

Stakeholder Involvement and Conflict Resolution at EPA

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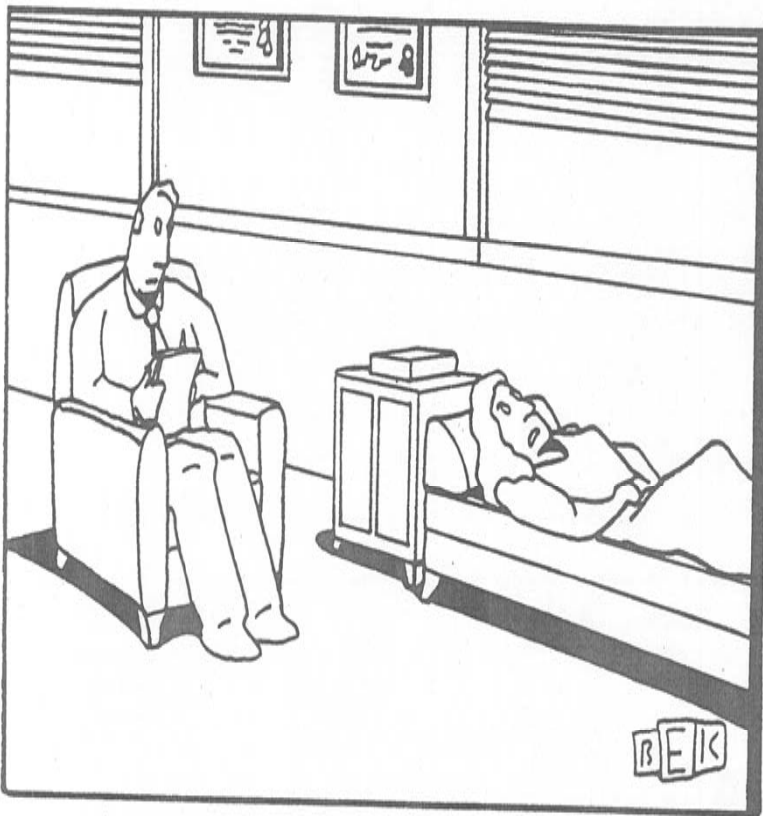
202-564-2913

Conflict Prevention and Resolution Center

U.S. Environmental Protection Agency

Washington, DC

Making Environmental Decisions



"Well, I do have this recurring dream that one day I might see some results."

- **Developing regulations, policies**
- **Issuing pollution permits**
- **Siting facilities**
- **Cleaning up of polluted sites**
- **Resolving non-compliance**
- **Protecting natural resources**
- **Protecting endangered species**
- **Planning communities**

Environmental Collaboration

- **“Collaboration is not code for compromise.** It is the pursuit of what's possible checked only by the realities of what is workable. Collaboration does not eliminate litigation, but it can minimize it. Collaboration doesn't take away from hard decisions, but it improves acceptance. “
- **“The Environmental Protection Agency can step forward boldly as a convener of such collaborative networks.** We can help connect the players across national, state and community boundaries and assist in getting them started,...”
- “I envision a new wave of national environmental productivity beginning in America. It is emerging not from new legislative initiatives but **from people joining together in collaborative networks for environmental teamwork.**”

Former EPA Administrator Michael Leavitt, December 12

Decision by Vested Authority Alone

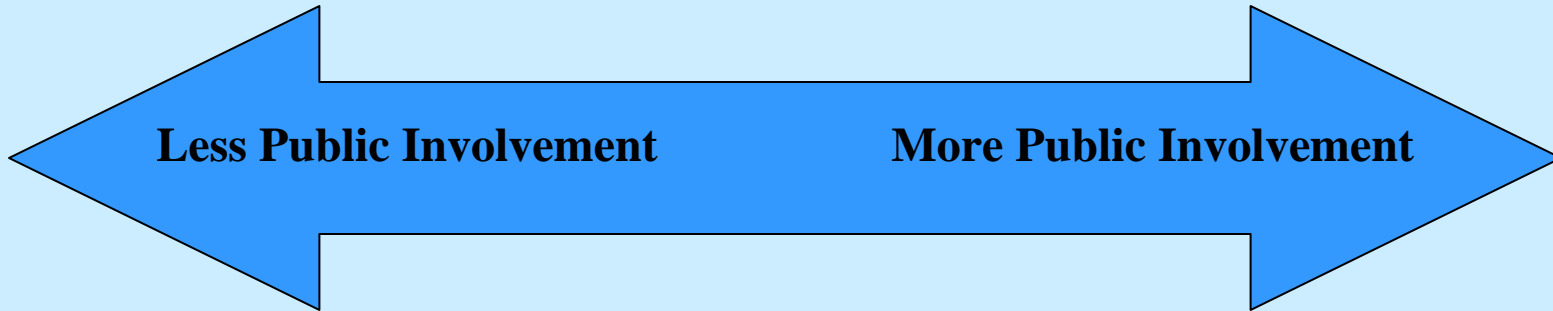
Decision with Minimal Input for Informed Consent

