



**MINNESOTA POLLUTION CONTROL AGENCY
SITE REMEDIATION SECTION**

**DRAFT GUIDELINES
COMMUNITY INVOLVEMENT IN RISK-BASED SITE DECISION MAKING**

WORKING DRAFT, September 1998

Comment Period Ends December 31, 1998

Send Written Comments to:

Guidance Coordination Team

Minnesota Pollution Control Agency

Site Remediation Section

520 Lafayette Road

St. Paul, Minnesota 55155-4194

Fax (651) 296-9707

NOTICE

THIS DOCUMENT IS A WORKING DRAFT. The Site Remediation Section of MPCA is developing guidelines for evaluating risks to human health and the environment at sites that may require investigation or response actions pursuant to the Minnesota Environmental Response and Liability Act, Minn. Stat. § 115B.01 to 115B.24 (MERLA).

DEVELOPMENT OF A SITE REMEDIATION SECTION SITE EVALUATION MANUAL. The attached document and other documents will be incorporated into a Site Remediation Risk-Based Site Evaluation Manual which will contain guidelines for conducting MERLA-related evaluations, including risk evaluations under the State Superfund program and the MPCA Voluntary Investigation and Cleanup (VIC) Program.

MPCA staff intend to use the policies and procedures in the manual as guidelines to evaluate the need for investigation or remedial actions to address releases and threatened releases of hazardous substances or pollutants or contaminants under MERLA, and the scope and nature of such actions. These policies and procedures are not exclusive and do not have the force and effect of law. MPCA staff may use other policies or procedures to evaluate the need for or adequacy of response actions under MERLA, including procedures set forth in outstanding MPCA Requests for Response Action and Consent Orders. The final standard for all such evaluations is the MERLA statutory requirement that such actions must be reasonable and necessary to protect the public health and welfare and the environment.

The Minnesota state superfund program, governed by the Minnesota Environmental Response and Liability Act (MERLA) and the supplementary rules, and the federal superfund program, governed by the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and the federal regulations in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), work together to clean up various types of sites.

~ Continued ~

~ Continuation ~

Under CERCLA, failure to act consistently with the NCP can result in a party not recovering its response costs from a RP. There is no NCP consistency requirement in MERLA, although under MERLA the costs must be reasonable and necessary. The guidance documents are intended to function in a similar manner to the NCP. However, because the guidance documents do not require every procedural specification of the NCP, parties are advised to consult an attorney early in the cleanup process if they intend cost recovery under CERCLA, which specifically states that the party seeking reimbursement must show that its costs are "consistent" with the NCP.

For removals, investigations and National Priority List sites, the federal and state governments must act consistently with the NCP. Note that CERCLA requires "consistency," or "accordance," as distinguished from "compliance," with the NCP. This infers some flexibility in selecting the appropriate remedy while following the basic requirements of the NCP. The extent of flexibility is still debated in courts. The NCP provides that a party does not have to comply with every single requirement of the NCP verbatim, but that the response action, when evaluated as a whole, be in "substantial compliance" with the NCP and result in a CERCLA-quality cleanup. The courts have emphasized that the community relations aspects are a part of the NCP response action, including the right of the public to participate in the remedial action selection process.

The preamble to the NCP recognizes government programs, like the Minnesota program under MERLA which has similarities to the NCP, that achieve the same objectives, but are not congruent with the NCP in every respect. EPA believes that these governmental bodies, consistent with CERCLA intent, should have flexibility to implement response actions and bring cost recovery actions for those response actions as long as the response actions are not inconsistent with the NCP, even if achieved by different methods. EPA believes that it is not necessary to define what actions are "not inconsistent with the NCP," and will make determinations on a case-by-case basis.

EXPLANATION:

[NOTE TO WORK GROUP: Include qualifying remarks specific to your document in this "explanation" box.]

Users of this document are responsible for confirming with the MPCA Site staff the version of the working draft to be used.

Distribution List:

(NOTE TO WORK GROUPS: Copies distributed to non-MPCA staff must be accompanied by instructions to the recipient and where to focus their review. A specific list of questions may be appropriate.)

(NOTE TO PERSONS OTHER THAN THE SITE REMEDIATION SECTION (SRS) STAFF: As necessary, please distribute this draft document to selected members of your staff for review and comment. Based on past interactions with SRS, suggested staff are indicated in parenthesis)

@SRS

Jim Warner (MD)
Gary Pulford (CO)
Cathy Moeger (GWPD)
Duane Anderson (MD/OP) (Dann White, Dave Maschwitz)
Bruce Brott (MD/SR) (Beth Gawrys, Bryon Adams)
Mike Kanner (MD/SR) (Chris Zadak, Mike Bares)
Dave Thornton (PP/MF) (Cynthia Hollerbach)
Alan Williams (AG)
Rita Messing (MDH)
Larry Gust (MDH)
Dan Stoddard (Dept. Ag) (Cathy Villas-Horn, John Moeger)

**DRAFT GUIDELINES
COMMUNITY INVOLVEMENT IN RISK-BASED
SITE DECISION MAKING**

**MINNESOTA POLLUTION CONTROL AGENCY
SITE REMEDIATION SECTION**

TABLE OF CONTENTS

EXECUTIVE SUMMARY	1
1.0 INTRODUCTION	1
2.0 GOALS OF PUBLIC INVOLVEMENT DURING RISK-BASED SITE EVALUATIONS.....	2
3.0 WHO IS RESPONSIBLE FOR PUBLIC INVOLVEMENT OR INFORMATION ACTIVITIES.....	5
4.0 IDENTIFYING THE AFFECTED COMMUNITY.....	6
5.0 IDENTIFYING FACTORS INVOLVED IN COMMUNITY OUTRAGE.....	8
6.0 ASSESSING THE COMMUNITY’S PREFERRED METHODS OF RECEIVING INFORMATION	11
7.0 IDENTIFYING APPROPRIATE METHODS FOR PUBLIC INFORMATION AND INVOLVEMENT.....	12
8.0 IMPLEMENTATION OF COMMUNITY INFORMATION OR INVOLVEMENT PLANS.....	15
9.0 LONG-TERM RELATIONSHIPS WITH COMMUNITIES	16
10.0 OPPORTUNITIES FOR PUBLIC INVOLVEMENT IN THE SITE EVALUATION PROCESS.....	16
11.0 RESOURCES FOR COMMUNITY INFORMATION OR INVOLVEMENT PROCESSES	20

Note: For definitions of terms and concepts, please refer to the RBSE Glossary document.

