

# Model Guidelines for Public Participation

An Update to the  
1996 NEJAC Model Plan for Public Participation



January 25, 2013  
A Report of Recommendations  
of the  
National Environmental Justice Advisory Council  
*A Federal Advisory Committee to the U.S. Environmental Protection Agency*

## **ACKNOWLEDGEMENTS**

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The National Environmental Justice Advisory Council (NEJAC) gratefully acknowledges the efforts of NEJAC members Andrea Guajardo, Executive Director, Conejos County Clean Water, Inc.; Horace Strand, Director, Chester Environmental Partnership; Javier Francisco Torres, Technical Assistance Manager, Border Environment Cooperation Commission; and Elizabeth Yeampierre, Executive Director, UPROSE, Inc.; as well as U.S. Environmental Protection Agency (EPA) staff Cynthia Peurifoy, Designated Federal Officer (DFO) for the Model Plan Work Group, and Victoria Robinson, DFO for the NEJAC, who contributed to the development of the 2012 revised Model Plan.

## **DISCLAIMER**

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This report of recommendations has been written as part of the activities of the NEJAC, a federal advisory committee providing independent advice and recommendations on the issue of environmental justice to the Administrator and other officials of the EPA. In addition, the materials, opinions, findings, recommendations, and conclusions expressed herein, and in any study or other source referenced herein, should not be construed as adopted or endorsed by any organization with which any Work Group member is affiliated.

This report has not been reviewed for approval by EPA, and hence, its contents and recommendations do not necessarily represent the views and the policies of the Agency, nor of other agencies in the Executive Branch of the Federal government.

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January 25, 2013

Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Dear Administrator Jackson:

The National Environmental Justice Advisory Council (NEJAC) is pleased to transmit the following recommendations that update the NEJAC Model Plan for Public Participation, first issued in 1996. The Model Plan outlined critical elements for conducting public participation and identified core values and guiding principles for the practice of public participation.

In 2012, in light of how public participation has evolved over the years, the NEJAC identified the need to update the 1996 Model Plan. Such revisions were considered necessary to reflect current needs, concerns, and best practices, and in consideration of your designation of expanding the conversation on environmentalism and working for environmental justice as a priority. This update to the 1996 Model Plan, herein called the Model Guidelines for Public Participation, should complement the implementation of EPA's Plan EJ 2014, the roadmap intended to help EPA integrate environmental justice into the Agency's programs, policies, and activities.

Once again, thank you for this opportunity to provide recommendations for enhancing environmental justice in EPA's programs, particularly the tribal program and Agency's work with indigenous stakeholders.

Sincerely,

A handwritten signature in blue ink that reads "Elizabeth C. Yeampierre".

Elizabeth C. Yeampierre  
Chair

cc:

NEJAC Members

Robert Perciasepe, EPA Deputy Administrator

Cynthia Giles, EPA Assistant Administrator for Enforcement and Compliance Assurance

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# NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL

## **Model Guidelines for Public Participation: An Update to the 1996 NEJAC Model Plan for Public Participation**

### **1.0 INTRODUCTION**

In 1996, the National Environmental Justice Advisory Council (NEJAC or the Council), through its Public Participation and Accountability Subcommittee, worked with the U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (OEJ) to develop the Model Plan for Public Participation (Model Plan). The Model Plan outlined critical elements for conducting public participation and identified core values and guiding principles for the practice of public participation. It was published as a “living document” that would be reviewed and revised as necessary. The original Model Plan can be found at: <http://www.greenlink.org/assess/pdfs/modelplan.pdf>.

In 2012, in light of how public participation has evolved over the years, the NEJAC identified the need to update the 1996 Model Plan. Such revisions were considered necessary to reflect current needs, concerns, and best practices, and in consideration of EPA Administrator Lisa P. Jackson’s designation of expanding the conversation on environmentalism and working for environmental justice as a priority. This update to the 1996 Model Plan, herein called the Model Guidelines for Public Participation (Model Guidelines), should complement the implementation of EPA’s Plan EJ 2014, the roadmap intended to help EPA integrate environmental justice into the Agency’s programs, policies, and activities. Plan EJ 2014 is named in recognition of the 20th anniversary of President Clinton’s issuance of Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Agency defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

It is expected that this document will serve as a guide for not only federal agencies, but for all stakeholders who are engaged in public participation efforts and who seek to meaningfully engage environmental justice stakeholders in decision-making processes. Agencies should look to this document as a model when engaging communities, while also recognizing that not all communities are the same. The recommendations presented herein are not intended to be universally applied; rather, they should be customized for application based on the priorities and characteristics of each unique community. Furthermore, EPA should continue to seek opportunities to exercise its authority to consider and address environmental justice concerns under existing environmental statutes such as the Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; Toxic Substances Control Act; and the Federal Insecticide, Fungicide, and Rodenticide Act .