Decision with Repeated Opportunities to Provide Substantive Input

Decision Based on Recommended Policy from Stakeholder Negotiations

Stakeholder Decision Making

DECISION MAKING PROCESS



PUBLIC PARTICIPATION METHODS

No Public Input

Public Hearing(s) for Comment on Proposed Action or Policy

Series of Public Involvement Events with Targeted Groups and/or General Public

Direct Negotiations among Key Stakeholder Groups

Stakeholder Negotiations Leading to Implementable Decision

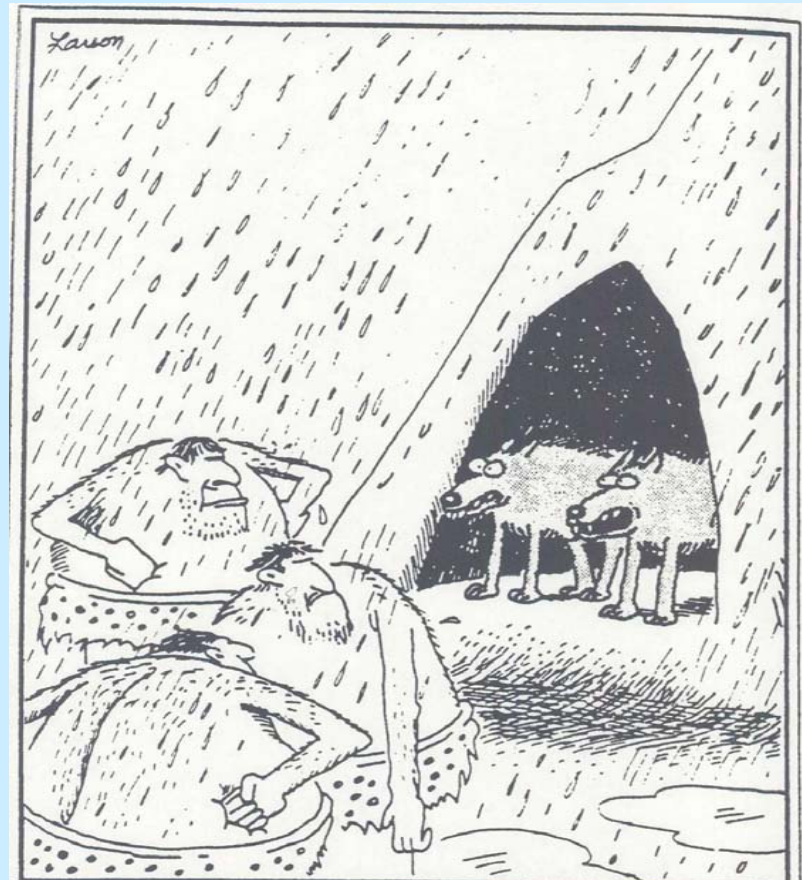
Spectrum of Decision-Making and Public Participation Processes

