



The University of Texas at Austin
Environmental Clinic
School of Law



Enhancing Community Involvement in the Regulatory Process

State Environmental Justice Training Webinar

South Carolina Department of Health and Environmental Control

University of Texas School of Law Environmental Clinic

U.S. Environmental Protection Agency

May 15, 2019

Introduction

- **State Environmental Justice Training Webinar Series**
- **Enhancing Community Involvement in the Regulatory Process**
- **Important Logistical Information**



Charles Lee

Senior Policy Advisor for Environmental Justice
U.S. Environmental Protection Agency

Moderator

[https://www.epa.gov/environmentaljustice/
environmental-justice-learning-center](https://www.epa.gov/environmentaljustice/environmental-justice-learning-center)

Laura McKelvey

Group Leader

Community and Tribal Programs Group,
Office of Air Quality Planning and Standards

U.S. Environmental Protection Agency



Enhancing Community Involvement in the Regulatory Process



Laura McKelvey

Office of Air Quality Planning and Standards
U.S. Environmental Protection Agency

Environmental Justice

- Fair Treatment
 - No group **should** bear a **disproportionate** burden
- Meaningful Involvement
 - Opportunity to **participate**
 - Opportunity for **influence**
 - Concerns **are considered**
 - **Federal government** is responsible for **reaching out**



International Association for Public Participation

Spectrum of Public Participation



Inform

Provide Information

- Fact Sheets
- Websites
- Open Houses

Consult

Obtain Feedback

- Public Comment
- Public Meetings
- Focus Groups

Involve

Two-Way
Conversations

- Advisory Groups
- Workshops
- Deliberative
Polling

Collaborate

Partner with Public
to Develop Preferred
Solution

- Consensus
Building
- Participatory
Decision-making

Empower

Public Makes
Decisions

- Voting
- Citizen Juries
- Delegated
Decision-making

International Association for Public Participation

CORE VALUES

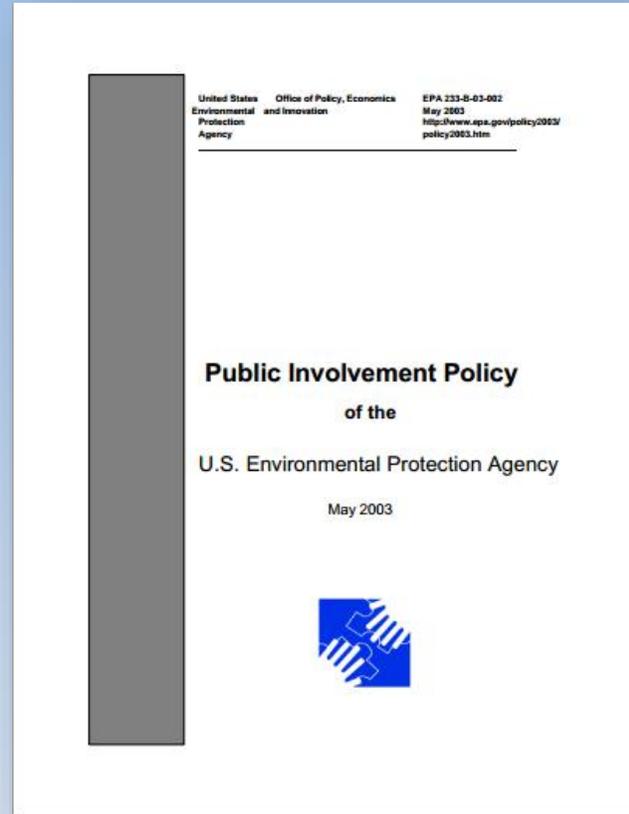


- People should **have a say** in decisions which affect them.
- Input should **influence** the decision.
- Communicate interests and **meet the needs** of participants.
- Seek out and **involve** those affected.
- Participants **help define** involvement process.
- **Provides information** needed to participate
- Tell people how their input **affected** the decision.