EXECUTIVE SUMMARY

Positive relationships with citizens living and working near sites under evaluation for possible public health and environmental impacts can be achieved through a flexible and informal community involvement strategy. The site team (consisting of the regulatory program staff assigned to the project, representatives of the responsible or voluntary party, and involved local government units) needs to select the appropriate strategies and tools to develop informed consent among the general public about site processes and decisions. Among the site team's responsibilities are: identifying opportunities for public involvement in the site- evaluation process; developing goals for public involvement; determining who is responsible for community involvement; identifying the affected community; identifying outrage factors at controversial sites; assessing the community's preferred communication channels; selecting appropriate methods for public involvement; implementing a plan; nurturing long-term relationships with communities; and appropriately using resources to develop communication skills. While each community is unique and no set community-relations formula can be generally applied, three recommendations that apply to all risk-based site evaluations include, at minimum, copying local units of government and, if applicable, Minnesota Pollution Control agency regional offices on key correspondence and making sure to notify affected citizens without delay about confirmed public health risks.

1.0 INTRODUCTION

An effective risk-based site evaluation approach emphasizes decisions based on health and environmental risk and land-use consideration, along with community involvement. Relationships with citizens, or local government officials and informal community leaders who act on the community's behalf, is essential to ascertain how a property is accessed by the community (and thereby who is exposed to any known or suspected pollutants) and what future hopes the community may have for the property's use.

Under most circumstances, the site being evaluated will not be of undue concern or interest to the larger community (i.e., the general public), especially if it is located in a commercial or industrial area or an isolated rural location. Simple notification of affected public officials at the city, township, county and metropolitan levels, in the form of copying correspondence at key stages of the site evaluation, will constitute sufficient community involvement in these cases. However, even in such straightforward circumstances, community members who work on or live near sites may provide important information about site history, users of the site not known to local officials, seasonal conditions that affect the site, and other observations that can help shape investigation and remediation decisions.

If more intensive public involvement will be required due to concerns or controversy about a site hazard evaluation, local public officials often will alert the site team of that fact. In other rare but well-documented circumstances, community outrage about a site, whether related specifically to site evaluation issues or not, represents a substantial barrier or strong motivator to achieving a comprehensive site evaluation, risk-based remediation decision making, or cleanup plan implementation. Under these circumstances, the site team (defined broadly as assigned regulatory staff, the responsible party or voluntary party and his or her consultants) must integrate public involvement and notification into the overall plan for addressing the site.



This guidance document provides a method for developing a community involvement strategy that will be effective in achieving informed consent among affected stakeholders about site evaluation and remediation processes. It pertains to site evaluations that require more intensive public involvement, but can be helpful even at sites of little interest or concern to the wider community. It is a flexible approach, allowing the site team to use best professional judgment to:

- identify community involvement opportunities during the site evaluation process;
- set goals for community involvement at sites;
- define the affected community;
- develop an understanding of various outrage factors that may exist in the community and the causes underlying the outrage;
- ascertain how the community prefers to receive information and provide input;
- identify tools best suited to communicating risk, establishing trust and credibility, and enlisting the community in working toward reducing risk to public health and the environment;
- implement a community involvement strategy; and
- maintain positive relationships with communities until the site is evaluated or resolved.

Under certain circumstances, following this guidance will not provide adequate legal documentation of public participation, even if the community is satisfied with the outcome of the site evaluation process. These circumstances include:

- sites at which an imminent public health threat has been identified. Under these circumstances, the appropriate public health agency must be immediately involved in assessing the risk and informing the community, either solely or in partnership with the site team.
- Federal lead sites that are listed on the National Priority List or are being addressed as time-critical or non-time-critical removals in conjunction with the U.S. Environmental Protection Agency (EPA). Under these circumstances, community relations guidance as described in the National Contingency Plan (NCP) must be followed. Sites in the EPA deferral pilot program can be managed under state community relations guidelines.
- sites where cost-recovery actions under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) may be undertaken, by either public or private individuals or groups. At sites where the law governing the site evaluation or remediation process is silent or nonspecific about what constitutes adequate public notification or involvement, recent court rulings have identified the NCP as the legal standard by which such involvement processes are measured. This area of case law is changing and responsible or voluntary parties planning cost recovery should consider such law before undertaking community relations.

2.0 GOALS OF PUBLIC INVOLVEMENT DURING RISK-BASED SITE EVALUATIONS

Sites that require evaluation -- and the communities in which such sites reside -- are unique. Therefore, the goals of a public involvement process will vary, depending upon such factors as: level of risk posed by the site, if any; type of contaminants found; existence of highly valued natural resources; land-use considerations; age, sex, cultural background, education level, medical history, employment and value systems of the community members; preferences of local leaders; presence of local experts or activists; and history of past site use.