Consultative Processes Used by the EPA

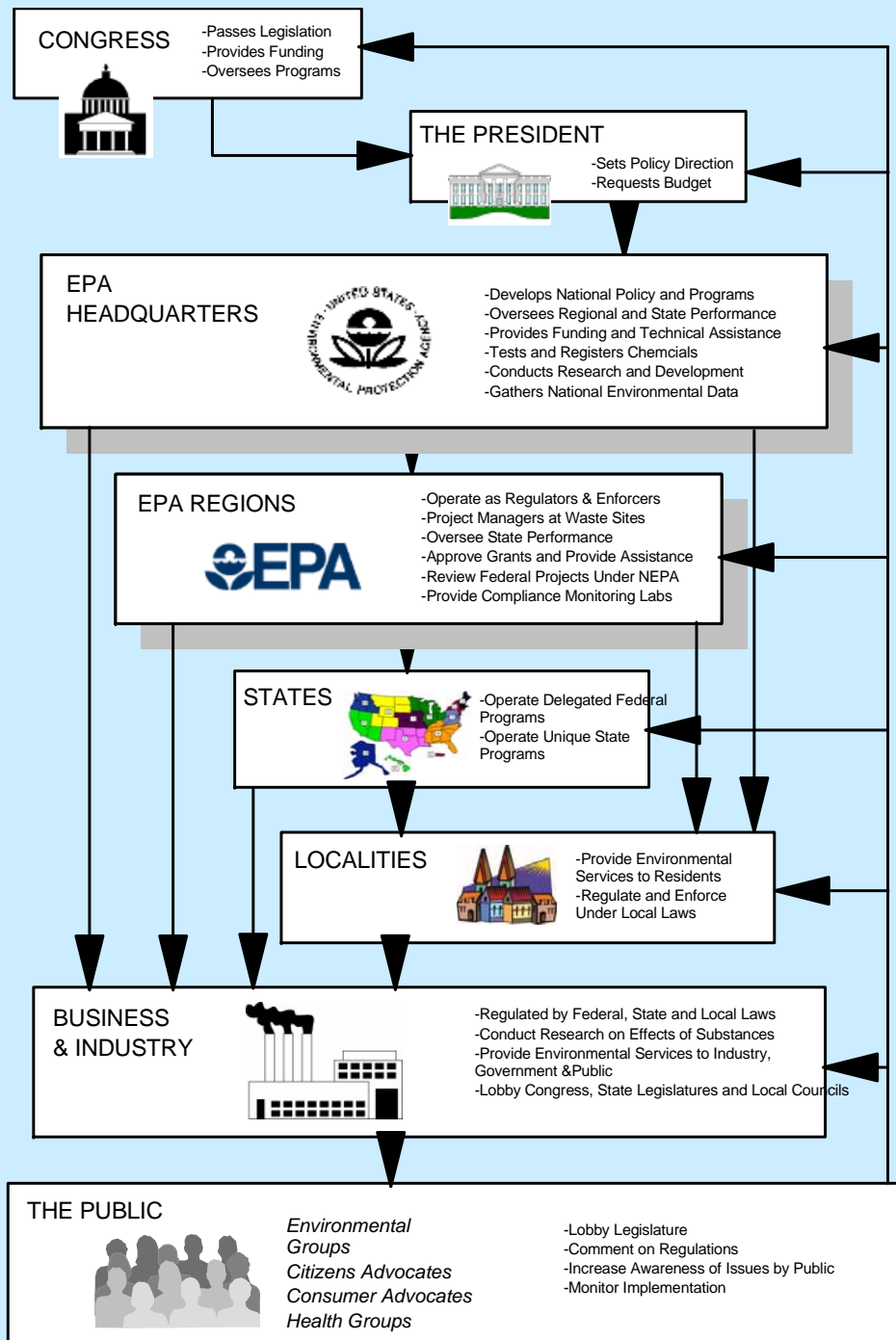
Information Exchange Provide and exchange data, opinions & options	Recommendations Provide non-binding, but influential advice or recommendations	Agreements Reach implementable agreement or settlement
<ul style="list-style-type: none"> • Meetings with individual interested parties • Public hearings • Public meetings • Focus groups • Citizen Advisory Groups • Workshops • Roundtables • Listening sessions • Facility tours 	<ul style="list-style-type: none"> • Advisory Committees • Scoping sessions • Policy Dialogues • Technical workshops • Joint fact-finding processes on scientific, technical, or other data • Task Forces • Blue Ribbon Committee • Citizen Advisory Boards 	<ul style="list-style-type: none"> • Negotiated Rulemaking • Consensus permits • Settlement of litigation or enforcement actions • Memorandum of Understanding (MOU) • Statement of Principles (SOP) • Allocations of Liability or Costs.

Inviting Stakeholders

- Government regulators, decision makers
- Those whose actions are affected
- Those who can block actions through legal or protest means
- Those who are affected secondarily
- Those who can provide data, information, options for resolution