EPA Public Involvement Policy

Purpose

- Pursue early and meaningful involvement
- Consider public interests and concerns
- Use a variety of techniques
- Be clear about involvement limitations



Seven Steps

1. Plan and budget
2. Identify stakeholders
3. Consider stakeholder assistance
4. Provide information and outreach
5. Conduct appropriate involvement
6. Use input and provide feedback
7. Evaluate effectiveness

Government Agency Responsibilities for Ensuring Public Participation

- Be transparent, clear, and respectful
- Seek out and encourage participation
- Provide appropriate and meaningful avenues for input
- Listen and learn
- Change approach when input has merit

Tips for Success

- Know the community
- Involve and consult **with** community in planning events
- Use easy to understand language and avoid acronyms



Environmental Functions with Community Involvement Requirements and Opportunities

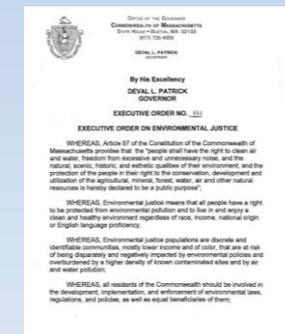
Basic Functions

- National Environmental Policy Act/
State Environmental Policy Act
- Permitting
- Rulemaking
- Cleanup and Redevelopment
- Compliance and Enforcement



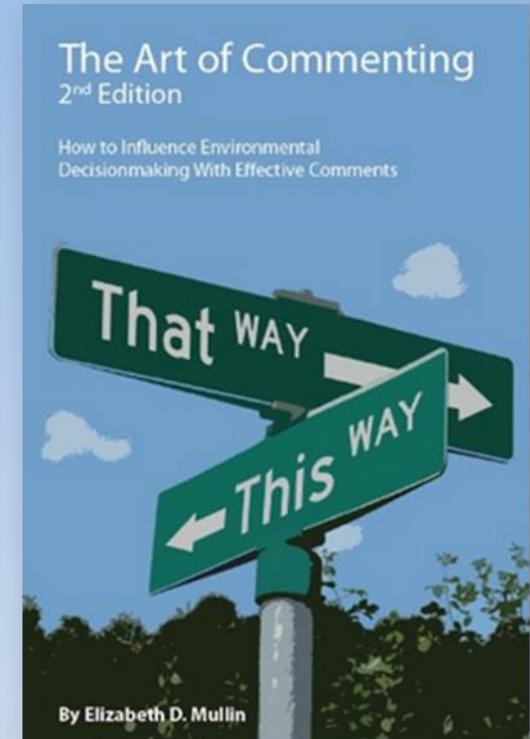
Examples of How EJ has Enhanced State Community Involvement Efforts

- **Permitting:**
 - Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Mississippi, Minnesota, Alaska
- **EJ Mapping Tools Development:**
 - California, Washington, Illinois, North Carolina, New Jersey
- **State Environmental Policy Act:**
 - Massachusetts
- **Enforcement:**
 - New York, California



Building Community Capacity to Participate in Regulatory Process

- Help community to know the permit or rule
- Provide information that helps community track progress of a permit or rule
- Provide information on organizations that provide technical assistance to communities
- Provide timely information, meeting minutes, etc.
- Provide resources to assist communities in making comments



Resources

- EPA's Action Development Process
- Guidance on Considering EJ During the Development of an Action
- EPA's Public Involvement Policy
- EPA's Public Involvement Web Site
- NEJAC Model Plan for Public Participation
- International Association for Public Participation



Kelly Haragan

Clinical Professor and Director,
Environmental Clinic
University of Texas School of Law



EJ Communities: Partners in Protecting Health and the Environment

Kelly Haragan

University of Texas School of Law

Environmental Clinic, Director

Why should the environmental process provide for meaningful community participation?