The following table identifies suggested goals for public information or involvement, depending on the two most important variables: actual hazard posed to the community by the site, if any, and community outrage or concern (adapted from Peter Sandman). The following table includes suggestions only; the site team's best professional judgment and the local unit of government's knowledge of the community should be the key factors in identifying communication goals. No matter what the risk and outrage levels, it is important to treat community members and their concerns with respect and attention.

Risk	Outrage	Example	Suggested Goals for Community Involvement
Low	Low	Soil contamination at an industrial site under vegetation, with no impact on ground water and no run-off because of cover	Assure that officials representing the community at the city or township, county, and regional office level have the opportunity to comment or participate at key stages in the process.
Low	High	Former municipal dump site with no known industrial disposal and only low-level ground water contamination is alleged by a former worker in the community to have been an arsenic burial location.	Assure that local officials have the opportunity to participate at key stages; Determine what outrage factors are in play in the community; Explain the risks in comprehensive and comprehensible terms; Define the limits of the site team's responsibilities or authority; Lower the outrage level by communication with the broader community.
Medium	Low	Methane migrating from an old burial pit has been detected 50 feet from a residential housing development, but the management company doesn't want to allow you to test in the basements of the buildings because "it was just an old garbage pit, that's nothing to be afraid of."	Assure that local officials have the opportunity to participate at key stages; Reduce the risk posed by the site; Make sure that those at greatest risk have information as soon as a risk is identified; Provide all of those at risk with assistance in minimizing or eliminating risk; Provide information through selected local communication channels (i.e., local weekly; radio station; letter) to the affected community; Provide regular updates and follow-ups until the situation is resolved.



Medium	High	Contamination from a leaking tank in a resort community has affected one of two municipal wells, and the contamination exceeds the Health Risk Limits. The city shuts down the contaminated well, so that residents are drinking clean water. However, the plume is threatening the second municipal well. Also, one well does not produce sufficient water during the tourist season.	Assure that local officials have the opportunity to participate at key stages; Reduce the risk posed by the site; Make sure that those at greatest risk have information as soon as a risk is identified; Provide all of those at risk with assistance in minimizing or eliminating risk; Provide opportunities for community members to meet and talk with site evaluation team (informal meetings, city council appearances, availability sessions); Provide a contact number for calls, concerns and questions; Provide information through selected local communication channels; Provide a fact sheet that can be widely disseminated in the community; Provide regular updates and follow-ups until the situation is resolved.
High	Low	High levels of lead contamination have been discovered in an industrial area where children frequently play in exposed dirt, but it is an area where many residents worked and played as children.	Assure that local officials have all possible information and input into broader communication plans; Reduce the risk posed by the site; Make sure that those at greatest risk have information as soon as a risk is identified; Provide the wider community with information through selected channels (weekly paper, radio station, personal letter or fact sheet mailing); Enlist public health and other local officials in communication efforts; Make sure that public safety or natural resource managers are aware of any known or potential impacts; Activate the community to help reduce or mitigate the risk; Provide a phone contact; Provide an opportunity to talk with the risk site evaluation team; Follow up on requests and concerns expressed; Elevate the project on the priority list
High	High	A tire fire has taken place in a large illegal pile which concealed hundreds of drums of solvent chemicals, which are exploding into the air.	Reduce the risk posed by the site; Make sure that those at greatest risk have information as soon as a risk is identified; Reduce the outrage level through intensive public involvement processes so that investigation and risk management can go forward; All of the above goals apply.

Depending upon the unique circumstances, the site team can determine which of the following risk communication category or combination of categories is most appropriate in the situation (adapted from V.



Covello et al). This will help the site team determine long-term goals and strategies and make sure that communication achieves the desired result.

The primary purpose of public involvement during site evaluation is:

- providing the public with information and education about risks and risk evaluation;
- persuading the public to change behaviors to reduce the risks they face, either from site contamination or other health or safety risks associated with the site conditions or site evaluation;
- warning and guiding the public during emergencies and disasters; and/or
- involving the public in joint problem-solving and conflict resolution, helping the site team manage risk and resolve health, safety or environmental problems.

No matter which categories of risk communication are indicated, the following five strategies would apply to all public involvement goals (adapted from R. E. Kasperson et al).

The site team should strive to:

- build trust and credibility for the site team and evaluation process;
- increase public knowledge and awareness about key scientific, technical and environmental concepts among all stakeholders;
- find ways to communicate hard-to-understand concepts in simple, nontechnical language or enlist local, credible informal experts in the community to interpret;
- develop and use mediating and consensus-building skills; and
- motivate stakeholders to act to mitigate any health or environmental risks and support risk-based decisions and management plans.

3.0 WHO IS RESPONSIBLE FOR PUBLIC INVOLVEMENT OR INFORMATION ACTIVITIES

Community involvement is everyone's responsibility: the RP or VP, the regulatory agencies, and the local unit of government. Except in cases where the law regulating the site evaluation process requires federal, state or local authorities to lead public participation efforts (such as during emergency responses), the public involvement process can be conducted by the site team, responsible or voluntary party, local government, regulatory agency or a combination of all. Among the factors to be considered when deciding who leads public involvement efforts are:

- who has established the most trust and credibility in the community;
- who has the most experience and success with public involvement processes related to site evaluations;
- who has sufficient resources (time, money, professional expertise) to undertake the effort; and
- who has the most commitment to the concept of public involvement and comfort with the process.



The decision about who will communicate with the community should be determined in early stages of the site evaluation and clearly defined for all parties involved in the evaluation. If responsible or voluntary parties (or their consultants, attorneys, or other representatives) take the lead on public information or participation, the regulatory agency should review and concur with all written communication provided to the community. This assures that any differences of opinion among participants in the risk evaluation will be resolved and competing or conflicting communications will not take place.