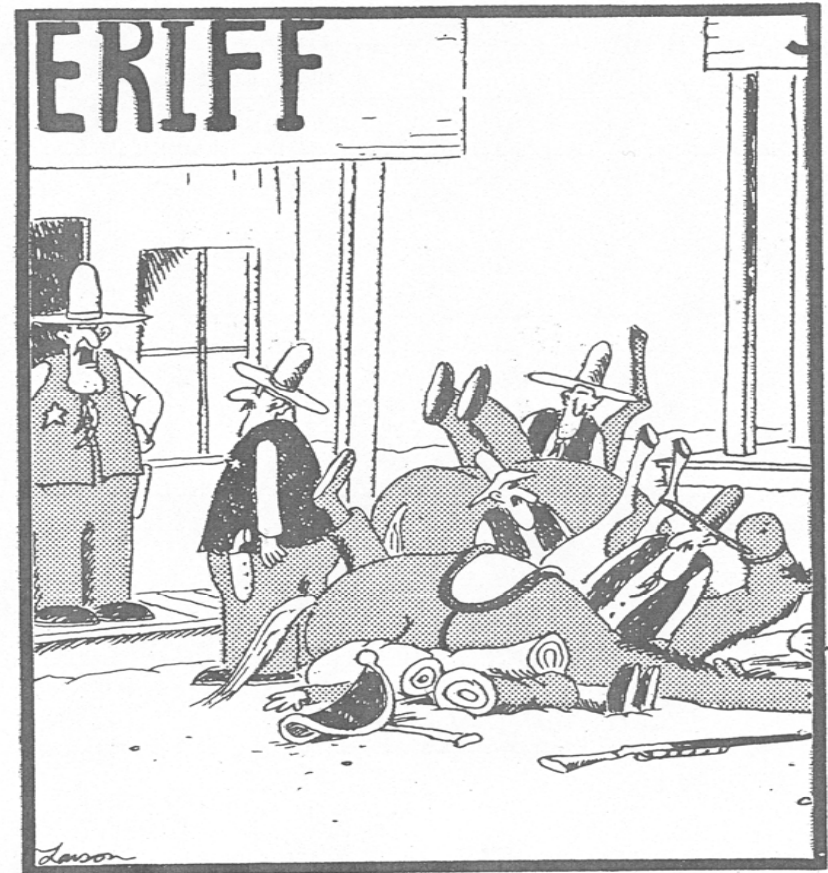


"Be firm, Arnold... Let them in once and they'll expect it every time."



Plan for Stakeholder Involvement

- Stakeholder involvement is a **PROCESS**, not an event!
- Start **EARLY!** Stakeholders have lives too!
- “Fit the Forum to the Fuss”
- Go beyond “the usual suspects”
- Make your **purpose CLEAR** to stakeholders
- Conduct a Stakeholder Assessment