#### **1.1 What is Community Engagement**

There are many terms that describe the concept of "public participation" – community participation, community involvement, community engagement, stakeholder involvement, stakeholder engagement, among others. All of these terms are commonly used and acceptable. Regardless of the language used, what is critical to understand is the emphasis that any and all persons and groups who are potentially interested, concerned, or affected by an action should be included (or given equal opportunity to participate) in the decision-making process.

Public participation, community involvement – whatever the term -- is crucial in ensuring that decisions affecting human health and the environment embrace environmental justice. Communities affected by environmental justice issues often already face many challenges and barriers associated with meaningful involvement and adequate representation in the development, implementation, and enforcement of environmental laws, regulations, and policies. Many affected communities are considered to be vulnerable or sensitive populations, due to factors such as cumulative exposure to toxins and pollutants, and have historically been left out of decision-making processes.

**Critical Elements of Effective Community Engagement.** Long-term community engagement is essential to sustaining the engagement of affected communities in decision-making around environmental issues. There are many individuals and communities that are affected by environmental justice issues more broadly, who are not aware that they are stakeholders. Effective long-term community engagement should include the following **critical elements**:

- A two-way process of distributing and receiving information to increase understanding among all stakeholders, and encourage active listening and the exchange of information.
- A process that aims to increase the number of community members who recognize themselves and their communities as stakeholders in the issues at hand.
- A system of processes and mechanisms for community outreach, input, and engagement at different levels.
- A greater emphasis on the quality of community input rather than the quantity of input. The quality of community engagement should be based more on what is “uploaded from” the community than what is “downloaded to” the community; and how well agencies are able to practically apply the input received from community members.
- Recognition of local community members as an “encyclopedia of experientially-tested and validated insight,” and consultation of that resource as part of the foundation of community engagement efforts. The success of community engagement depends on the maximum utilization of local community members as the foundation (not just an added value) to a comprehensive, holistic approach.
- Efforts to “meet people where they are.” Methods, processes, and information should be targeted and applicable to the specific communities.
- An approach that is tailored to the specific, unique needs of the particular community where activities are being implemented. Common elements of engagement should not overshadow the uniqueness of every community.

**Challenges and Barriers to Effective Community Engagement.** The identification of common barriers and challenges to community engagement helped lay the foundation for recommendations intended to convey the critical importance of community engagement in the Agency’s decision-making processes. Examples of challenges and barriers to long-term community engagement include:

- Availability of resources (specifically, availability of and access to funding and staff to conduct the needed activities over the long term).
- Poor or little coordination among and between various federal, state, and local government agencies and other entities.
- Language and cultural differences.
- Identification of and coalition building among local leadership within a community.
- Lack of cultural competency among agencies trying to cultivate community engagement.
- Lack of recognition among communities and individuals of their stakeholder status in environmental justice issues.
- Lack of trust between community members, regulatory agencies, and regulated industries.

Note that these are merely a few examples of potential barriers. This does not represent an exhaustive list of challenges that may present themselves in the future. Some of these key barriers or challenges are also incorporated into the findings presented in Section 2.0, which form the basis for the recommendations in Section 3.0.

## 2.0 FINDINGS

To facilitate public participation, it is important to identify methods by which EPA can institutionalize public participation in its programs. This section lays the foundation for why the recommendations (presented in Section 3.0) are justified and require action. The findings and associated recommendations for action are organized in the following focus areas:

- Section 2.1 – Comprehensive, Customized Community Engagement
- Section 2.2 – Environmental Justice in Rural Communities
- Section 2.3 – Education and Empowerment

### 2.1 Comprehensive, Customized Community Engagement

In general, agencies tend to have an “*either / or*” approach to addressing problems. This is understandable -- due to regulations, rules, ordinances, laws, etc., agencies lean toward this mental model as the default approach to problem solving. However, in a multicultural society such as ours, such an approach does not work well for environmental justice communities. A better approach is a “*both / and*” approach that recognizes that a project or policy impacts both the community and project sponsor, whether African-Americans and Puerto Ricans; both Chicanos and off-reservations Navajos; Vietnamese and poor Anglos; elders and working mothers with children.

Often, policies and projects have been developed without substantial public involvement. The intent of public participation is to involve local populace in a collaborative relationship for policy development and project planning. The purpose is to give the local populace reasonable opportunity to participate in the decision-making process. Benefits of early engagement with affected communities around permitting and siting have been observed in New York, Pennsylvania, and Connecticut.

