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THE MODEL PLAN FOR PUBLIC PARTICIPATION

Developed
by the Public Participation
and Accountability Subcommittee
of the National Environmental Justice
Advisory Council

A Federal Advisory Committee to
the U.S. Environmental Protection Agency



National Environmental Justice
Advisory Council



Dear Colleagues and Friends:

The National Environmental Justice Advisory Council (NEJAC) considers public participation crucial in ensuring that decisions affecting human health and the environment embrace environmental justice. To facilitate such public participation, the NEJAC requested that its Public Participation and Accountability Subcommittee develop recommendations for methods by which EPA can institutionalize public participation in its environmental programs. In 1994, the Public Participation and Accountability Subcommittee developed the Model Plan for Public Participation. The plan is based on two guiding principles and four critical elements. The NEJAC adopted the model plan as a living document to be reviewed annually and revised as needed.

We are pleased to send you a copy of the Model Plan for Public Participation. We also have enclosed the Core Values for the Practice of Public Participation developed by *Interact: The Journal of Public Participation* and the Environmental Justice Public Participation Checklist developed by the Interagency Working Group on Environmental Justice for use by Federal and State agencies. We invite you to consider the model plan as a tool that will guide the public participation process. Please share this document with others who may be interested in encouraging broader community participation in the environmental decision-making process.



Please forward any written comments to:

NEJAC Public Participation and Accountability Subcommittee

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Sincerely,

Richard Moore, Chairman
National Environmental Justice
Advisory Council

BACKGROUND

The National Environmental Justice Advisory Council (NEJAC) is a federal advisory committee that was established by charter on September 30, 1993, to provide independent advice, consultation, and recommendations to the Administrator of the U.S. Environmental Protection Agency (EPA) on matters related to environmental justice. The NEJAC is made up of 25 members, and one designated federal official (DFO), who serve on a parent council that has six subcommittees—Enforcement, Health and Research, Indigenous Peoples, International, Public Participation and Accountability, and Waste and Facility Siting. Along with the NEJAC members who fill subcommittee posts, an additional 34 individuals serve on the various subcommittees. The NEJAC has held meetings in locations across the United States, including Washington, D.C., Albuquerque, New Mexico; Herndon, Virginia; Atlanta, Georgia; Arlington, Virginia; and Detroit, Michigan.

As a federal advisory committee, the NEJAC is bound by all requirements of the Federal Advisory Committee Act (FACA) of October 6, 1972. Those requirements include:

- Members must be selected and appointed by EPA
- Members must attend and participate fully in meetings of the NEJAC
- Meetings must be open to the public, except as specified by the Administrator
- All meetings must be announced in the Federal Register
- Public participation must be allowed at all public meetings
- The public must be provided access to materials distributed during the meeting
- Meeting minutes must be kept and made available to the public
- NEJAC must provide independent judgment that is not influenced by special interest groups

Each subcommittee, formed to deal with a specific topic and to facilitate the conduct of the business of the NEJAC, has a DFO and is bound by the requirements of FACA. Subcommittees of the NEJAC meet independently of the full NEJAC and present their findings to the NEJAC for review. Subcommittees cannot make recommendations independently to EPA. In addition to the six subcommittees, the NEJAC has established a Protocol Committee, the members of which are the chair of NEJAC and the chairs of each subcommittee.

EPA's Office of Environmental Justice (OEJ) maintains transcripts, summary reports, and other material distributed during the meetings. Those documents are available to the public upon request.

Comments or questions can be directed to OEJ through the Internet. OEJ's Internet E-mail address is: environmental.justice.epa@epamail.epa.gov.

Executive summaries of the reports of the NEJAC meetings are available on the Internet at OEJ's World Wide Web home page: <http://es.inel.gov/oecc/oej.html>.

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GUIDING PRINCIPLES

A. PUBLIC PARTICIPATION

- I. 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 dialogue on environmental justice issues. In order to build successful partnerships, interactions must:

- Encourage active community participation
- Institutionalize public participation
- Recognize community knowledge
- Utilize cross-cultural formats and exchanges

- II. Maintain honesty and integrity in the process and articulate goals, expectations, and limitations.