Where an evaluation has identified public health threats to a community located on or near a site, a local or state public health agency should be involved to help steer the public involvement process. Where a site evaluation involves public health or environmental risk, intense community interest, or strong public opposition or outrage, a community relations professional should be enlisted to assist the site team in working to assure that risks, evaluation results or remediation decisions are clearly and accurately communicated at the appropriate level for various audiences.

4.0 IDENTIFYING THE AFFECTED COMMUNITY

One of the most important assessments made during a site evaluation process is the determination of who is affected by decisions made about the site. While many members of a given community may be *interested* in the site evaluation, usually a much more limited group of people are actually *affected* by it.

The following individuals are always affected by the site evaluation process and should be involved and consulted at all or key stages:

- responsible or voluntary parties;
- site or facility owners and operators, if not the same as the responsible or voluntary parties;
- consultants and attorneys employed by the responsible or voluntary party;
- off-site property owners who may be affected by migrating contaminants;
- local units of government (city, township, county); and
- appropriate regulatory agencies.

The following community assessment worksheet can help to identify people who may be affected beyond the core group identified above and may need to be informed or involved. Three factors that should be taken into account when compiling the list of affected parties: public health and environmental risk; community outrage or controversy; and involvement in a regulatory program (i.e., federal Superfund program; state Superfund program; Closed Landfill Program; or other program with ongoing public involvement requirements or policy).



Community Contact	All Sites	Medium/ High Health Risk ?	Medium/High Environ- mental Risk?	High Outrage?
Geographic Community				
Mayor or Township Board Chair		X	X	X
City Manager or Township Clerk	X	X	X	X
County Solid Waste Officer or Environmental Office	X	X	X	X
County Commissioner		X	X	X
County Community Health Agency		X		X
Park Board			X	X
Local Media (Radio, Weekly)		X	X	X
State Representative		X	X	X
State Senator		X	X	X
Citizens Living Close to the Site	X	X	X	X
Businesses Close to the Site				X
Neighborhood Associations		X	X	X
Local Schools		X		X
Metropolitan Government				X
Communities of Interest				
Chambers of Commerce				X
Watershed Districts		X	X	X
Lake Associations			X	X
Soil and Water Conservation		X	X	X
Local Environmental Groups		X	X	X
Development Agencies				X
Communities of Culture				
Tribal Councils or Authorities		X	X	X
Minority or Cultural Groups		X		X
Communities of Belief				
Local Church Groups				X
Local Boy Scouts, 4-H				X
Communities of Opposition				
Local Groups Formed in Response to the Risk Assessment Process or Outcome		X	X	X



Community Contact	All Sites	Medium/ High Health Risk ?	Medium/High Environ- mental Risk?	High Outrage?
Communities of Work				
Responsible or Voluntary Parties	X	X	X	X
RP or VP Attorney	X	X	X	X
RP or VP Consultant	X	X	X	X
MPCA Commissioner				X
MPCA Regional Office	X	X	X	X
MPCA Citizens Board				X
Minnesota Department of Health		X		X
Department of Natural Resources			X	X
Attorney General's Office				X
Department of Agriculture				X
U.S. Environmental Protection Agency		X	X	
Board of Water and Soil Resources		X	X	
Environmental Quality Board				X
Other MPCA Work Groups Involved with the Site	X	X	X	X
Federal Facilities (Prison, Military Base)				X

As with all public participation decisions, the site team should modify the affected party list depending upon the feedback provided by the community. For example, a large county's environmental manager may not be interested in receiving information about every site in his/her jurisdiction. However, a citizen who lives near a site and requests information and updates should automatically be added to the list.

5.0 IDENTIFYING FACTORS INVOLVED IN COMMUNITY OUTRAGE

Every site that a site team evaluates has a place in the community's economic, political, social or emotional life. While the focus of risk evaluation is to gather sufficient data and observations about the potential hazards associated with a property, the site team's activities take place in a community context. It behooves the site team, in consultation with local officials and citizens familiar with the site, to determine whether public concern is likely to complicate what would otherwise be a straightforward investigation and/or remediation process.



Risk communication expert Peter Sandman has provided a simple definition of risk from a public perspective: hazard + outrage = risk. Another way to state this is that facts + feelings = reality; the facts collected and analyzed by the site team colored by the public's feelings of relief, fear, indifference, anger or interest add up to the reality of the site circumstances with which the assessor must cope. For example, if two sites pose identical hypothetical risks to the community, but one is contaminated with petroleum (a chemical with which most people are familiar) and another with cyanide (an unfamiliar chemical known to be fatal and used frequently as a poison in popular culture), the public will not react to the site team's facts in the same way. By identifying strong community sentiment or concern early, the site team can take steps to acknowledge and to prevent obstacles to the development of decisions based on sound scientific, technical and professional criteria.

In general, citizens are interested or concerned about anything that affects the following aspects of their lives:

- health;
- employment;
- finances;
- family;
- property; and
- values or beliefs.

The following checklist of concerns commonly expressed during site activities and decision-making processes is one tool to help the site team decide whether more substantial community information or involvement is needed. If a site team identifies a large number of these, or ones with great potential impacts on a community (such as health risk above Health Risk Limits or advisories by MDH), a consultation with a communication professional is strongly recommended.