- EJ communities' health and welfare are directly impacted
- Community knowledge can support regulatory and enforcement efforts
- Community participation can help develop creative solutions to solve real problems

“to protect and enhance the quality of the Nation’s air resources so as to promote the public health and welfare and the productive capacity of its population ...”

Clean Air Act Declaration of Purpose

42 U.S.C. 7401(b)(1)

State programs must comply with federal non-discrimination laws:

- Civil Rights Act, Title VI
- Rehabilitation Act of 1973, Section 504
- Age Discrimination Act of 1975
- Education Amendments of 1972, Title IX
- Federal Water Pollution Control Act of 1972, Section 13

race, color, national origin
(limited-English
proficiency), disability,
sex, and age

“compliance with environmental laws does not ensure compliance with Title VI. ... [Recipients] are required to operate their programs in compliance with the non-discrimination requirements of Title VI and EPA’s implementing regulations.”

71 Fed. Reg. 14210

Common Community Perceptions About Environmental Processes

- Unfair
- Biased to favor industry
- Participation doesn't affect outcomes



Ways to Encourage Participation

- Get to know EJ communities
- Gather community information and make it available to communities, industry, and staff
- Treat environmental public participation provisions as minimums and not necessarily sufficient
- Frame community issues so they can be addressed by regulatory system
- Facilitate creative, long-term, multi-party solutions

- Assign a community liaison
- Seek feedback about participation process
- Get to know community members, organizations, and concerns
- Attend community events and host regular meetings
- Research community history (including racial history) and gather data
- Make this information accessible to the community, regulated entities, and agency staff

Get to Know and Engage With EJ Communities



Enhanced Engagement Across Program Areas

Permitting

- Early notice
- Fact sheets
- Community training, guides, and assistance
- Translation and Interpretation
- Easy access to files
- Technical assistance

Rulemaking

- Early notice
- Fact sheets highlighting EJ impacts
- Translation and interpretation
- Community participation in stakeholder groups
- Hearings in affected communities in accessible locations

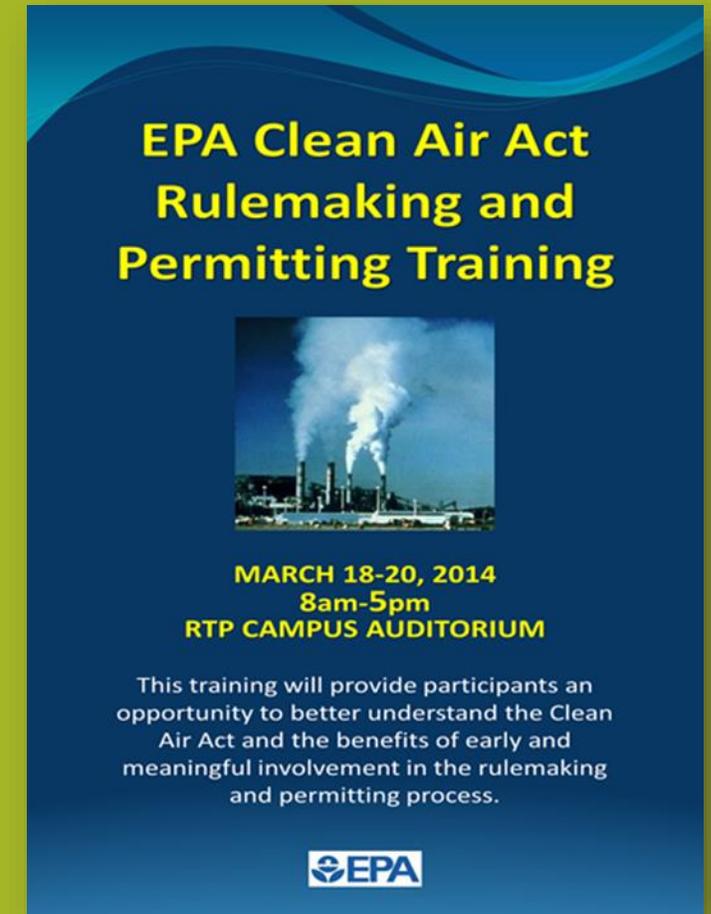
Enforcement

- Timely response to complaints
- Focused action and heightened penalties in EJ communities
- Community Supplemental Environmental Projects
- Settlement and cleanup provisions that address EJ concerns