A central argument is that Model Guidelines are not practical since communities and projects are so varied that one model for universal application would not work. We live in a multicultural society where communication takes place according to local customs, symbols and patterns. Given these facts, collaborating with local environmental justice communities needs to evolve from a single approach to a more comprehensive, customized process. As such, model guidelines should encompass a series of recommended guidelines, where the local stakeholders determine the extent and depth of the public process. Ideally, such an approach should be outlined in a public participation plan.

Ultimately, flexibility is needed when customizing the plan for engaging with each community. Consideration should be given to the uniqueness of each community in terms of, among other characteristics, geography (for example, urban and rural) and culture (for example, traditions of tribes and those along the U.S.-Mexico border). In addition to traditional methods of community engagement, social media platforms such as Facebook and Twitter, and online information sources such as blogs and YouTube are increasingly being used to disseminate information in an environmental justice context. Social media can be leveraged as a powerful tool in engaging members of the public in a participatory process.

## 2.2 Environmental Justice in Rural Communities

Rural communities often view being labeled with the characteristics of an environmental justice community (e.g., impoverished) as a stigma. Also, some of those communities do not recognize that the environmental problems that they are facing are issues of injustice.

The difficulty in characterizing environmental justice segments of rural communities is made more difficult by techniques used to quantify such populations. In the context of the National Environmental Policy Act (NEPA), federal agency actions typically look at a 50-mile radius and average demographic information from the Census 2000 for rural areas. This is a problem in rural communities where block groups show greater than 20 percent of residents living below the federal poverty level, and greater than 50 percent of ethnic minorities in residence. However, agencies will average communities from census tract data, thus diluting the demographics of environmental justice communities.

## 2.3 Education and Empowerment

Sometimes there is a “line” between agencies and the public, created by a real or perceived feeling of distrust between the two groups. There is often a misconception that “the powers that be” (e.g., city council, government agencies, etc.) will always have control over the community. Community residents often get frustrated with “government” – whether local, regional, state, or federal -- because they expect agencies to solve their problems yet do not understand how agencies actually operate. Additionally, community stakeholders often do not have the technical understanding or assistance to effectively participate in environmental decisions that impact their lives.

## 3.0 RECOMMENDATIONS

The following guiding principles served as the basis for the recommendations presented in this section:

- Encourage public participation in all aspects of environmental decision-making.
- Communities, including all types of stakeholders and agencies, should be seen as equal partners in dialogues about environmental justice issues.
- In order to build successful partnerships, interactions must:
  - Encourage active community participation.
  - Foster capacity building in the community and increase technical knowledge.
  - Institutionalize public participation.
  - Recognize community knowledge.
  - Use cross-cultural formats and exchanges.
  - Maintain honesty and integrity in the process and articulate goals, expectations, and limitations.

The recommendations and critical elements for effective public engagement are presented below. Many are based on core values to facilitate the engagement process, examples of which are presented in Appendix A.

### 3.1 Comprehensive, Customized Community Engagement

This section describes ways in which EPA should customize its community engagement approaches to ensure flexibility and consideration of the unique characteristics of each community.

1. **EPA should facilitate a rapid assessment of the level of community engagement required to guide the public process, in coordination with local stakeholders and the project sponsor.** The level of effort required for a community engagement process may vary and is determined by the anticipated environmental and community impacts of the undertaking. A rapid assessment process helps determine the minimum requirements for substantial public involvement to promote community-based support for an action.
2. Where an effective community engagement process is not already in place, **EPA should establish a steering committee in communities affected by environmental justice issues, comprised primarily of community level stakeholders.** The steering committee must be independent of the entity promoting the policy or project (i.e. policy and decision makers). Non-community level stakeholders – those less impacted by the proposed undertaking – could act as advisors. The central idea is that the public process is locally driven by an independent committee that works in coordination with the sponsoring entity. Even though the process should be independent of the entity promoting the policy or project, the entity and other key stakeholders should be available to provide resources to ensure an effective process. These resources can include financial support for facilitation, technical assistance, and capacity building, and meeting locations and logistics.
3. **EPA should involve the community in the discussion of possible alternatives to permitting and siting of potential polluters.** In cases when the decision to proceed with the permit or siting approval has already been made, EPA should encourage that the Permittee establish a relationship with the community to ensure that the community members understand the activities of the industry and are engaged in the regulation process. Ideally, the community should be engaged early in the process, prior to the permit being issued.
4. As part of understanding the affected community, **EPA should understand the extent to which social media and technology can be used when developing a community-specific engagement plan. Use of such tools should be leveraged to disseminate information, as appropriate.** Social media and technology, however, should not take the place of face-to-face engagement with community members.
5. **EPA should engage with communities early in the permit application and other decision-making process.** Agencies will benefit from hearing from the community how they would like information presented, questions they would like answered in advance, and in which languages. Preparation time before a community meeting will ensure better outcomes and better communication throughout.
6. **EPA should identify and integrate cultural and geographic differences into community engagement efforts, including public participation plans and outreach.** For example, travel is more challenging in rural than urban areas, but child care, food and translation are necessary almost everywhere. Creating spaces convenient for families coming from work and school is important.
7. **EPA should engage the community in developing the agenda for public meetings and other community engagement activities.**

