

## EXECUTIVE SUMMARY

### ***The Importance of Public Participation in Contaminated Communities***

Involvement of the public in governmental decisions concerning the environment has its origins in the National Environmental Policy Act of the 1970's. However, dissatisfaction with government decisions concerning the characterization of risks and plans for cleanup/remediation at contaminated sites has increased demands for public participation in decision-making processes. Public participation in contaminated communities include both community and stakeholder involvement processes. Stakeholders include parties with a legitimate interest (or stake) in the issues or impending decisions about contamination and redevelopment/revitalization, e.g, site owners and users, government regulators, affected members of the community, industry and business, government at different levels, and others. The community is comprised of some, but not all, distinguishable subsets of stakeholders. It includes both directly and indirectly affected residents and small business owners whose health may be at risk and/or whose property, property values, or economic welfare is adversely affected by the contamination.

The goals of community and stakeholder involvement may be viewed very differently, depending on the perspectives taken by both government and by citizens on their respective roles in the deliberation process. Government may act either as (1) a *mediator, arbitrator, or facilitator of conflict resolution* or alternatively as (2) a *trustee* for the furtherance of (environmental) justice and fairness (especially in situations where there are disparate distributions of power among the disputants or where wrongs have been committed in the past). On the other hand, members of the community and other stakeholders may play representational roles, or alternatively may seek to improve the collective welfare of the community or stakeholders when they engage in public participation processes. The combination of how the government views its role and how the participants of stakeholder and community involvement processes view theirs is especially important, because it can influence the success and acceptability of the outcomes of public involvement activities.

### ***Purposes and Scope of the Study***

The present study examines seven *current, ongoing* cases of public participation across a broader spectrum of communities. In contrast to earlier notorious historical failures, such as those at Love Canal, Woburn, and Times Beach, the cases in this study explore experiences considered *relatively successful* by both the agencies and the communities. The study sought to better understand the determinants of successful public involvement in contaminated communities where: (1) site characterization, cleanup options, and economic redevelopment were issues of concern and conflict; (2) more than one federal agency was involved; (3) state and local agencies were also involved; and (4) environmental justice was often an issue.

The purposes of the study were to: (1) identify those factors most important to, and essential for, successful community involvement, (2) evaluate or suggest initiatives to further enhance successful public participation, and (3) identify options for more successful interaction and coordination of federal, state, and local agencies in their efforts to promote environmental and public health goals in contaminated communities. The study focused on initiatives which:

- ! enhance communication, outreach, and learning in the community,
- ! build skills and capability in the community, and
- ! provide for increased community participation in, and access to, government decisions.

Special attention was paid to public participation problems in economically-disadvantaged and minority communities with disproportionate environmental burdens (i.e., "environmental justice" communities), and to mechanisms for improving interagency coordination at all levels of government.

### ***Conceptual Framework and Methodological Approach***

The study was designed to investigate seven ongoing, relatively successful examples of community participation in a broad spectrum of communities, with different geographical, racial, ethnic, socioeconomic, and degree-of-urbanization characteristics.

The sites included were either (1) listed on the National Priorities List (NPL) under Superfund, (2) listed as both NPL and RCRA sites, or (3) not listed, but involved in state-administered voluntary clean-up efforts. Communities selected for the study had either a history of environmental contamination or of adverse health effects (whose origins were thought to be associated with environmental exposure to toxic chemicals) - or both. Candidate cases were restricted to those which (1) involved at least two of the three sponsoring agencies (EPA, DOE, and ATSDR) and (2) were regarded as relative successes by both the federal agencies (at the regional office level) and by some members of the involved community groups.

We began our study by evaluating specific participatory mechanisms in terms of elements we considered important and/or essential to successful public participation. These included access to information, financial and intellectual resources, openness, trust and trustworthiness, accountability, respect, and acceptable balance of power (sufficient autonomy). *Within* each case history, these factors could help explain some of the differences observed across specific mechanisms. Some mechanisms provided more access to information, were more open, engendered more trust, and facilitated more accountability than others. Although some participatory mechanisms were more successful than others in any one community, it was the collective and cumulative effects of the different mechanisms that contributed to the overall success of the participatory processes in our study communities. When taken together, the public participation activities in any one community contained all of the important elements. In

contrast, we previously had found these elements lacking or notably absent in our past work on acknowledged historical failures.

