bound to advocate for the well-formed opinion of their constituents -- i.e., removal of the contaminated soil from St. Louis. Many members of the public believed that the Task Force should represent the public mandate as expressed by the earlier referendum. Some members of the community suggested that the DOE mistakenly believes that the public will accept the Task Force's recommendations. But it may well be that the legitimacy of the Task Force with the community will depend on whether or not its recommendations are consistent with the communities' clearly expressed preferences -- that is, removal of the contaminated soil and permanent storage and/or disposal elsewhere.

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<sup>26</sup> A case in point was one citizen's complaint that one of the facilitators inappropriately screened information that the citizen wanted to bring before the Task Force, creating a perception that the facilitator (and DOE) controlled the organization.

Concerns were voiced within the Task Force as well. Several members were uncomfortable with the role assumed by one of the facilitators.<sup>27</sup> Some members noted problems with the group's implementation and their own participation in the process. They were concerned with being put in a position of making decisions that compromised their values and perhaps jeopardized the integrity of the process as a whole, e.g., participation in such short-term decisions as how to allocate resources for interim remedial measures. Some members worried that the DOE was using the Task Force to avoid taking responsibility for making difficult decisions. When commenting on agency accountability to the Task Force, some members were optimistic that the DOE would heed its advice. Others suggested a strong likelihood that the agency would not follow their recommendations, but would base final decisions on dollars. Even more cynically, some believe that the Task Force is being used by the agency to justify what it has wanted to do from the beginning.

Several members expressed the need to enhance the group's relationship with the broader public in order to help members better reflect the community's values and to facilitate broader awareness of and participation in the group's activities. To this end, the Task Force developed a Communications Working Group, but its community outreach was complicated by disagreement within the Task Force about when to communicate information to the public -- during its deliberations or after it had developed recommendations. In the end, reasoning that the public could participate in the development of recommendations by attending Work Group meetings, the Task Force decided to communicate with the public *after* it completes the process of developing recommendations. It did so through public hearings, at which time the public could comment on the recommendations. These comments were not integrated into the Task Force report, but included as an appendix to the recommendations.

## **5) How Successful Were The Public Participation Mechanisms**

Table 4-7 suggests that the public participation mechanism employed in St. Louis has had relative success. The Task Force was clearly successful in developing a community consensus on feasible and preferable remediation alternatives and in actively participating in DOE decision making about interim remediation priorities and activities. It has enjoyed a degree of control over the interim cleanup process -- even to the extent of developing recommendations counter to the technical findings of its independent panel of experts. The composition of the group along with the duration and intensity of the process have helped ensure a competent process and an opportunity to develop mutual understanding between members and with the agency. At the same time, issues of autonomy, independence, accessibility, accountability, and diversity have called the overall fairness of the process into question. The extent to which the Task Force sought to protect minority interests is not clear.

## **6) Mechanisms of Interagency Cooperation**

Local officials developed the St. Louis County Municipal League Select Committee on Radioactive Waste to enable a more effective translation of their collective municipal interests

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<sup>27</sup> This facilitator decided that he, rather than Task Force members, would construct the draft final report to the DOE. The report would then be discussed and amended by the full Task Force.

into political pressure. The group included two dozen elected state, municipal, and county officials, as well as an environmental activist and a representative from the DOE. They engaged in a variety of political and lobbying activities to express, with a united voice, the municipalities' strong opposition to the DOE consolidation proposal. Through letters, resolutions, referenda, and visits, they made their point and urged their congressional delegation to introduce legislation directing the DOE to find a non-urban site for disposal of the St. Louis area wastes. They had some limited success. One of their representatives proposed a series of bills to remediate some of the sites, to investigate alternative disposal sites, and finally to remove the waste from St. Louis. The Select Committee itself adopted a resolution to ban storage of the waste in St. Louis. Whether or not this local effort at interagency cooperation around pursuit of a desired outcome will be successful in the end remains to be seen.