8. **EPA should foster capacity building in communities by offering various forms of technical assistance throughout the public participation.** Examples of such assistance could include facilitation of discussions among stakeholders, funding resources, workshops and trainings in the relevant subject matter, and scientific expertise, as needed; as well as donation of technological equipment.
9. As part of preparing a comprehensive and customized plan for engaging communities, **EPA should consider the following steps outlined in Exhibit 1** (see pages 7-8):

### 3.2 Engaging Rural Communities

This section describes ways in which EPA should engage in community engagement activities in rural areas:

10. **EPA should address environmental justice issues in rural communities by engaging in “ground truthing” – or visiting the community in person to assess actual conditions – as well as using the smallest data available,** i.e. block group census data, American Community Survey, as well as utilizing EPA tools such as the Community-Focused Exposure and Risk Screening Tool (C-FERST), Environmental Justice Strategic Enforcement Tool (EJSEAT), NEPAAssist, and EJ Screen. EPA uses the smallest data available. EPA should lead other agencies in this effort.
11. **EPA should empower communities, especially those in rural, isolated areas, by enhancing their understanding of their history and culture** and the circumstances that led them to their current state. It is critical that agencies not apply approaches universally in this effort, but rather customize engagement with each community, as appropriate.

#### NEPAAssist

NEPAAssist is a tool that facilitates the environmental review process and project planning in relation to environmental considerations. The web-based application draws environmental data dynamically from EPA's Geographic Information System databases and web services and provides immediate screening of environmental assessment indicators for a user-defined area of interest. These features contribute to a streamlined review process that potentially raises important environmental issues at the earliest stages of project development.”

Source: EPA NEPAAssist website,  
<http://nepassisttool.epa.gov/nepassist/entry.aspx>

## Exhibit 1

### **A. Preparation**

- Developing co-sponsoring and co-planning relationships with community organizations is essential to successful engagement. Community engagement could include community meetings, consultations, roundtables, training sessions, workshops, one-on-one conversations with community representatives, teleconference calls, webinars and videos, and other efforts.
- To ensure successful engagement opportunities, agencies should provide co-sponsors that can provide communities with the resources they need, and share all planning roles with the federal representatives. These roles could include:
  - Developing a Public Participation Plan that provides the framework for the public process (see Appendix B for sample guidelines to use in developing a Public Participation Plan).
  - Decision-making.
  - Development of the activities in the community engagement process, including elements such as:
    - o Establishment of clear goals.
    - o Leadership.
    - o Outreach.
- Educating the community to allow equal participation and provide a means to influence decision-making. As an example, this could be done by linking environmental, economic, political and social analysis of a community (including class) to begin to create a deeper understanding of the causes of climate change and how it will impact environmental justice communities. Closely related to this is linking local, national, and international environmental justice issues.
- Regionalizing materials to ensure cultural sensitivity and relevance.
- Providing a facilitator who is sensitive and trained in environmental justice issues and other issues important to the community, where feasible.

### **B. Participants**

As introduced in Recommendation 2, a steering committee made up of community stakeholders, one committee per policy-making undertaking, or specific environmental projects where policy matters have been decided, should be established in each affected community. This steering committee would be independent of the sponsoring agency but collaborate in the development of the policy or project. To be able to do this, it could be required to have a technical committee to advise the steering committee on technical and financial matters. The agency should not assume that all communities are equal with respect to average educational levels.

The site-specific steering committee or community advisory board should clarify its role(s) and responsibilities, determine the expected outcome of its meetings, and identify ways to generate sustained interest of community members in the environmental justice issues that affect them. The steering committee should assess specific public participation techniques to use to reach all stakeholders. For example, in rural communities, requiring committees can help to build and strengthen local capacities that are otherwise absent for environmental justice communities. In many cases, a steering committee could provide a first opportunity for members of the public to participate as equals with state and federal agency staff in making a decision that will impact their lives, their families and communities. The steering committee should last the length of the project.

All affected stakeholder groups should be considered for membership in the steering committee. These groups include, but are not limited to, the following:

- Community and neighborhood groups.
- Community service organizations (health, welfare, and others).
- Educational institutions and academia.
- Environmental organizations, including Local Emergency Planning Committees.
- Industry and business.
- Medical community.
- Non-governmental organizations.
- Religious communities.
- Spiritual communities.
- Indigenous peoples.
- Civic/public interest groups.
- Unions and other employment related organizations.