For the cross-case comparison, we constructed a more composite set of criteria for evaluating the success of the public participation activities in the study communities in terms of both process and outcome. These criteria include procedural fairness, procedural competence, and a variety of outcome variables. The outcome variables addressed the questions:

- P How well did the mechanism achieve its initial aim?
- P Did it foster development of mutual understanding among participants and between participants and agency?
- P Did it enhance equity and control for those affected?
- P To what extent did it safeguard the disadvantaged and protect and promote minority interests -- or address power imbalances?
- P Was there shared decision making?

In addition, we were impressed that the following considerations were also useful: establishing mechanisms for continued community empowerment and civic involvement; government=s role as trustee vs. arbitrator/mediator; environmental justice/protection of minority interests; and whether the community members or stakeholders sought to promote their self-interest or seek a wider collective good.

### ***Interagency Coordination***

One of the criteria used to select cases for this study was that at least two federal agencies (ATSDR, DOE, or EPA) were involved in a cooperative way at the site and were active in community participation efforts. We sought to identify and evaluate mechanisms that facilitate conflict anticipation and avoidance among the federal, state, and local agencies of government, and those that foster the resolution of problems among agencies at all levels. The complex pattern of multi-agency and multi-level involvement is both a source of confusion for the community, as well as an opportunity for interagency coordination, cooperation, and synergy.

In earlier work at MIT, we had identified several generic mechanisms that we thought might enhance interagency coordination: (1) designated person(s) for interagency coordination at all levels of government, (2) federal interagency working groups, (3) state or local interagency working groups, (4) multi-level interagency working groups, and (5) establishment of formal administrative protocols for coordination.

Experience from the cases in our study reinforces the importance and potential value of these generic mechanisms. Particularized lessons which emerge from the site investigations include:

- ! By working together, agencies accomplish some tasks more efficiently.
- ! An agency can use its credibility with the affected community to build credibility of other historically mistrusted agencies.
- ! Public participation activities can be the impetus for interagency cooperation on a host of issues related to the site.
- ! Interagency coordination and cooperation, while good in itself, is not an adequate substitute for public participation.

It is not a surprise that a more deliberate commitment to agency coordination can facilitate time and cost savings. What may not have been fully appreciated is that increases in interagency coordination can result *in*, or result *from*, an agency commitment to public involvement.

The cases suggest that higher-level agency personnel should be involved in both interagency coordination *and* in public involvement activities. In this way, a *coordinated* public participation initiative can develop. Training agency personnel in interagency coordination skills and strategies at the same time they receive training in public participation might also be well-advised and beneficial. After all, interagency coordination and public participation are conceptually linked through the principle of *maximum involvement of the major actors*.

### ***What Accounts for Success of Public Involvement Processes?***

We have a strong interest in furthering fairness and justice for the most affected members of contaminated communities. In many, but not all cases, the most affected are also the least powerful and most socially- and economically-disadvantaged members of the community. For this reason, we view the current popularity of stakeholder involvement processes with some concern. As noted earlier, we recognize the value of these processes and are not opposed to them *per se*. Indeed, many of the stakeholder processes operating in our study communities had performed quite well. We do, however, urge caution. An over-reliance on stakeholder processes may limit efforts to initiate or utilize other more *community*-focused processes. This, in turn, could further disempower the most affected segments of the community and contribute to the entrenchment of the existing power structure in the community.

In this regard, we suggest that public meetings continue to provide important opportunities for the community to voice its concerns, suggest options, and express its

views and preferences for addressing health risks, remediating contaminated areas, and planning for revitalization and redevelopment. Although they have their own set of problems, public meetings have important advantages not duplicated by other community and stakeholder involvement mechanisms. Indeed, many of the stakeholder processes found in our cases utilized public meetings to reach the larger community.

This report includes specific findings from the case histories concerning initiatives that (1) enhance communication, outreach, and learning in the community; (2) build skills and capacity; and (3) foster better participation in, and access to, government decisions. Although necessary elements, information and skills alone may be insufficient for effective and meaningful public participation. Historically disenfranchised and economically disadvantaged communities may already have, or be able to acquire, information and skills -- perhaps with the help of government TAG and TOSC programs. What they may lack are the resources and power to influence government decisions for any number of reasons.

The factors that seemed especially important to the relative successes of the participatory processes in our study communities include.

! *Agency clarity, commitment, and accountability* are linked and integral to the success of public participation processes. Participants deserve to know if and how the agencies plan to incorporate their input into decisions. The agencies themselves need to be clear about the purposes and objectives of their public participation efforts and transmit these goals early and clearly to would-be participants. Participants must understand and share in this sense of purpose or work with the agencies to redefine it. In addition, participants need an opportunity to: 1) hear why the agencies disagree with or reject their position, preferences, or recommendations; 2) clarify or re-argue their positions; and 3) debate and challenge the agency=s decision.