## **7) Some Findings from this Case History**

- X Opposition may be the only way for citizens to begin to acquire some influence over the decision making process. In St. Louis, a coalition of environmental groups opposed the consolidation and transfer of waste to SLAPS because they did not trust DOE to act in the best interest of the affected community and wanted to see a formal cleanup plan first.
- X In the face of anecdotal evidence of health effects, citizens may mistrust government reassurance that the risk is low. As in Chattanooga, St. Louis residents were not reassured by government studies that reported low risk. The social dimensions of risk is evident in the comments of one community resident: "We would go to these meetings and hear from these people .....here was one women whose two children had leukemia. And these are not articulate, educated people because that's not who lives around there. For the government to come and say that [it] has nothing to do with radioactivity because aren ' t cancers most associated with exposure to radioactivity! How can someone say that and expect me to listen to anything else and accept it?"
- X An agency may be perceived as "listening" only to the extent its decisions and actions reflect the community ' s preferences. In St. Louis, it was only when a top EPA official promised not to force permanent storage "down people's throats" that the community felt the agency had listened. "Grumbly was a breath of fresh air. It was the first time anyone listened to us."
- X Public meetings can be an important vehicle for intra-community communication and learning. In St. Louis, public meetings provided local residents an opportunity to learn from each other about the site, health risks, and options for cleanup.
- X Tight agency control of public meetings can anger community members who see meetings as venues for intra-community communication. In the words of one St. Louis resident: "By the time your opportunity to talk comes around, your energy is dissipated...the bulk of the people leave before the public gets to talk. So by the time you get to the part where you could learn from your neighbors, people aren't there."
- X Reporting relationship and actions of community involvement facilitators can adversely affect the autonomy and reputation of the mechanism. In St. Louis, for example, the

facilitators of Site Remediation Task Force reported directly to DOE. Moreover, one facilitator was seen as exerting too much control when he screened information from citizens to Task Force members and decided to draft the group's final report. The reporting relationship and actions taken by the facilitator compromised members' sense of autonomy and control and adversely affected the group's credibility with the larger community.

- X Staff turnover in public participation mechanisms can contribute to a perception that the agency is inconsistent and incompetent. What the public perceives as inconsistent or conflicting information can also contribute to a sense of agency incompetence and untrustworthiness. Staff turnover and conflicting information caused many citizens in St. Louis to lose confidence in DOE. In the words of one: "It seems like DOE is very confused...and it seems like you are always dealing with new people."
- X Members of structured participation mechanisms may believe that the agency is using them to take the heat for making difficult decisions. Several members of the St. Louis Remediation Task Force were worried that public participation via the Task Force was a way for DOE to "take cover." One commented: "[the contamination] is not my problem to handle. We are just advisory."

## **8) Organizational Affiliations and/or types of Individuals Interviewed for this Case**

### **Government**

DOE, FUSRAP site

ATSDR

MO Department of Health (DOH)

MO Department of Natural Resources

County Health Department

County Water Department

County commissioners

Board of Aldermen

Members, St. Louis City Council

Members, Hazelwood City Council

Mayors, local municipalities

City clerk

Director, City Department of Public Works

### **Community**

Members, St. Louis Site Remediation Task Force

Members, League of Women Voters

Community organizer/local resident

Members, neighborhood association

Members and activists, Coalition for the Environment

Local landowners

Local newspaper reporters

### **Industry**

Director of Community Relations, Mallinckrodt Chemical  
Director of environmental Affairs, Mallinckrodt Chemical  
Officials, St. Louis Airport

**Table 4-7. Analysis of Success of PP Mechanisms in FUSRAP Sites/St. Louis, MO**

Mechanism	Process		Outcome					Overall Success of Mechanism
	Fair	Competent	Achieve Objectives	Foster Mutual Understanding	Enhance Equity/Control	Protect Minority Interests	Influence Decision	
St. Louis Remediation Task Force	+/-	+	+	+	+	?	+	+
Public Meetings and Summit	+	-	+/-	+	+	?	+	+
Overall Success of Public Participation Activities in the Community	+	+/-	+/-	+	+	?	+	