Category	Public Concern Factor	Importance
Health	Is there an imminent health risk or emergency?	Very high
	Is there a health risk, as determined by MDH or by data exceeding health risk limits established by MDH or EPA?	High
	Is the health risk unknown?	Medium
	Is there a risk only to sensitive populations?	Medium
	Is the risk short-term?	Medium
	Is the risk long-term?	High
	Is there an unpleasant odor associated with the site?	High
	Is there a risk from microorganisms, insects or vermin?	Medium
	Is there a health problem that the community perceives to be more prevalent in the populations?	High
	Are people in the community experiencing symptoms they attribute to the site?	High
Jobs	Does an action at the site threaten people's employment, either directly or indirectly?	High
	Are workers at a facility at greater risk than the general public?	High
	Will the situation affect other employers in the community?	Low
	Will the decision result in increased employment locally?	Low



Category	Public Concern Factor	Importance
Money	Will the decision cost the citizens money?	High
	Will the decision cost the local government money?	Medium
	Will the decision cost local businesses money?	Low
	Will the cost affect people unequally?	Medium
	Did someone make a profit off of a situation that adversely affects the community as a whole?	Medium
	Do citizens believe that there is a less expensive way to accomplish the outcome being sought?	Low
Family	Does the decision involve or affect children?	High
	Does the decision affect daycare centers, schools, hospitals or other locations that are supposed to be "safe"?	Medium
	Does the decision require one individual, family or group to assume greater risks than others in the community?	Medium
	Does the decision involve family members of local officials?	Medium
	Does the situation adversely affect animals, especially family pets?	Low
	Does the problem adversely affect the elderly or disabled?	Medium
Property	Are public or private drinking water supplies affected?	Very High
	Are property values likely to be affected?	Medium
	Did people who bought property on or near the site or facility know about its environmental impacts or history?	Medium
	Is there conflict about the property or land use?	Medium
	Is there a conflict about who owns or is responsible for the property?	Low
Values	Has contamination resulted from illegal activity?	High
	Has anyone in the community intentionally put others at risk?	High
	Has a risk occurred because of the team's action or inaction?	Medium
	Is the site team perceived as having "covered up" something?	High
	Is there a publicly known difference of opinion among regulatory staff within or among agencies?	Medium
	Does the decision involve any taking of private land?	High
	Does the situation involve a highly valued natural resource (trout stream, wildflower garden, old growth forest, etc.)	High
	Does the situation involve any specific antienvironmental groups or activists?	Medium
Perception	Is the contaminant familiar?	Low
	Is the contaminant commonly know as hazardous? (i.e., lead, cyanide, arsenic)	High
	Does the situation involve radioactive wastes?	Very High
	Does the contamination look scary?	Medium
Lifestyle	Does contamination restrict activities such as swimming or fishing?	Low
	Will the site process involve noise or truck traffic?	Medium



Category	Public Concern Factor	Importance
Local	Is there a local, state or national expert or figure involved on the community's behalf?	Medium
	Is there widespread misinformation in the community?	High
	Does a local official oppose the site cleanup decision or action?	Medium
	Do local officials feel "left out of the loop"?	Low
	Do local officials have financial stakes in the site evaluation?	Medium
	Is there an election underway in which the site evaluation is an issue?	High
	Is there a university or college located nearby?	Low

6.0 ASSESSING THE COMMUNITY'S PREFERRED METHODS OF RECEIVING INFORMATION

Each community has its own methods of disseminating crucial information, and these methods are as unique as each community. MPCA must rely on consultation with local units of government to identify key channels of communication to assure that health, public safety, and local emergencies can be handled appropriately. These same channels should be used for providing information about the risk evaluation process, its results and the stages in which community comment should be sought.

Where there is the expectation that a site evaluation may be of broader community interest, a good method of ascertaining the public's preferred communication channels is by making a brief presentation before a city council or township board meeting. Citizens who participate in the routine activities of local government tend to be opinion leaders in the community. By presenting information in an established forum, the site team can identify key channels and eliminate ones that do not serve the purpose.

For many reasons, communities prefer that information that affects them be provided locally. Wide dissemination of information about known or suspected environmental contamination outside the community could affect "outsiders'" perspectives of the community. No city, town, or resort area wants to be widely identified as a "contaminated community." Responsible or voluntary parties often prefer the local approach as well, because the local community is better able to see the sometimes complex relationship that businesses have with their communities.

In addition, if a weekly newspaper or local radio station picks up information about a local site from wire services or larger metropolitan publications, the inference made is that local media outlets were not considered important enough by the site team. Such local channels often provide the most thorough and accurate coverage of site processes and circumstances, if they are given the information pertaining to their communities in preference to larger media outlets.

Another general rule is that informal, relaxed communication methods are almost always preferred by communities to such methods as formal classified legal ads or formal public hearings. The least bureaucratic and most familiar communication forums usually are the best, for the site team and the community.



7.0 IDENTIFYING APPROPRIATE METHODS FOR PUBLIC INFORMATION AND INVOLVEMENT

After determining the goals of the public information and involvement process (based on both site hazard and outrage), a list of the affected community, the most appropriate partner in the site evaluation process to undertake communication, and the community's preferred communication channels, the appropriate methods often are obvious to the site team. The following table outlines many methods of informing and involving the public, with advantages and disadvantages of each. It is a tool kit for the site team to choose from, based upon risk and outrage, but also on available time, skills and resources.