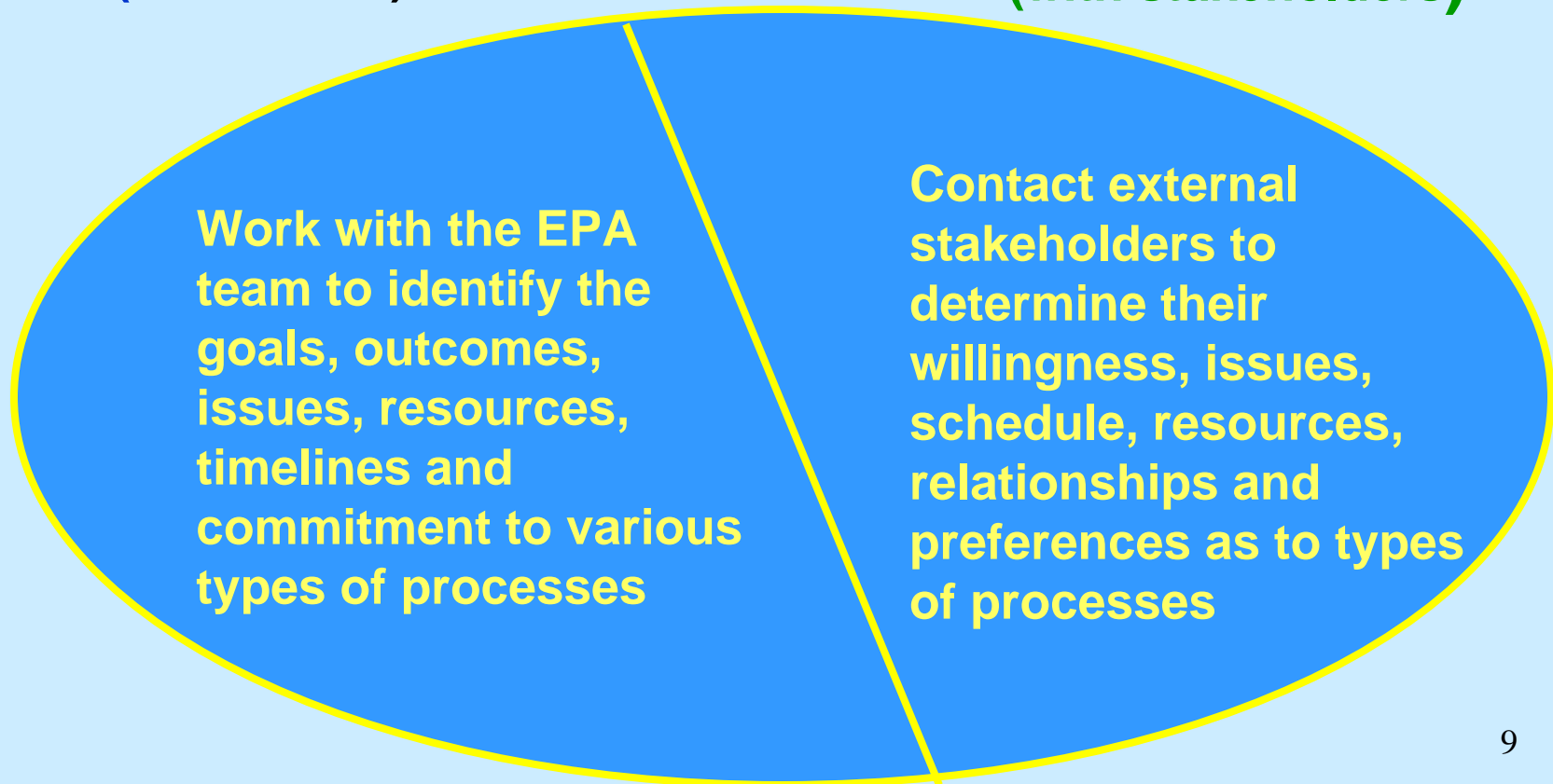


“And so you just threw everything together? ... Mathews, a posse is something you have to *organize*.”

Stakeholder Assessment Has Two Parts

Internal Screening
(inside EPA)

External Assessment
(with stakeholders)



Stakeholder Assessment

- **What's up?**
 - Identify key issues
- **So what?**
 - Why these issues are important
- **Who cares?**
 - Identify affected parties
- **What's next?**
 - The best approach for addressing the issues



Pitfalls of Proceeding without an Assessment

- Leaving out a key **participant**
- Not **framing issues** appropriately
- Proceeding without sufficient **commitments**
- Lack of **time** to affect the decision
- Lack of Agency or stakeholder **resources**
- Proceeding with inappropriate **stakeholder process**



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What Type of Process to Use?



Use an *INFORMATION EXCHANGE* process if the goal is to:

- Gain information
- Give information
- Get reactions to proposals
- Learn about concerns
- Build common understanding
- Help allay controversy due to misinformation
- Gain insights into views of stakeholders while retaining the authority to make a final decision

Information Exchange Case

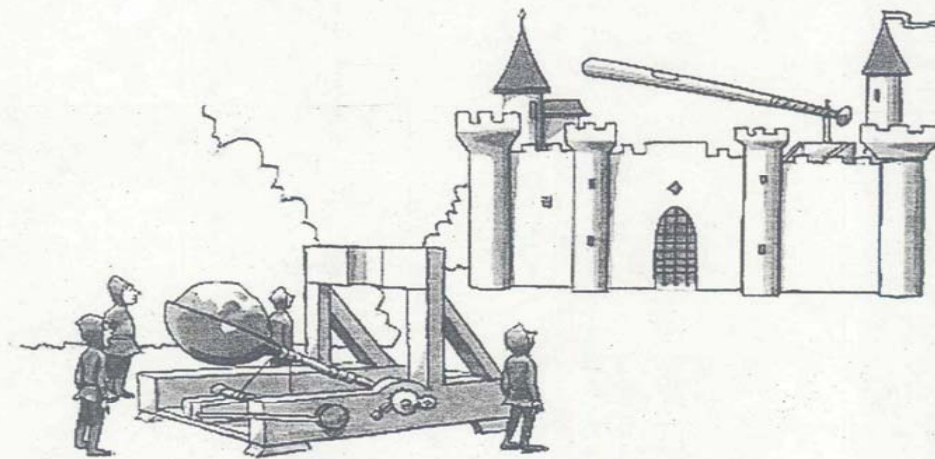
Total Maximum Daily Load Rule

- Modification of highly controversial existing rule
- Five “Listening Sessions”
 - four technical topics
 - final session - all topics
- Meeting design - plenary session and dozens of facilitated small table discussions
- End product - individual tables notes, comments in plenary – posted on the Web



Be Flexible

BY BUNNY HOEST AND JOHN REINER



"I think maybe we should change our attack strategy."