### **C. Engagement Logistics**

The following logistics are associated with community meetings as an example of an engagement activity. These logistical considerations, however, should also be applied to other forms of engagement, such as consultations, roundtables, training sessions, workshops, one-on-one conversations with community representatives, teleconference calls, webinars, videos, etc.

#### **I. Where:**

- Meetings and other activities involved in the community engagement process should be accessible to all who wish to attend, when feasible. For example, available public transit, childcare, and access for the disabled should be considered, when feasible.
- Meetings and other activities involved in the community engagement process must be held in an adequate facility (size and conditions must be considered), when feasible.
- Where feasible, technology should be used to enhance effective communication, for example: teleconferencing, video conferencing, webinars, adequate translation, etc.

#### **II. When:**

- The time of year and the day and time of meetings and other activities to engage the community should accommodate the needs of affected communities (evening and weekend meetings accommodate working people, and careful scheduling can avoid conflicts with other community or cultural events, for example, harvest time during the fall in agrarian communities).

#### **III. How:**

- An atmosphere of equal participation must be created (avoid using a "panel" or "head table"), where feasible.
- A two-day meeting, at a minimum, is suggested. For example, the first day could focus on community planning and education, and the second day could focus on open dialogue and engagement among stakeholders.
- The community and the government should share leadership and presentation assignments, with the steering committee taking the lead role. All stakeholders should be engaged in the planning process.

### **D. Other Considerations**

- Promote public awareness of multiple chemical sensitivities and provide a chemical and scent-free meeting space.
- Maintain clear goals by referring to the agenda, but the speakers should not be bound by the agenda.
- Incorporate cross-cultural exchanges in the presentation of information and the meeting agenda. Provide translators, if needed, for persons with limited English proficiency to ensure engagement of key stakeholders.
- Provide a professional facilitator who is sensitive to, and trained in, environmental justice issues and other issues relevant to the community.
- Provide a timeline that describes how the meeting fits into the overall agenda of issues at hand.
- Coordinate follow-up by developing an action plan and determining who will be responsible for expediting the work products from the process.
- Provide a sign-in sheet to gather contact information of attendees to facilitate future distribution of information and follow-up.
- Distribute minutes and a list of action items to all attendees to facilitate follow-up.
- Visit local organizations to consult in the decision-making. Visiting local organizations during their regular membership meetings serve as a substitute for more general public meetings. There is a captive audience who will listen. These visits should not be aimed at *informing* but instead at *soliciting support* for a desired outcome that is to benefit the community. These visits should be led by the steering committee. Further, not all community organizations will attend the public meetings or have a representative in the steering committee for a variety of reasons. Such visits can be a way to avoid leaving them out of the process by "taking the meeting" to them.



### 3.3 Education and Empowerment to Enhance Engagement

This section recommends actions EPA can undertake to educate and empower communities during the public engagement process.

12. **EPA should approach communities with empathy.** In order to effectively engage communities, agencies should be “on the ground” to understand local concerns and challenges. Cultural identity is tied to history and it is critical for agencies to understand this. Agencies should endeavor to understand the existing power relationships between the community and local governments. Agencies should recognize the mutual benefits and **mutual learning** opportunity to ensure a robust community engagement process that can result in a win-win situation.
13. **EPA should help empower communities with education, in lay terms, about the Agency’s jurisdiction and purview, as well as its limitations.** For example, the Pennsylvania Department of Environmental Protection issued a booklet on the “ABCs of EJ” that detailed the responsibilities and limitations of various government agencies in lay terms. The booklet explained to communities what they could expect from each agency, the constraints of the agency, and suggested steps that should be taken to resolve example problems in the community. An approach like this would ensure that communities would better understand that inaction by an agency may not necessarily indicate insensitivity.
14. In a democratic society, everyone has both rights and responsibilities in developing and sustaining healthy and livable communities. **EPA should help educate communities on their rights and responsibilities when challenging an environmental problem.** An example of an effective approach can be found in the Pennsylvania Department of Environmental Protection’s Office of Environmental Advocate. Agency staff from that office visits communities to educate stakeholders on their rights and to work alongside them.

# APPENDIX A

## SAMPLE CORE VALUES FOR PUBLIC PARTICIPATION

1. Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
4. Public participation seeks out and facilitates the involvement of those potentially affected by or interested in a decision.
5. Public participation seeks input from participants in designing how they participate.
6. Public participation provides participants with the information they need to participate in a meaningful way.
7. Public participation communicates to participants how their input affected the decision.