Training	<ul style="list-style-type: none">▪ Using agency website/gathering files▪ Commenting on different types of permits▪ Participating in rulemaking▪ Commenting on enforcement actions▪ Participating in cleanups
Materials	<ul style="list-style-type: none">▪ Guides, fact sheets, sample comments
Technical Assistance	<ul style="list-style-type: none">▪ Facilitate community communication w/ technical staff▪ Connect communities with outside technical resources (e.g., retirees, Engineers Without Borders, universities)▪ Identify pro bono legal assistance (e.g., legal aids, law clinics)
Funding	<ul style="list-style-type: none">▪ Help communities access available grants and other funding
Monitoring	<ul style="list-style-type: none">▪ Focus monitoring in EJ communities▪ Help communities conduct their own monitoring

E.g., EPA-State-Community Air Permit Trainings

- Overview of programs and goals
 - Triggers for permitting requirements*
 - Main permit requirements*
- How to participate in permitting action
 - How to find out about permitting actions*
 - What materials to gather for application/draft permit review*
- Issues to look for in draft permit (*e.g., BACT analysis, emission calculations, enforceable limits, adequate monitoring, past-noncompliance*)



**EPA Clean Air Act
Rulemaking and
Permitting Training**



**MARCH 18-20, 2014
8am-5pm
RTP CAMPUS AUDITORIUM**

This training will provide participants an opportunity to better understand the Clean Air Act and the benefits of early and meaningful involvement in the rulemaking and permitting process.



PARTICIPATION HAS TO MAKE A DIFFERENCE

Implementation of environmental programs cannot have the “effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin, or sex.” 40 CFR 7.35

Frame EJ issues so they can be addressed by the regulatory process

Sample requirements that allow consideration of EJ in permitting

- Protection of human health and the environment
- Consideration of past compliance
- Prevention of nuisance
- Consideration of socio-economic impacts
- Monitoring adequate to assure compliance

NEW SOURCE REVIEW PERMITTING

“An analysis of alternative sites, sizes, production processes, and environmental controls techniques demonstrates that benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.”