What Type of Process to Use?



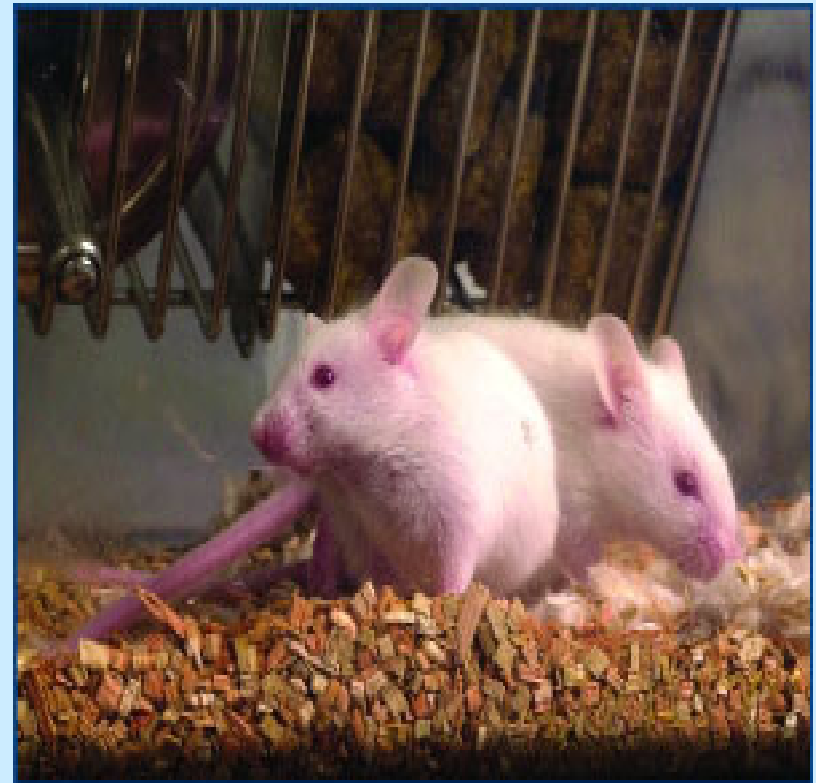
Use a RECOMMENDATIONS process if the goal is to:

- Integrate technical or scientific information for improved decisions
- Reach agreements on data needs and/or policy options prior to decision-making
- Stimulate joint thinking to solve persistent problems
- Work through stakeholder concerns while reserving decision making authority.

Recommendations Process Case

Endocrine Disruptors Dialogue

- Congress mandated a screening program for endocrine disruptors.
- Committee of scientists, enviros and public health, state and fed agencies, industry, water suppliers
- Design included plenary and workgroup meetings, electronic discussion group, peer review by SAB.
- Consensus on recommended screening program.
- EPA incorporated recommendations into program.



What Type of Process to Use?



Use an AGREEMENT process if the goal is to:

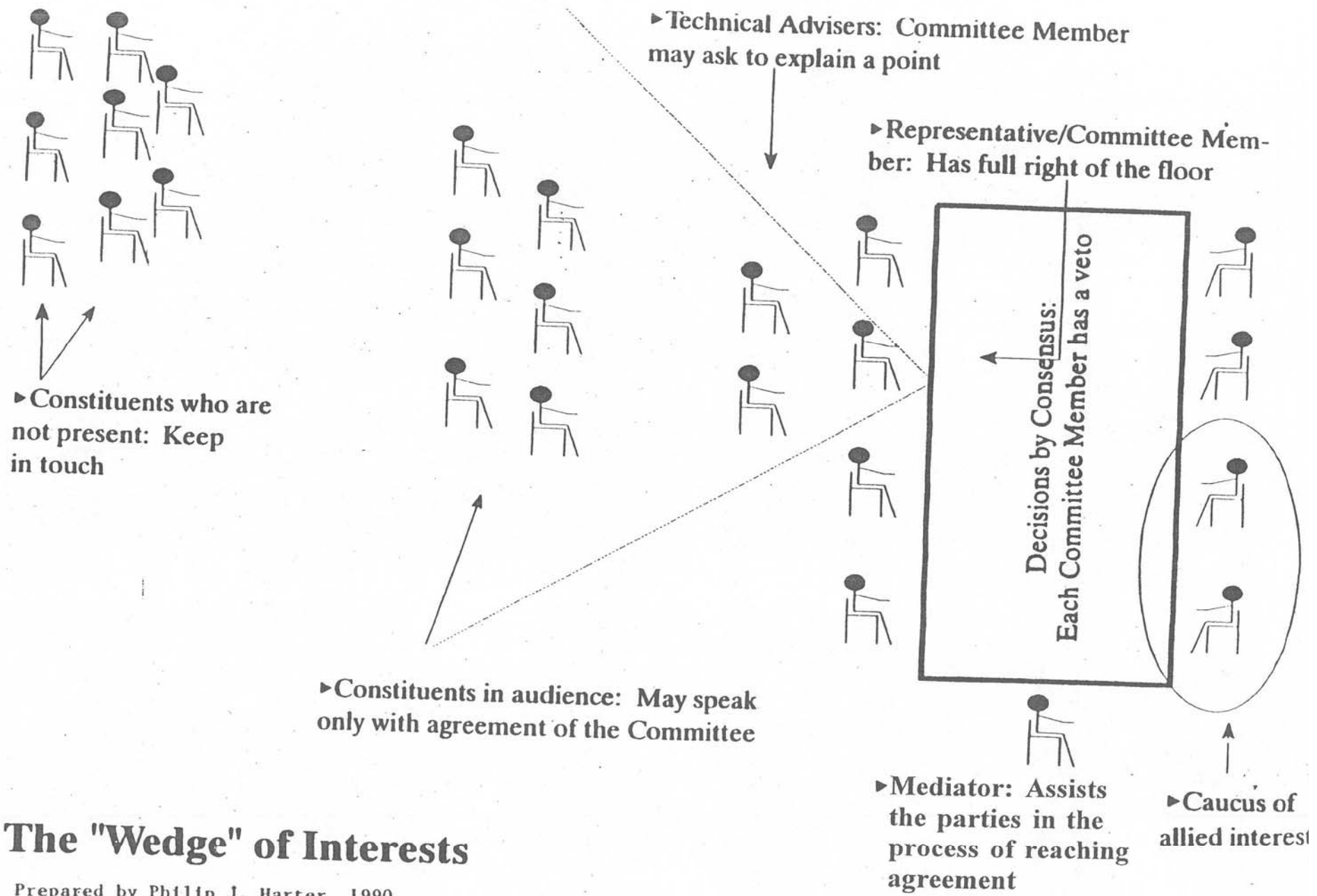
- Involve stakeholders in developing creative solutions
- Coordinate multiple agencies/levels of government in decision making to improve implementation
- Work out a mutually acceptable approach with parties who have the power to block or further implementation
- Make decisions in highly controversial situations
- Achieve voluntary compliance from affected parties
- Overcome stalemates in decision making
- Bring closure to decisions on proposals or issues where buy-in is needed from other parties
- Have outside parties assist in actual implementation