# APPENDIX B

## SAMPLE GUIDELINES FOR PUBLIC PARTICIPATION PLAN

The Public Participation Plan must be approved by the steering committee and project sponsor and must include the following:

- Local Steering Committee
- Public Access to Project Information
  - a. Public Notice
  - b. Additional Outreach Activities
  - c. Public Meetings
- Final Public Participation Report
- Post-Implementation Public Participation Efforts

### Suggestions for the Application of the Public Participation Guidelines

#### I. Local Steering Committee

The project sponsor shall form a local steering committee or use an existing one to develop and implement of the Public Participation Plan. The project sponsor should consider diverse representation for the steering committee, which could include public officials and representatives from civic, academic, non-governmental and business organizations (see Recommendation 9 in Model Guidelines for list of specific stakeholders). The steering committee, in coordination with the project sponsor, will be responsible for carrying out activities related to disseminating information about the project, conducting public and local organization meetings and developing media outreach strategies.

#### Steering Committee Activities:

- Participate in the development of the Plan.
- Carry out follow up activities to the Plan.
- Establish a dialogue through public meetings.
- Develop information strategies.

#### Suggested Guidelines for Steering Committee Structure:

It is recommended that the steering committee have a chairperson. Additionally, it is recommended that the committee have a technical secretary and technical work group.

#### Suggested General Operating Rules for the Steering Committee (these rules can be modified according to the internal necessities of the committee and project):

- The committee shall be independent from the sponsor but should work in coordination with the sponsor.
- Members of the steering committee shall have equal and full rights as well as voting rights.
- The committee shall meet as required in order to carry out follow up activities to the Public Participation Plan.
- The committee shall coordinate with the sponsor in carrying out the public meetings required for the project.
- Committee agreements shall be reached by consensus or by majority vote. Majority votes must have a quorum that is defined as having 50% plus one present at meeting.
- The committee may appoint a chairperson. The chairperson shall preside over committee meetings, as well as sector and public meetings.
- The committee shall have a technical secretary. The project sponsor can provide the technical secretary who shall not have the right to vote. The functions of the technical secretary shall be: a) maintain records of all agreements reached; b) coordinate follow up activities for all agreements reached; c) prepare documentation of all committee meetings; d) provide notice of all scheduled meetings of the committee as well as the public meetings; e) provide logistics and administrative support to the committee.
- The steering committee shall rely, as needed, on the technical work group which can be composed of federal, state and local representatives. The engineer consultant should be involved in providing assistance regarding engineering issues of the project.
- The technical work group's functions, in general, shall be: a) advise the steering committee; b) present and address technical aspects at the public meetings; c) provide technical information requested by the committee; d) make sure there is translation (Spanish / English) of written and spoken technical information during

outreach and the public meetings, if necessary; e) assist the committee in project related presentations made to local organizations.

## II. Public Access to Project Information

The project sponsor must ensure availability of appropriate project information to any interested party. Access to information may be accomplished through several activities; however, the following minimum requirements must be met:

### a. Public Notice

The project sponsor, in coordination with the steering committee, shall determine the most appropriate locations to post any public notices about the proposed project. A public notice to announce a public meeting must be published through the local press and other media. The notices posted for the public meetings will include the place and schedule for any interested party to consult project information (i.e. engineering reports, environmental documents, fact sheets, etc.). For at least one public meeting, the notice must be posted at least 30 days prior to the meeting. If the project will affect more than one community, notice of a public meeting must be given in all affected communities, including in any community located in the other country.

### b. Additional Outreach Activities

The project sponsor, in coordination with the steering committee, shall determine other activities that may be carried out to inform the community of the project and encourage community participation. These additional activities may include but are not limited to the following: development and dissemination of a project fact sheet or summary; conduct meetings with local organizations (i.e. business, civic, community, neighborhood, academic, environmental) affected by the project; and / or develop and implement project surveys to record public concerns or commitment to the project.

Additional outreach activities are often very effective for accomplishing public participation goals for a project. An extensive implementation of these activities may be approved as an appropriate alternative to conducting additional public meetings. The project sponsor and / or steering committee will determine the best strategy for their project and community.

#### Media:

Should there be a media plan, it shall be based on the following guidelines:

- A media campaign provides information and should be divided into different issues.
- The campaign should be developed between the sponsor and steering committee.
- Under no circumstances should the campaign be utilized for propaganda.
- Every effort must be made to use the most accessible media in the community (for example, radio, television, newspaper, Twitter, Facebook, etc).

Local Organizations: Is it recommended that the steering committee be a part of the local organization consultation to solicit support for the project, provide information of the project, and request letters of support from these organizations. It is suggested that documentation of these meetings with local organizations such as who made the presentation, comments made during the presentation, as well as sign-up sheets and other documentation produced during this outreach process be included in the final report.

Suggested Guidelines for Media and Local Organization Outreach: The objectives of the additional activities are to guarantee public access to project information and provide for public consultation on the project. Should there be a media plan, it should have had broad coverage by the time the local organization, neighborhood and general public meetings are held. To demonstrate the project's message was communicated to a broad sector of the community, it is recommended that the outreach campaign, when feasible, be documented through a combination of video/audio recordings, media interviews or presentations, presentation of surveys results, etc.