TECHNIQUE	ADVANTAGES	LIMITATIONS
Briefings (before city Councils, Neighborhood Groups, or on the Phone)	Information gets to key decision makers in familiar, routing setting; are public forums where information MPCA provides is documented or recorded	Must follow the groups' timetable; must restrict volume of information; may be used as a political forum instead of info exchange
Community interviews	Obtain first-hand information about community attitudes; get views elected officials may not provide	Time and labor intensive; signals that high level of effort will be expended by the agency; implies personal follow-up later
Community work group	Allows MPCA to develop continuous, ongoing public involvement; suitable for large policy issues or sites of intense community outrage or concern; allows relationships to develop and trust to build; enlists partners in the community	Very time and labor intensive; must be kept focused on work to be done either by MPCA or independent moderator; must reflect the community as a whole; must involve the regulated party; usually is of long duration
Contact person or number for info	Allows MPCA to put best communicator on front line; helps alleviate misinformation in times of public outrage; indicates responsiveness; allows community to develop a relationship; allows agency to obtain information	Can be time and labor intensive; staff change projects and phone numbers; sometimes community uses contact to "vent" about unrelated issues.
Door-to-door canvassing	Best way to discuss imminent health threat; allows personal contact, reassurance; provides reaching opportunity; humanizes agency in crisis situation where anger or fear often results in looking for scapegoat.	Very time and labor intensive; signals high risk or importance; often better done by local officials (i.e., fire or emergency response officials); some people will be unwilling to talk without identification.
Exhibits	Best for demonstrating techniques or technologies; good for locations where an agency presence is needed but no staff are available; enhance presentations in meeting venues; can be reused many times.	Time and labor intensive; need professional design services to do the best job; must be transported to location; best if explained by a staff person.



TECHNIQUE	ADVANTAGES	LIMITATIONS
Fact sheets	Provide detailed, focused information; can be created on short timeline; can be cheaply produced and distributed; can provide “food for thought” after a presentation; can curb misinformation swiftly; are good background pieces for reporters.	Must be written for average audience (6th grade level); does not humanize the agency through personal contact; must be distributed appropriately for maximum benefit.
Formal public hearings	Usually documented via tape or transcript; many people reached at one time; ground rules require orderly process of comment; can use independent moderator to facilitate discussion	Tends to feel bureaucratic to most citizens; expensive and time consuming; does not allow for flexibility in discussion; tend to signal high importance or imminent action
Information repositories	Provides information where community can find it; demonstrates MPCA’s willingness to “show the evidence;” cuts down on information copy requests	Often hard to find space for repository; technical information is not translated; often are not used except by informal site experts; costs to copy and establish
News conferences	Signals high importance; allows a message to go out statewide immediately; allows participation of many key players.	Are not successful unless information is really “news” to everyone; only sound bites will bet to most people; possibility of reporters misinterpreting information.
News releases	Are short and easy to prepare; can be targeted locally; provide only key details; can get details to many people at once.	Reporters may not use the release; must be “news” as defined by the media outlet; must be prepared according to journalism’s “inverted pyramid” structure (i.e., most important information at the top) in plain language.
Open houses or availability sessions	Allow informal, one-on-one contact; do not provide a platform for political or activist speeches, but put premium on interested individuals; good for demonstrating technologies; good for showing things on maps; allow wide participation (i.e., regulated party, other agencies, environmental groups)	Signal low importance; do not allow citizens to hear views of other members of the community; are ineffective unless well publicized and promoted; do not work well to get information to large groups of people.



TECHNIQUE	ADVANTAGES	LIMITATIONS
Public meetings (informal)	Allow MPCA to communicate with many people at one time; allows MPCA to eliminate misinformation in one forum; allow for presentation, discussion, dialogue, problem-solving; can obtain many views at once; signals importance but not urgency; beneficial when conducted under auspices of other friendly/neutral group (i.e., city council or neighborhood associations)	Allow “grandstanders” views to overwhelm those of quieter/less public citizens; MPCA can lose control of agenda if citizens organize against the agency; multiple views of problem/issue may be confusing to people

Certain methods of communication have been demonstrated to be more effective under special conditions outlined below. Note that these conditions are rare in the risk evaluation process, but tend to be among the most problematic in terms of time, energy and resources.

- Evaluation Process as Platform for Other Concerns.* Often, an individual or group will use the site evaluation public involvement process as a springboard for other unrelated concerns about the environment, local government, land-use decisions, the responsible or voluntary party, or the regulatory agency. Under these circumstances, informal opportunities for the affected community such as availability sessions, open houses, or direct mailings/telephone contacts to individuals or households allow the site team to communicate openly with all interested parties but do not provide a platform for individuals with personal agendas.
- Site Evaluation Team’s Credibility is Low or Community Outrage is High.* If the affected public is skeptical or angry about the site evaluation process, the site team must try to identify reasons and address them, often a long-term process. However, if communication is essential in the short term, methods involving an independent moderator (a trusted and uninvested public official, professional facilitator, League of Women Voters volunteer, State Office of Dispute Resolution, etc.) should be requested to facilitate communication and assure that all community interests are heard. In some less critical cases, a trusted community spokesperson can act as a bridge to facilitate better relationships with the community.
- Responsible or Voluntary Parties Want No Public Information or Involvement.* No individual or business likes being associated, even indirectly, with pollution; responsible or voluntary parties often worry about their reputation, possible litigation, vague health complaints of nearby residents being attributed to the site, complication of site plans or timelines, and other concerns that may be affected by public involvement. However, site investigation and remediation are highly visible; affect public air, land and water resources; and are overseen by regulatory authorities who may not withhold information requested by the public. If responsible or voluntary parties are strongly opposed to public information or involvement, the site team, regulatory agency and/or local unit of government should encourage their participation first. If this fails, the regulatory agency has the authority to inform or involve the public without the responsible or voluntary party’s participation.
- Immediate Health Risk is Discovered.* If a site evaluation uncovers data that suggests that there is an immediate health risk to any members of the community (i.e., private well contamination over the Health Risk Limits; methane gas migration at explosive levels near inhabited structures; risk of fire or explosion), the regulatory agency and/or local unit of government must notify individuals at risk. The rule for this notification is simple and straightforward: tell it all, tell it now, and tell it yourself. Withholding information



about *known* health risks is not only immoral and unethical, it opens the site team to litigation, destroys the credibility of everyone involved in the site evaluation, and makes every subsequent decision suspect. This notification of at-risk individuals should be as personal as possible: a personal visit, a phone call, an informal meeting in someone's living room. Supplementary written information, such as a fact sheet, with a contact name and phone number, should be distributed to those households that cannot be reached.