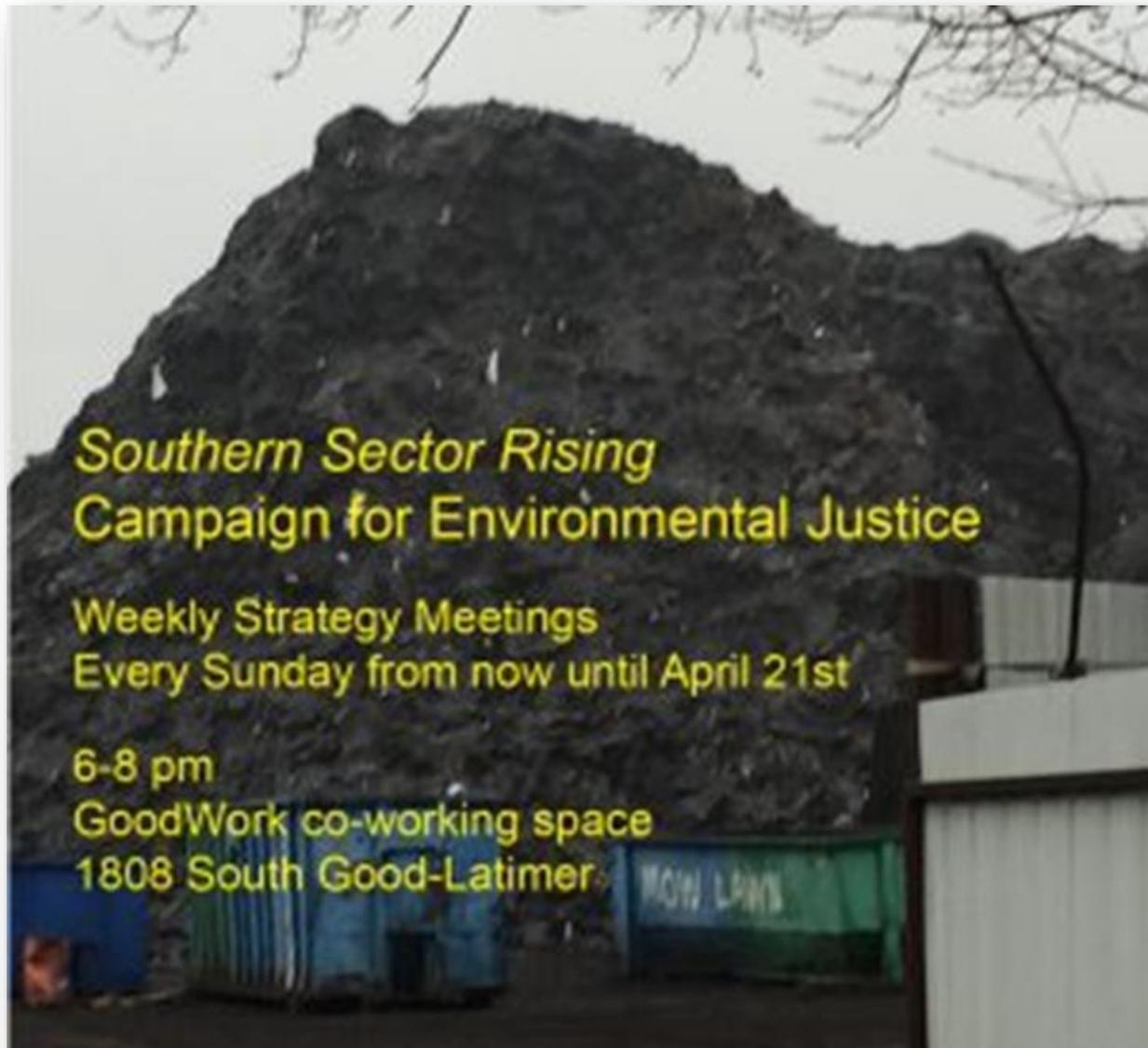
CAA § 173(a)(5)

PREVENTION OF SIGNIFICANT DETERIORATION PERMITTING

- Review includes consideration of the *“air quality impact of such source, alternatives thereto, control technology requirements, and other relevant considerations.”* CAA § 165(a)(2)
- BACT requires the maximum reduction *“taking into account energy, environmental, and economic impacts and other costs.”* CAA § 169(3)
- Such monitoring must be conducted *“as may be necessary to determine the effect which emissions ... may have, or is having, on air quality in any area which may be affected ...”* CAA § 165(a)(7)

Coordinate with others who can help solve community problems.

- **Local government:** zoning, licensing, nuisance, fire code
- **Elected officials**
- **Local Emergency Planning Committees**
- **Industry**
- **Other agencies**





- Recognize EJ as part of environmental program AND civil rights requirements
- Actively engage with EJ communities and build trust
- Provide training, assistance, and enhanced participation opportunities
- Frame community issues so they can be addressed by process
- Facilitate problem solving



Lawra Boyce

Community Engagement Coordinator
South Carolina Department of Health and
Environmental Control