CRITICAL ELEMENTS

A. PREPARATION

- I. Developing co-sponsoring and co-planning relationships with community organizations is essential to successful community meetings. To ensure a successful meeting, agencies should provide co-sponsors the resources they need and should share all planning roles.

These roles include:

- Decision making
- Development of the agenda
- Establishment of clear goals
- Leadership
- Outreach

- II. Educating the community to allow equal participation and provide a means to influence decision making.

- III. Regionalizing materials to ensure cultural sensitivity and relevance.

- IV. Providing a facilitator who is sensitive and trained in environmental justice issues.

B. PARTICIPANTS

- I. As the NEJAC model demonstrates, the following communities should be involved in environmental justice issues:

- Community and neighborhood groups
- Community service organizations (health, welfare, and others)
- Educational institutions and academia
- Environmental organizations
- Government agencies (federal, state, county, local, and tribal)
- Industry and business
- Medical community
- Nongovernment organizations
- Religious communities
- Spiritual communities

- II. Identify key stakeholders, including:

- Educational institutions
- Affected communities
- Policy and decision makers (for example, representatives of agencies accountable for environmental justice issues, such as health officials, regulatory and enforcement officials, and social agency staff).

C. LOGISTICS

- I. Where:

- The meetings should be accessible to all who wish to attend (public transportation, child care, and access for the disabled should be considered).
- The meeting must be held in an adequate facility (size and conditions must be considered).
- Technologies should be used to allow more effective communication (teleconferences, adequate translation, equipment, and other factors).

II. When:

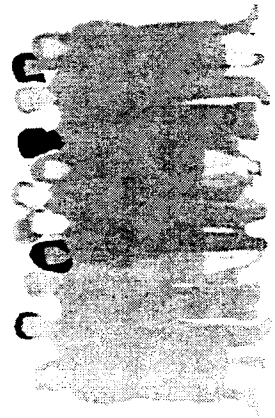
- The time of day and year of the meeting should accommodate the needs of affected communities (evening and weekend meetings accommodate working people, and careful scheduling can avoid conflicts with other community or cultural events).

III. How:

- An atmosphere of equal participation must be created (avoid using a "panel" or "head table").
- A two-day meeting, at a minimum, is suggested. The first day should be reserved for community planning and education.
- The community and the government should share leadership and presentation assignments.

D. MECHANICS

- Maintain clear goals by referring to the agenda; however, do not be bound by it.
- Incorporate cross-cultural exchanges in the presentation of information and the meeting agenda.
- Provide a professional facilitator who is sensitive to, and trained in, environmental justice issues.
- Provide a timeline that describes how the meeting fits into the overall agenda of the issues at hand.
- Coordinate follow-up by developing an action plan and determining who is the contact person who will expedite the work products from the meeting.
- Distribute minutes and a list of action items to facilitate follow-up.



CORE VALUES FOR THE PRACTICE OF PUBLIC PARTICIPATION

1. People should have a say in decisions about actions which affect their lives.
2. Public participation includes the promise that the public's contribution will influence the decision.
3. The public participation process communicates the interests and meets the process needs of all participants.
4. The public participation process seeks out and facilitates the involvement of those potentially affected.
5. The public participation process involves participants in defining how they participate.
6. The public participation process communicates to participants how their input was, or was not, utilized.
7. The public participation process provides participants with the information they need to participate in a meaningful way.

Source: *Interact: The Journal of Public Participation*, Volume 2, Number 1, Spring 1996. *Interact* is published by the International Association of Public Participation Practitioners, a non-profit corporation established in 1990 to serve practitioners throughout the world seeking practical experience designing and conducting public involvement programs.

ENVIRONMENTAL JUSTICE PUBLIC PARTICIPATION CHECKLIST FOR GOVERNMENT AGENCIES

Please note that this checklist was developed by Federal agencies for use by Federal and State agencies. It serves as an example of a process to be followed and does not include regulatory requirements. Please contact the U.S. Environmental Protection Agency Office of Environmental Justice for more information about the public participation process, within the regulatory framework.