- *The Site Evaluation or Remediation Process Will Be Lengthy or Contentious.* If the site team sees the need for long-term, intensive community information or involvement, community advisory panels or work groups can be successful in assuring that a representative cross-section of the community is involved continuously in the process. These groups can be time-and-labor intensive, but for the most difficult types of site evaluations, they can effectively meet both the community's and the site evaluation team's objectives.
- *A Local News Media Outlet has a Strong Bias about the Evaluation Process.* Most news organizations pride themselves on the accuracy and fairness of their coverage of people and events -- and most news organizations are accurate and fair. However, in those rare instances where a local newspaper, radio station or television station is slanting coverage, the site team can choose one of several methods that bypass the media and go directly to the people affected. Among these are personal phone calls and letters or flyers distributed door-to-door or in local "shoppers."
- The Community Includes Diverse Racial or Cultural Groups.
- As neighborhoods everywhere are becoming more diverse, site team members must become more sensitive to cultural values or traditions, beliefs and language differences that may arise. Also, the site team must make sure that diverse racial or cultural groups be treated fairly and not be subjected to health or environmental risks considered unacceptable in other populations. Discussion with communication or remediation professionals with experience in working with diverse racial and cultural communities is strongly advised, as are reading various research involving environmental justice issues.

8.0 IMPLEMENTATION OF COMMUNITY INFORMATION OR INVOLVEMENT PLANS

In most circumstances, the site team will not need a formal community relations plan to implement effective information or involvement efforts. Copying affected individuals on key correspondence often is sufficient. Occasionally appearing before the local government unit when a project begins, results in a cleanup decision, or promises noticeable activity, will only enhance the site team's credibility.

In more complex situations where more intensive or long-term community involvement is needed, a brief community relations plan and timeline, which parallels and is complementary to the investigation and remediation timelines, can be helpful in keeping on track. It will also help to summarize and document the involvement efforts in case future environmental issues arise about the site or litigation takes place and community involvement is an issue in the litigation. This documentation is vital to newcomers to community involvement efforts at a given site and serves to provide continuity when long-standing players in the process move on to other projects.

While informed consent is the usual outcome of well-planned and implemented community involvement, community consensus on environmental issues is rare. The site team should concentrate on achieving agreement and support first and foremost among *affected* individuals. He/she should not consider less-than-complete agreement with site evaluation plans or activities as failure; rather, it is a manifestation of the rich diversity of public opinion.



Mid-course corrections are the norm, not the exception, in community involvement processes. If the site team determines that he/she has selected the wrong communication tools or channels, allowed less effective parties to assume lead communication roles, or is creating outrage instead of alleviating it, a reassessment of the situation should be undertaken. Often, a communication or community relations professional, whether an expert in environmental risk or not, can provide the needed advice and perspective to improve communication efforts.

Even when a site evaluation is of limited interest to the broader community, it is important to the site team and the community that a summary of the outcomes is provided periodically during and at the end of the process. A final city council appearance, news release, or site tour is a great way to improve public interest in site evaluation and remediation outcomes and benefits.

9.0 LONG-TERM RELATIONSHIPS WITH COMMUNITIES

The benefits, particularly to the responsible or voluntary party, of maintaining regular dialogue with the affected community, cannot be overstated. However, there are also concrete benefits to the site team. Every community that becomes more interested and knowledgeable about environmental risk evaluation makes all future risk evaluations and environmental decision-making processes easier. Even after a site evaluation is completed, the affected community should have a contact person with whom they can exchange information or provide their views.

10.0 OPPORTUNITIES FOR PUBLIC INVOLVEMENT IN THE SITE EVALUATION PROCESS

Each site, community, and site team is unique, and therefore there is no prescription for communication or public involvement activities. However, there are within the steps of the investigation and decision-making processes, several key opportunity points for involving the community.



Stage in the Process	Goals	What's at Stake?
Site Identification; Regulatory Staff Assigned; Potentially Responsible Party or Voluntary Party Established	<ul style="list-style-type: none"> • Establish communication early at sites where stakeholder interest may be high • Develop relationships with community representatives before evaluation • Visit the site and evaluate its proximity and impact on the nearby community • Gather preliminary information to focus the Phase I investigation on clarifying uncertainties about health or environmental risk at sites with sensitive community, political or economic issues • No need to communicate RP or VP issues, unless they are of importance to the community. If RP or VP is identified, emphasis should be made on the site evaluation process's cooperative nature 	<ul style="list-style-type: none"> • Working with trusted representatives give the evaluation process credibility and speeds dissemination of public information • Identifying key stakeholders accurately assures that all of the community's interests are represented and that no group feels marginalized • Initial meetings with community members allow the site team to obtain site history, identify preferred communication channels, get information about land-use preferences or controversies, define the limits of the evaluation, and set realistic expectations of the process • By indicating that RP/VP and the site team are working toward a common goal, the community receives a more positive impression of both • Blame and finger-pointing are detrimental to the final outcome and can lead to a negative view of a positive site resolution