South Carolina Department of Health and Environmental Control

Meaningful Community Engagement: A State's Perspective

Lawra Boyce
Community Engagement Coordinator
Office of Environmental Affairs

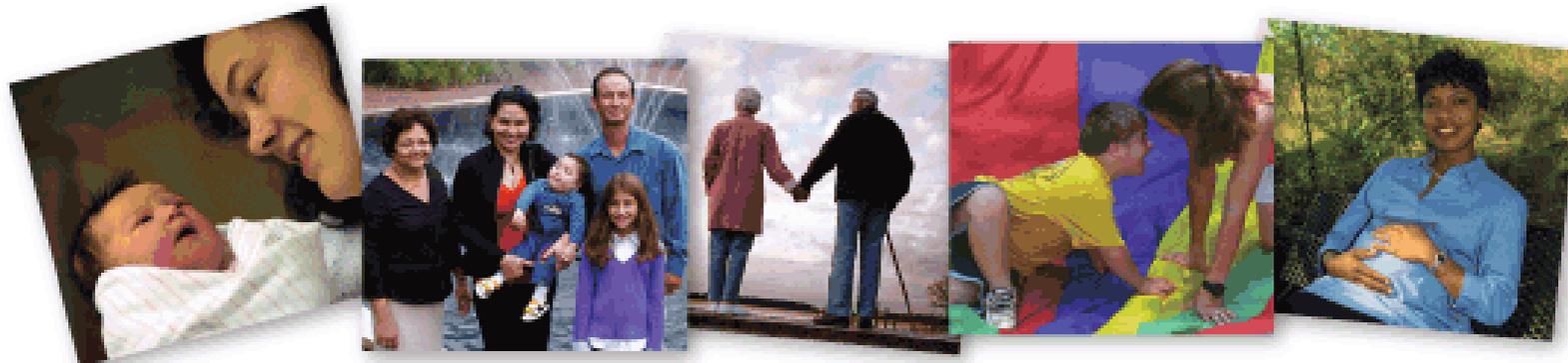


Vision

Healthy people living in healthy communities

Mission

To improve the quality of life for all South Carolinians by protecting and promoting the health of the public and the environment.



Office of Environmental Affairs

- Enforces federal and state environmental laws and regulations
- Issues permits, licenses and certifications for activities that might affect the environment
- Responds to complaints on environmental activities
- Inspects permitted entities
- Responds to environmental emergencies
- Conducts education and outreach activities designed to involve citizens in environmental protection

News - News Reports - DHEC Under Fire
Tuesday, Dec. 02, 2008

DAY 1 OF 8

DHEC under fire

State regulators have given polluters by information from the public and pushed over the protection of natural resource agency that's supposed to safeguard and our health lost its way?

Stories BY JOHN MONK AND SAMMY FRETWELL - jmonk@thestate.com
sfretwell@thestate.com

EXCLUSIVE

Imagine a state agency that helps develop taxpayer expense.

Imagine an agency that oversees homes for the died from neglect in two years.

Imagine an agency posting one of the nation's worst records for deaths from a quarter of residents in underground gasoline tanks — in a state with wells.



Web Search powered by

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TheSunNews.com

NEWS OBITUARIES SPORTS KICKS! OPINION LIVING CONTESTS VACATION MAGAZINES CLASSIFIED

Thursday, Jul. 01, 2010

Audit: DHEC often fails to inform public, get input

By Sammy Fretwell - McClatchy Newspapers

Web Search

thestate.com archives web

International Association for Public Participation

Spectrum of Public Participation



Inform

Provide Information

- Fact Sheets
- Websites
- Open Houses

Consult

Obtain Feedback

- Public Comment
- Public Meetings
- Focus Groups

Involve

Two-Way

- Conversations
- Advisory Groups
 - Workshops
 - Deliberative Polling

Collaborate

Partner with Public to Develop Preferred Solution

- Consensus Building
- Participatory Decision-making

Empower

Public Makes Decisions

- Voting
- Citizen Juries
- Delegated Decision-making

Public Participation Task Force

MISSION

to maintain a credible relationship with the public

Consists of:

- Technical staff
- Local field inspectors
- Public participation staff
- All levels of management



Benchmark survey of staff



Process for preparing for public meetings/hearings



Evaluation surveys for attendees of public meetings/hearings



EJ training for staff



Public listening sessions

Community Engagement Strategy

- Raise public awareness
- Improve access to information
- Enhance public notifications
- Create stakeholder advisory groups



DHEC
South Carolina Department of Health and Environmental Control
2600 Bull Street, Columbia, SC 29201-1168

DHEC wants you to know...