! *Interaction*. From the above, it follows that public participation is an interactive exercise. It must involve communication, dialogue, and interaction -- between the agency and the community and among the various participants/stakeholders.

! *Deployment of responsibility*. Agencies= commitment and accountability to public participation processes can be revealed and demonstrated by the level of personnel involved in the process. Community members want access to agency decision-makers; they want to interact with agency personnel who have the authority and power to make or significantly influence agency decisions. It is a mistake for the agencies to devolve responsibility to their community involvement or public relations staff. Top-level commitment has to be reiterated, especially when there is a turnover of agency staff or spokespersons who interface with the community and stakeholders.

! *Diversity of mechanisms.* Our cases clearly demonstrate the importance of viewing public participation as a process which involves the complementary use of different mechanisms that address the differential interests within the community.

! *Broad representation and diversity of views.* Both agencies and communities generally emphasized the importance of creating mechanisms that were both inclusive and diverse. Resource constraints, ease of implementation, and efficiency concerns often limit participation in any one mechanism. However, it is important that the full range of community views, interests, and values find their way into the process as a whole. Without careful attention to inclusiveness and diversity, community involvement and stakeholder processes can easily reproduce and reinforce the existing power imbalances in the community.

! *Trust-building and Mutual Respect.* Constructive dialogue is difficult when parties mistrust each other. In these cases, the agencies will need to make special and focused efforts to rebuild trust and to demonstrate to the community that they intend to operate in a trustworthy manner. Agency responsiveness to community concerns and accountability to its participatory mechanisms can help. *Respect* for different viewpoints and values is also crucial -- especially for participants representing groups who perceive they have been treated unjustly or unfairly in the past. Respect for anecdotal information and non-scientific contributions is also important.

! *A Broad View.* Economically-disadvantaged communities and communities that have suffered disproportionate environmental impact often define their contamination-related interests and needs broadly to include jobs, beautification, revitalization, and redevelopment. In these cases, agency public participation efforts will be more successful if the agency also is willing to take a broad view and step outside its traditional bureaucratic structure to help the community address its needs.

Agency public participation efforts occur within, and can be affected by, a host of historical, social, economic, cultural, and political factors that are context-specific. The pre-existing infrastructure (e.g., existing grassroots groups) and dynamics of the community can be particularly important for public participation processes. The situation in a one-company town, for example, may be quite different from what occurs in a community with a broader industrial base. Sociocultural characteristics and economic exigencies can influence residents' willingness and/or ability to participate in community/stakeholder involvement activities. Clearly, the level of community outrage, anger, and conflict can have an effect, as can the community's level of civic involvement and prior experience with government and public participation activities. By being aware of these factors, agencies may be able to design activities that address

community-specific issues, as well as tap into the community's existing infrastructure to facilitate and enhance opportunities for successful public participation.

### ***Final Reflections and Commentary***

Our purpose in undertaking this research was not to foster less-acerbic conflict resolution *per se*, but rather to promote distributive justice through identifying ways to improve mechanisms for community involvement and for better performance of government as a trustee for the environment, public health, and basic rights. In this context, we gave particular attention to furthering: (1) government's role as trustee vs. arbitrator/mediator, (2) communitarian rather than utilitarian outcomes within the community, (3) mechanisms for continuing empowerment, learning, and change through community participation, and (4) environmental justice and protection of minority interests. We grappled with constructing measures of success that reflected these concerns.

Both our earlier work and the work of others have suggested the importance of early public/stakeholder involvement in contaminated communities, as well as continued involvement throughout. Despite the general success of the public participation processes in our study communities, most became involved fairly late in the overall process. They did not usually participate in the early characterization of the site when decisions were made about what to monitor, what study design to use, and who should carry out the studies. They also had little influence on the choice of cleanup/remediation contractor. Nonetheless, the agencies were often able to reverse a "rocky start" and sometimes turn the process around. In many cases, the communities were able to exert some influence on the decision-making process.

It deserves emphasizing that some avenues for empowerment were not utilized to the extent they might have been. For example, communities did not attempt to influence the choice of the site cleanup/remediation contractor, or who occupied crucial leadership positions in their communities, such as the site manager, other on-site agency personnel, or independent experts/designated coordinators. This is additional evidence that public participation is a learning process for the communities and the agencies, both of which have essentially been feeling their way along without recognizing all the options open to them and the opportunities available for better cooperation. This research was undertaken to assist the government, the community and other stakeholders in the improvement of participatory processes.