Stage in the Process	Goals	What's at Stake?
Environmental Site Assessment (Phase I Report)	<ul style="list-style-type: none"> • Provide opportunity for community to contribute information about the site history and activities and identify former employees if interviews are necessary. • Identify potential short-term hazards. • Consult with MPCA staff to determine appropriate action. 	<ul style="list-style-type: none"> • In site evaluations where health risk emerges as a concern, the individuals at risk (or their representatives) must be informed without delay. The site team risks <i>total</i> loss of trust and credibility if this information is held or concealed.
Remedial Investigation Work Plan (Phase II Work Plan)	<ul style="list-style-type: none"> • Consult with local officials and other community members about current and future land-use plans. • If Probability Risk Assessment (vs. Deterministic Risk Assessment) is anticipated, collect information on the habits of the predominant and minority populations within the community. 	<ul style="list-style-type: none"> • Land-use plans will affect team assumptions about who or what might be exposed to health or environmental threats and how exposure will take place. These assumptions help create a Conceptual Site Model that guides selection of site characterization methods • Information about habits of local populations will determine the accuracy of health and ecological risk characterizations



Stage in the Process	Goals	What's at Stake?
Emergency response or removal	<ul style="list-style-type: none"> • Inform local officials, citizens of reasons for response, strategies to minimize risk to citizens, impacts of short-term remediation, timelines 	<ul style="list-style-type: none"> • During emergency situations or removal actions, enhanced communication is recommended to reassure citizens and demonstrate the site team's concern for public health and the environment
Feasibility Study and Response Action Plan	<ul style="list-style-type: none"> • Respond to requests for information • Provide local units of government and interested stakeholders response action recommendation • Determine whether the general public needs notice of the response action at voluntary sites; send a news release to local media outlets on Superfund sites. • Determine need for contacting interested parties, especially potentially affected off-site property owners, who may be affected by migration of contaminated ground water. • Determine need for institutional controls as part of the response action. • Ensure community buy-in by communication appropriate to the site's level of interest. 	<ul style="list-style-type: none"> • By providing local officials with the opportunity to comment on remediation plans, the site team can ascertain whether a plan has a "fatal flaw," or will not be implementable because of special factors understood locally. • Local officials "in the know" can exert leadership in situations where controversies may bog down projects. • Buy-in from the broadest possible subset of the community is essential to the project's success. • Off-site property owners may be concerned that their property has been affected or that they will be named a responsible party. • Institutional controls and natural attenuation, if part of the response action, may require explanation to communities that mistakenly consider them "doing nothing" solutions. • The LUG may later need documentation that a decision has been made.



Stage in the Process	Goals	What's at Stake?
Response Action Implementation	<ul style="list-style-type: none"> The community at large must be informed before an approved response action is implemented, so that impacts associated with the site (i.e., noise, odor, truck traffic, appearance of staff in protective gear) are expected and not feared. Progress or monitoring reports should be available to community members. 	<ul style="list-style-type: none"> Site processes, which can be lengthy, sometimes discourage communities looking for fast action. The RAP implementation gives the site team the opportunity to celebrate achievements and the community a sense of closure. Communities need to be informed about implementation delays.
Voluntary Investigation and Cleanup (VIC) Program assurance letters issued or site closure documented	<ul style="list-style-type: none"> Copy to local units of government 	<ul style="list-style-type: none"> Local government may need to document site closure or legal assurances as part of their land-use plans
Site Closure or Delisting	<ul style="list-style-type: none"> Include in yearly/twice-yearly update of the Permanent List of Priorities 	<ul style="list-style-type: none"> Delisting signals closure, which allows the community to move beyond the cleanup process

11.0 RESOURCES FOR COMMUNITY INFORMATION OR INVOLVEMENT PROCESSES

Research, written information and training opportunities are widely available to assist site teams to develop skills and strategies for working with the public. The list of references at the end of this documents includes some of the most widely accepted or proven effective resources on public involvement, community relations, stakeholder involvement, or informed consent.

- Agency for Toxic Substances and Disease Registry, [A Primer on Health Risk Communication Principles and Practices](http://atsdr1.atsdr.cdc.gov:8080/HEC/primer.html#CONTENTS), 1998, <<http://atsdr1.atsdr.cdc.gov:8080/HEC/primer.html#CONTENTS>>
- Bleicker, Hans et al, [Citizen Participation Handbook for Public Officials and Other Professionals Serving the Public](#), 8th Edition, 1994, Institute for Participatory Management and Planning.
- Chess, Caron et al, [Planning Dialogue with Communities: A Risk Communication Workbook](#), June 1989, Environmental Communication Research Program, Rutgers University.
- Colorado Center for Environmental Management, [Guide to Stakeholder Participation Processes for Site Cleanup, Technology Demonstrations, and Other Environmental Projects](#), 1995.



- Covello, Vincent T., et al, Guidelines for Communicating Information about Chemical Risks Effectively, Responsibly and Ethically, Center for Risk Communication, Columbia University.
- Feighery, Ellen, et al, Building and Maintaining Effective Coalitions, Health Promotion Resource Center, Stanford University School of Medicine, January 1990.
- Lynn, Frances M. et al, “Citizen Advisory Committees and Environmental Policy: What We Know, What’s Left to Discover,” Risk Analysis, Volume 15, Number 2, 1995, p. 147.
- McCallum, David B. et al, “What the Public Thinks about Environmental Data,” EPA Journal, May/June 1989.
- Minnesota Pollution Control Agency Public Information Office, Getting the Word Out: A Communications Planning Kit for MPCA Staff, 1998.
- Ng, K. L., et al, “Fundamentals for Establishing a Risk Communication Program,” Health Physics, September 1997, Volume 73, Number 3, p. 473.
- U.S. Environmental Protection Agency, Community Relations in Superfund: A Handbook, EPA/540/R-92/009, January 1992.
- USEPA Public Participation and Accountability Subcommittee of the National Environmental Justice Advisory Council, The Model Plan for Public Participation, EPA300-K-96-003, November 1996.

WORKING DRAFT