### c. Public Meetings

A minimum of one public meeting or hearing in the community where the project will be located must be required in order to present information regarding the technical, environmental and financial aspects of the project, as well as to address any comments by the public. More than one public meeting or hearing and/or more extensive outreach activities may be necessary to establish community awareness of the technical and environmental aspects of the project and to consult with the community on the final technical and financial aspects of the project. Alternative formats for satisfying the public meeting/hearing(s) requirement may be considered, such as an “open house”, or local organizational meetings. Regional projects may also require multiple meetings. If the sponsor has conducted public hearings pursuant to laws and regulations applicable to the project, such meetings may be considered as satisfying the basic requirement. The project sponsor shall record minutes for any public meeting to include names of the participants, comments received, and results of any surveys that may have been conducted as part of the meeting.

#### Suggested Guidelines for Public Meetings:

- The public meetings/hearings shall be open to all sectors of the community.
- The use of a neutral facilitator is recommended, which can be the chairperson of the steering committee.
- The chairperson and the rest of the committee shall encourage community participation at meetings.
- Translation of technical and financial information must be provided, if necessary. Government agency staff must participate in the meetings.

### III. Final Public Participation Report

The project sponsor and steering committee will prepare a written report describing the activities carried out as part of the public participation plan, as well as documenting community opinion and support for the project. The minutes of the steering committee meetings shall be included in the report. As applicable, the report shall also contain samples of public notices, samples of project information provided, minutes of the public meetings, as well as results from any additional outreach activities (i.e. surveys, local organization meetings) conducted for the project.

Suggested Guidelines: The final report on the results of the public participation plan should convey that the objectives of the public participation plan were fulfilled. That is, the report should demonstrate that the project has broad community support and should document and contain all information generated throughout the public participation process, which can include press reports and interviews, public comments at *colonia* or neighborhood meetings, local organizations’ letters of support, minutes of meetings with local organizations, survey results and other such documentation showing the scope and success of the plan.

### IV. Post-Implementation Public Participation Efforts

The project sponsor in coordination with the steering committee shall provide continuity to the public participation plan after project implementation. The activities undertaken must be feasible and aimed at supporting the implementation and long-term sustainability of the project.

Suggested Guidelines: This describes the manner by which the community will continue to participate and be informed of the status of the project. The level of involvement at this point may be less extensive and intense as the major decisions regarding the project have been taken. This can be accomplished through periodic sponsor required public hearings or other public information activities throughout the community. It implies the continuation of the steering committee as part of the implementation of the project, as long as the committee and sponsor consider it necessary.

# APPENDIX C

## ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST FOR GOVERNMENT AGENCIES

The following checklist was developed by federal agencies for use by government agencies. It serves as an example process to be followed and does not include regulatory requirements. Please contact U.S. Environmental Protection Agency (EPA) Office of Environmental Justice (OEJ) for more information about the public participation process within the regulatory framework.

1. Ensure that the Agency's public participation policies comply with the requirements of the Freedom of Information Act; Emergency Planning and Community Right to Know Act; National Environmental Policy Act; Administrative Procedures Act; Clean Air Act; Clean Water Act; Resource Conservation and Recovery Act; Safe Drinking Water Act; Toxic Substances Control Act; Federal Insecticide, Fungicide, and Rodenticide Act.
2. Obtain the support of senior management to ensure that the Agency's policies and activities are modified for early, effective, and meaningful public participation, especially with regard to environmental justice stakeholders. Identify internal stakeholders and establish partnering relationships.
3. Use the following Guiding Principles in setting up all activities in the community engagement process:
  - Maintain honesty and integrity, and show empathy throughout the public process.
  - Recognize community and indigenous knowledge.
  - Encourage active community participation.
  - Use cross-cultural formats and exchanges.
  - Clearly present information in a way that avoids misunderstandings.
  - Identify key individuals who can represent various stakeholder interests. Learn as much as possible about the stakeholders and their specific concerns through personal consultation, and phone and written contact. Ensure that information-gathering techniques include modifications for minority and low-income communities, for example, consider language and cultural barriers, technical background, literacy, access to respondents, privacy issues, and preferred types of communications.
4. Solicit stakeholder engagement early in the policy-making process, beginning in the planning and development stages and continuing through implementation and oversight.
5. Develop co-sponsoring/co-planning relationships with community organizations and provide resources for their needs.
6. Establish a central point of contact within the federal agency to assist in information dissemination, resolve problems, and serve as a visible and accessible advocate of the public's right to know about issues that affect their health or the environment.
7. Regionalize materials to ensure cultural sensitivity and relevance. Make information readily accessible (for example, access for the handicapped and sight- and hearing-impaired) and understandable. Unabridged documents should be placed in repositories. Executive summaries/fact sheets should be prepared in layman's language. Whenever practical and appropriate, translate targeted documents for persons with limited English proficiency.
8. Make information available in a timely manner. Environmental justice stakeholders should be viewed as full partners and Agency customers. They should be provided with information at the same time it is submitted for formal review to state, tribal, and/or federal regulatory agencies.
9. Ensure that personnel at all levels in the Agency clearly understand policies for transmitting information to environmental justice stakeholders in a timely, accessible, and understandable fashion.
10. Schedule meetings and/or public hearings to make them accessible and user-friendly for environmental justice stakeholders. Consider time frames that do not conflict with work schedules,