1. Ensure that the Agency's public participation policies are consistent with the requirements of the Freedom of Information Act, the Emergency Planning and Community Right to Know Act and the National Environmental Policy Act.
2. Obtain the support of senior management to ensure that the Agency's policies and activities are modified to ensure 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 public meetings:
 - Maintain honesty and integrity throughout the process
 - Recognize community and indigenous knowledge
 - Encourage active community participation
 - Utilize cross-cultural formats and exchanges
4. Identify external Environmental Justice stakeholders and provide opportunities to offer input into decisions that may impact their health, property values and lifestyles. Consider at a minimum individuals from the following organizations as appropriate:
 - Environmental organizations
 - Business and trade organizations
 - Civic/public interest groups
 - Grassroots/community-based organizations
 - Congress
 - Federal agencies
 - Homeowner and resident organizations
 - International organizations
 - Labor unions
 - Local and State government
 - Media/Press
 - Indigenous people
 - Tribal governments
 - Industry
 - White House
 - Religious groups
 - Universities and schools
5. Identify key individuals who can represent various stakeholder interests. Learn as much as possible about stakeholders and their concerns through personal consultation, phone or written contacts. 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).

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6. Solicit stakeholder involvement early in the policy-making process, beginning in the planning and development stages and continuing through implementation and oversight.
 7. Develop co-sponsoring/co-planning relationships with community organizations, providing resources for their needs.
 8. Establish a central point of contact within the Federal agency to assist in information dissemination, resolve problems and to serve as a visible and accessible advocate of the public's right to know about issues that affect health or environment.
 9. 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 practicable and appropriate, translate targeted documents for limited English-speaking population.
 10. 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.
 11. 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.
 12. Establish site-specific community advisory boards where there is sufficient and sustained interest. To determine whether there is sufficient and sustained interest, at a minimum, review correspondence files, review media coverage, conduct interviews with local community members and advertise in local newspapers. Ensure that the community representation includes all aspects and diversity of the population. Organize a member selection panel. Solicit nominations from the community. Consider providing administrative and technical support to the community advisory board.
 13. 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 limited-English speaking communities. Advertise the meeting and its proposed agenda in a timely manner in the print and electronic media. Provide a phone number and/or address for communities to find out about pending meetings, issues, enter concerns or to seek participation or alter meetings agendas.

14. Consider other 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

15. Be sure that trainers have a good understanding of the subject matter both technical and administrative. The trainers are the Ambassadors of this program. If they don't understand — no one will.

16. Diversity in the workplace: whenever practical be sure that those individuals that are the decision makers reflect the intent of the Executive Order and come from diverse backgrounds, especially those of a community the Agency will have extensive interaction with.

17. After holding a public forum in a community, establish a procedure to follow up with concrete action to address the communities' concerns. This will help to establish credibility for your Agency as having an active role in the Federal government.

18. Promote interagency coordination to ensure that the most far reaching aspects of environmental justice are sufficiently addressed in a timely manner. Environmental problems do not occur along departmental lines. Therefore, solutions require many agencies and other stakeholders to work together efficiently and effectively.

19. Educate stakeholders about all aspects of environmental justice (functions, roles, jurisdiction, structure and enforcement).

20. Ensure that research projects identify environmental justice issues and needs in communities, and how to meet those needs through the responsible agencies.

21. Establish interagency working groups (at all levels) to address and coordinate issues of environmental justice.

22. 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.

23. Train staff to support inter- and intra-Agency coordination, and make them aware of the resources needed for such coordination.

24. Provide Agency staff who are trained in cultural, linguistic and community outreach techniques.

25. Hold workshops, seminars and other meetings to develop partnerships between agencies, workers and community groups. (Ensure mechanisms are in place to ensure that partnerships can be implemented via cooperative agreements, etc.)

26. 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.

27. Design and implement educational efforts tailored to specific communities and problems. Increase the involvement of ethnic caucuses, religious groups, the press, and legislative staff in resolution of Environmental Justice issues.

28. Assure 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.

29. Encourage Federal and State governments to "reinvent government" -- overhaul the bureaucratic in favor of community responsive.

30. Link environmental issues to local economic issues to increase level of interest.

31. Use local businesses for environmental cleanup or other related activities.

32. Utilize, 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 that they can provide.

33. Utilize, as appropriate, local expertise for technical and science reviews.

34. Previous to conducting the first Agency meeting, form an agenda with the assistance of community and Agency representatives.