Agreements Process Example

Woodstoves NSPS Rule

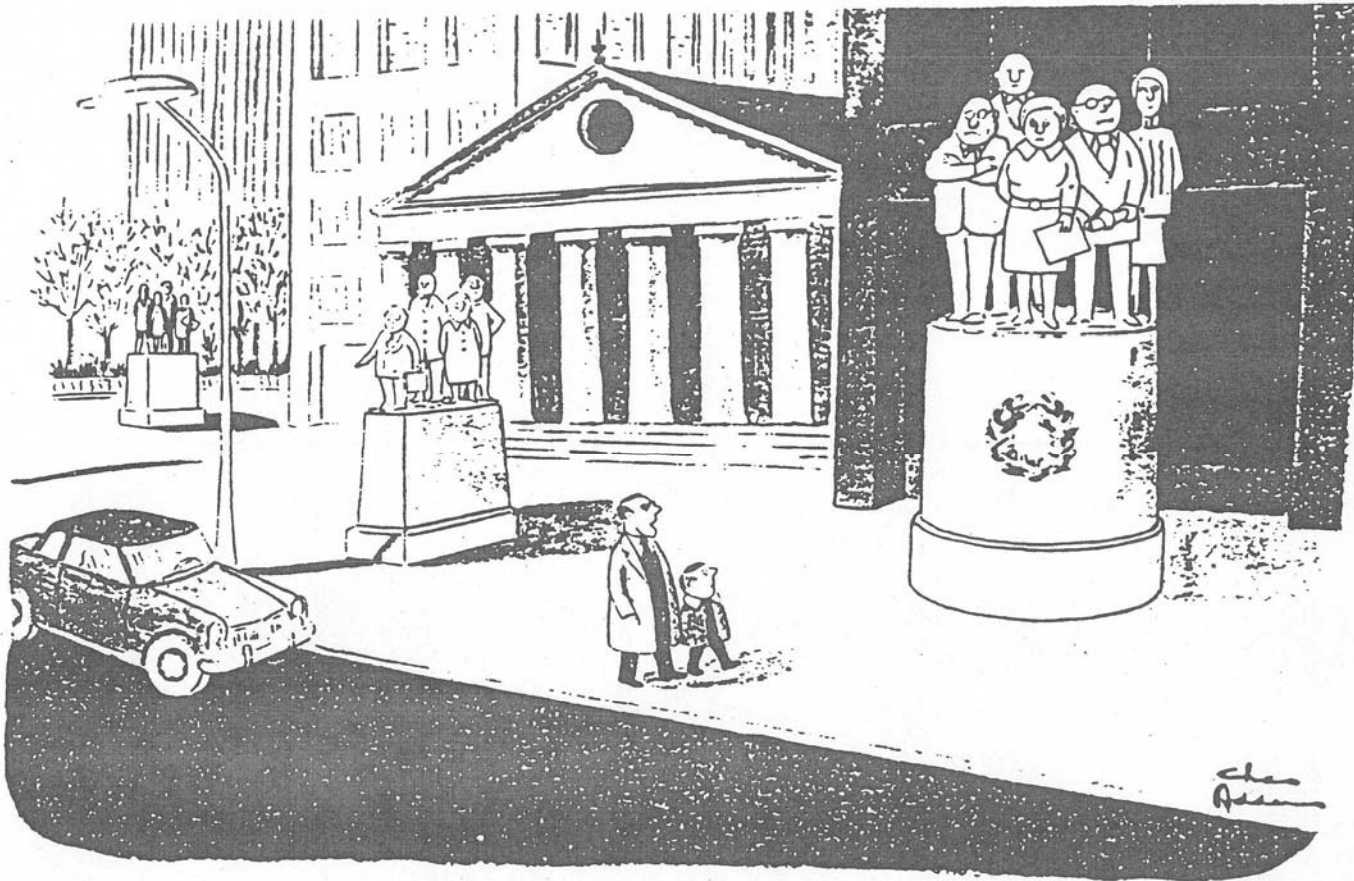
- Manufacturers, enviros, states, locals, EPA successfully negotiated standards for air emissions from residential wood heaters
- Rule was strict but more practical because of contributions of stakeholders
- Need for enforcement actions reduced by continuing cooperative relationship with manufacturers.





The "Wedge" of Interests

Prepared by Phillip J. Harter, 1990



There are no great men, my boy,
only great committees.

How can you help?

- **Train students in collaboration skills and dialogue**
- **Be a local clearinghouse for collaboration stories**
- **Become an educated stakeholder**
- **Offer your assistance to local stakeholders**
 - **Technical advice**
 - **Facilitation assistance**





Conflict Prevention and Resolution Center Services 202-564-2922

- Stakeholder Assessments & Process Design
- Facilitation of Stakeholder Processes
- Obtaining Outside Facilitators
- Policy/Guidance/Information
- Evaluation of Stakeholder Processes
- Training in Stakeholder Involvement

Helpful Websites



- www.epa.gov/publicinvolvement
- www.epa.gov/adr (EPA Conflict Prevention & Resolution Center)
- www.ecr.gov (US Institute for Environmental Conflict Resolution)
- www.acresolution.org (Association for Conflict Resolution)
- www.iap2.org (International Association for Public Participation)
- www.agree.org (Policy Consensus Initiative)

Useful References



- Best Practices for Government Agencies: Guidelines for Using Collaborative Agreement Seeking Processes. 1996, SPIDR
- A Practical Guide to Consensus. 1999, PCI
- A Consensus Building Handbook. 1999, Susskind, Thousand Oaks Press
- Building Consensus for a Sustainable Future: Putting Principles into Practice. 1996, Canadian Roundtable on Environment and the Economy
- IAP2 Core Values, International Association for Public Participation
- 'Collaboration: A Guide for Environmental Advocates
www.virginia.edu/~envneg/ien_projects_past_feat.htm#guide
- "Building Trust – 20 Things you can do..." Adler & Birkhoff,
www.policyconsensus.org
- "Managing Scientific & Technical Information in Environmental Cases" Adler et al, www.policyconsensus.org
- White House Conference on Cooperative Conservation:
www.conservation.ceq.gov