You live within a half-mile of a facility that has applied for a hazardous waste permit. We encourage you to participate in the permitting process.

Find more information at www.dhec.sc.gov

Name: _____
Address Line 1: _____
Address Line 2: _____

Facility Name and Address	Facility Description
Johnson Controls, Inc. 1739 Paper Mill Road Florence, SC 29506 Phone: Timothy Loford (414) 524-2745	Johnson Controls, Inc. is proposing to store used automotive lead-acid batteries at its new battery recycling facility. State and federal regulations require facilities that store used lead-acid batteries to obtain a hazardous waste permit. If approved, this permit would not allow for treatment or disposal and would only apply to container storage of the batteries prior to recycling at the facility.

Type of Application: Hazardous waste permit for the storage of used automotive batteries.

Status of Application: Received on December 21, 2009, currently under review by DHEC.

Please send questions or comments on the hazardous waste application, the notice, or a request to be placed on our mailing list to: Stephen Crowell, FFPMO, at scrowell@dhec.sc.gov, DHEC, 2600 Bull Street, Columbia, South Carolina 29201. Phone: (803) 896-4183.

Next Steps: Once the review process is complete, notification will be provided and a public meeting will be held at Florence to discuss DHEC's proposed decision to approve or deny the permit application. Your comments concerning this storage of batteries at the site are welcome throughout our process. An update on the status of our permitting process will be provided to you by Summer 2010.

Please call any of the following locations to review the permit application:

SCDHEC Columbia (803) 896-4000	SCDHEC Florence Region 4 (843) 643-4525	Florence County Library (843) 662-6424
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Inform