35. Provide "open microphone" format during meetings to allow community members to ask questions and identify issues from the community.

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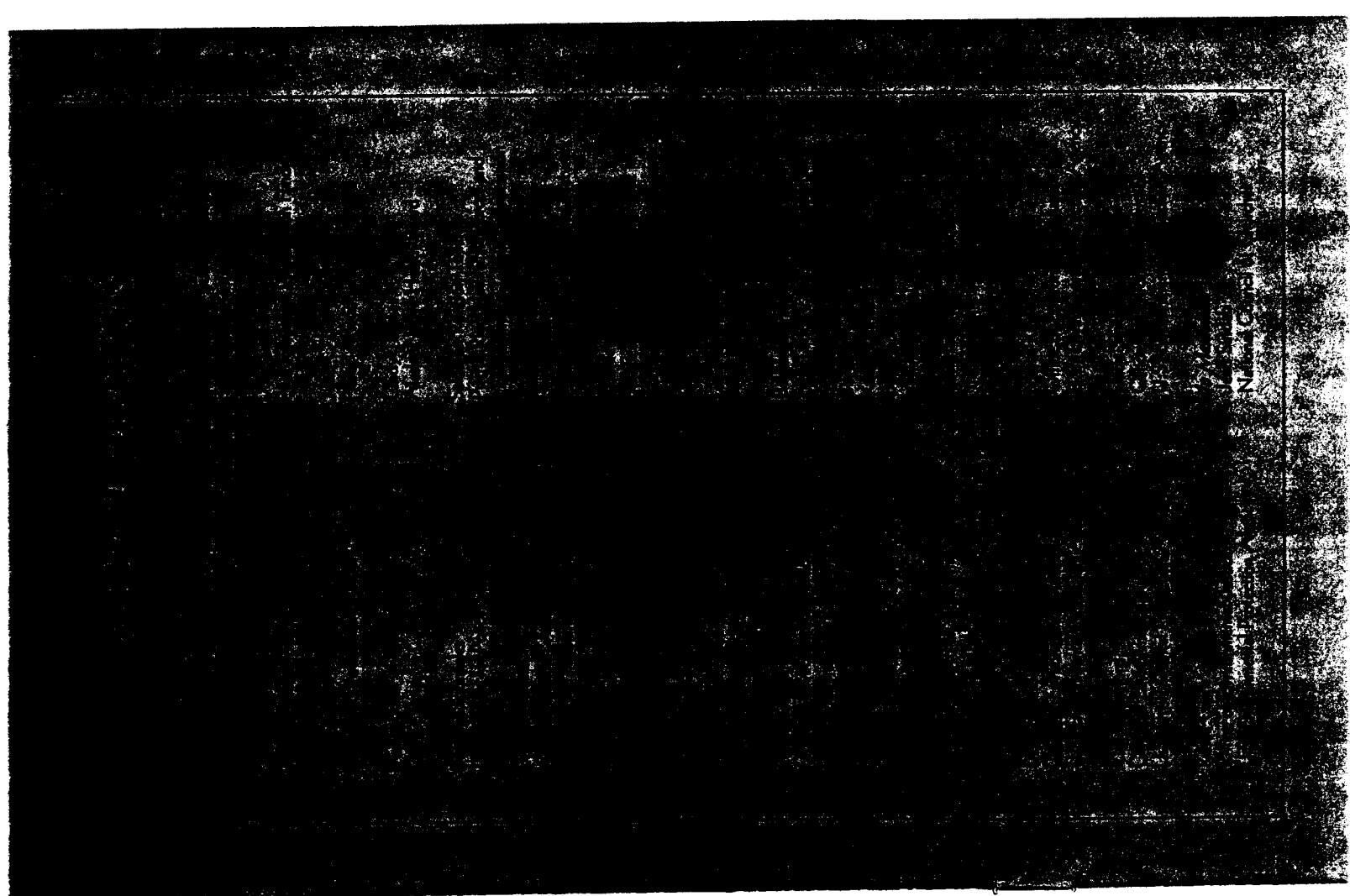
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