Stakeholder Involvement and Conflict Resolution at EPA

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Making Environmental Decisions

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

“Well, I do have this recurring dream that one day I might see some results.”
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
Spectrum of Decision-Making and Public Participation Processes

DECISION MAKING PROCESS

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

PUBLIC PARTICIPATION METHODS

LESS PUBLIC INVOLVEMENT
MORE PUBLIC INVOLVEMENT

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
### Consultative Processes Used by the EPA

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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**
Stakeholder Assessment
Has Two Parts

Internal Screening
(inside EPA)

- Work with the EPA team to identify the goals, outcomes, issues, resources, timelines and commitment to various types of processes

External Assessment
(with stakeholders)

- Contact external stakeholders to determine their willingness, issues, schedule, resources, relationships and preferences as to types of processes
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 Philip 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](http://www.epa.gov/publicinvolvement)
- [www.epa.gov/adr](http://www.epa.gov/adr) (EPA Conflict Prevention & Resolution Center)
- [www.ecr.gov](http://www.ecr.gov) (US Institute for Environmental Conflict Resolution)
- [www.acresolution.org](http://www.acresolution.org) (Association for Conflict Resolution)
- [www.iap2.org](http://www.iap2.org) (International Association for Public Participation)
- [www.agree.org](http://www.agree.org) (Policy Consensus Initiative)
Useful References

- A Practical Guide to Consensus. 1999, PCI
- IAP2 Core Values, International Association for Public Participation
  [website link]
- “Building Trust – 20 Things you can do…” Adler & Birkhoff,
  [website link]
- “Managing Scientific & Technical Information in Environmental Cases” Adler et al, [website link]
- White House Conference on Cooperative Conservation:
  [website link]