rush hours, dinner hours and other community commitments that may decrease attendance. Consider locations and facilities that are local, convenient and represent neutral turf. Ensure that the facility meets American with Disabilities Act statements about equal access. Provide assistance for hearing-impaired individuals. Whenever practical and appropriate, provide translators for persons with limited English proficiency. Advertise the meeting and its proposed agenda in a timely manner in print and electronic media. Provide a phone number and/or address for communities to find out about pending meetings or issues, express their concerns, seek participation or alter meeting agendas.

11. In addition to meetings, consider other communication vehicles to increase participation of environmental justice stakeholders, including:
  - Posters and exhibits.
  - Participation in civic and community activities.
  - Public database and bulletin boards.
  - Surveys.
  - Telephone hotlines.
  - Training and education programs.
  - Workshops and materials.
12. Hire trainers with a good understanding of the subject matter, both technical and administrative. The trainers should be ambassadors of the community engagement process.
13. Consider diversity in the workplace: whenever practical, be sure that those individuals that are the decision makers reflect the intent of Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority and Low-Income Populations) and come from diverse backgrounds, especially those of a community that will have extensive interaction with the Agency.
14. After holding a public forum in a community, establish a procedure to follow up with concrete action to address the community's concerns. This will help to establish the Agency's credibility in the community as a representative of the Federal government.
15. Establish interagency working groups (at all levels) to address and coordinate issues of environmental justice.
16. Promote interagency coordination to ensure that the most far-reaching aspects of environmental justice are sufficiently evaluated and addressed in a timely manner. Environmental problems do not occur along departmental lines. Solutions, therefore, require many agencies and other stakeholders to work together efficiently and effectively.
17. Educate stakeholders about all aspects of environmental justice (functions, roles, jurisdiction, structure, and enforcement). The engagement of a steering committee from the beginning of an undertaking would allow for the evaluation of the education level of the community in the environmental justice issues that affect them.
18. Ensure that research projects identify environmental justice issues and needs in communities, and how to meet those needs through the responsible agencies.
19. Provide information to communities about the government's role as it pertains to short-term and long-term economic and environmental needs and health effects.
20. Train staff to support inter-and intra-Agency coordination, and make them aware of the resources needed for such coordination.
21. Provide Agency staff members that are trained in cultural, linguistic, and community outreach techniques.
22. Hold workshops, seminars, and other meetings to develop partnerships between agencies, workers, and community groups. (Ensure mechanisms are in place so that effective partnerships can be implemented via cooperative agreements, etc.)
23. Provide effective outreach, education, and communications. Findings should be shared with community members, with an emphasis on being sensitive and respectful to race, ethnicity, gender, language, and culture.
24. Design and implement educational efforts tailored to specific communities and problems. Increase the engagement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of environmental justice issues.

25. Ensure active participation of affected communities in the decision-making process for outreach, education, training, and community programs – including representation on advisory councils and review committees (see Recommendation 9 in Model Guidelines).
26. Encourage federal and state governments to "reinvent government" – overhaul bureaucracy in favor of community responsiveness.
27. Link environmental issues to local economic issues to increase level of interest.
28. Use local businesses for environmental cleanup or other related activities.
29. Use, as appropriate, historically Black Colleges and Universities (HBCU) and Minority Institutes (MI), Hispanic Serving Colleges and Universities (HSCU), and Indian Centers to network and form community links.
30. Use, as appropriate, local expertise for technical and science reviews.
31. Prior to conducting the first agency meeting, form an agenda with the assistance of community and Agency representatives.
32. Provide various options for community members to ask questions and identify issues of concern (for example, "open mic" format at meetings).
33. Provide funding to hire retired engineers, teachers, lawyers, doctors, dentists, and other professionals to support the development of policies and projects in environmental justice communities.
34. Require that any policy or project funded by EPA or other agencies requiring EPA approval include community mitigation and climate adaptation measures.



# APPENDIX D

## REFERENCES

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