- Public Notices
- Informational Materials

Connect



- baaqmd.gov
- sparetheair.org



Comment



- Public comments during board meetings
- Public comment on permits

Involve



- Rule development process
- Plan development process

Collaborate



- Special seminars and/or symposiums
- Select policy initiatives

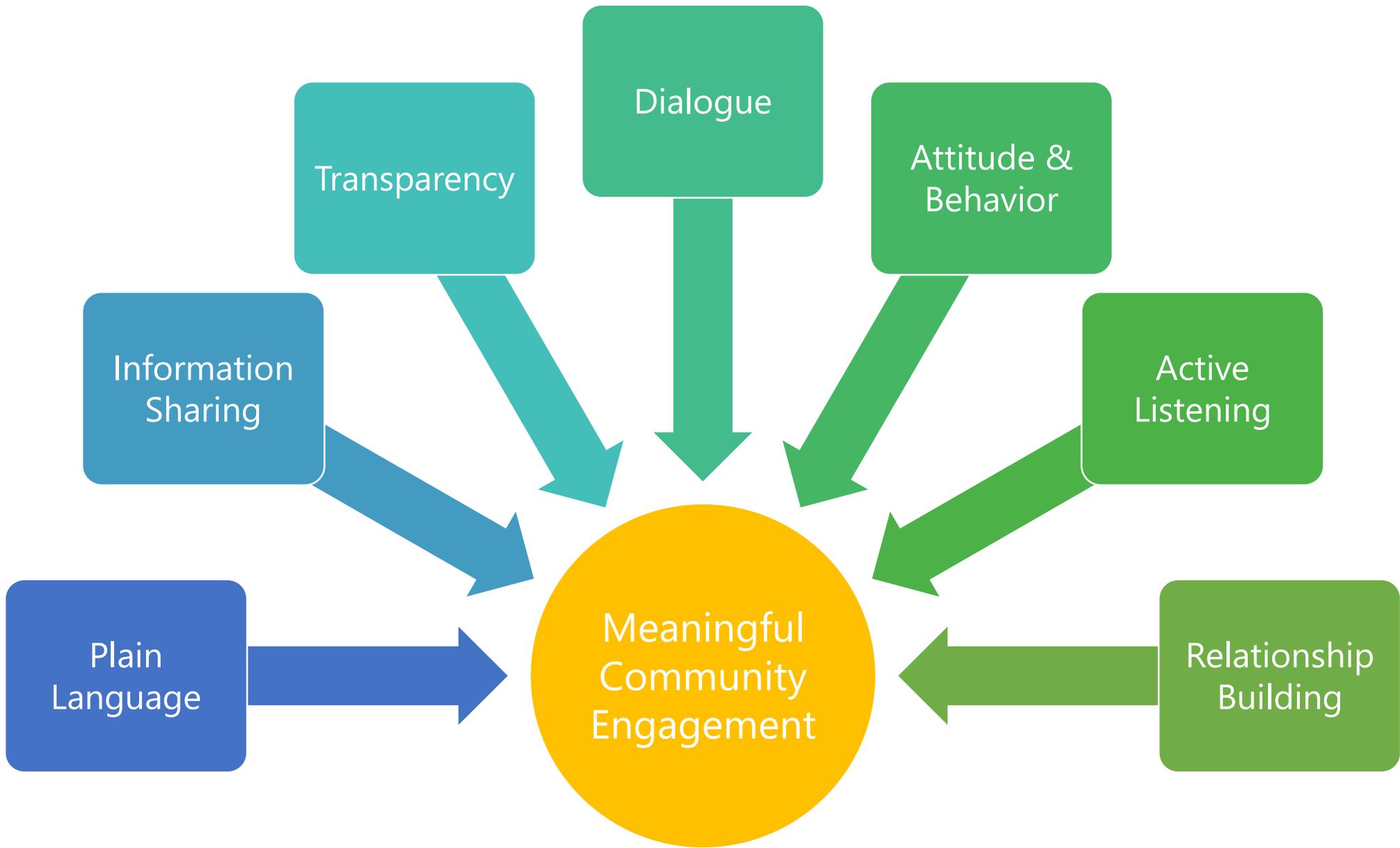
Partner



- Spare the Air Resource Teams
- Employer Program

Outreach

Engagement Activities



Culture change #1: *The right staff*

Community Engagement Staff

Direct communication with
community members

Connects resources to address
broader concerns

Technical Staff

Works with applicant to
ensure technical info meets
regulatory requirements

Addresses technical and
regulatory issues



Dialogue

Active
Listening

Relationship
Building

Tools and Resources

- Brochures and tips to educate companies
- Brochures and tips to educate community members
- Public Participation Plan

Public Involvement: Why is it important?

- **Be a good neighbor.** More and more businesses are learning that being a good citizen means demonstrating commitment to the community. The best way to do that is to engage the public throughout project development and planning processes.
- **Avoid costly delays.** Public understanding of the need for a proposed project leads to better and more durable decisions by reducing the likelihood of appeals. A participatory approach to decision-making increases the likelihood of a smoother permitting process.
- **Uncover new solutions.** Creating opportunities for stakeholders to work collaboratively often leads to creative, more implementable project

Public involvement leads to a smoother permitting process by discussing, considering, and respecting all stakeholder needs, interests, and concerns in a continuous conversation.

The era of consumer participation has clearly arrived. Consumers have a voice — and social, digital and mobile technologies will continue to enable their voices to be heard by more than 80% of consumers. This is to and ms. ed less at

Avoid permitting delays and foster goodwill in the community by becoming familiar with local issues before the air permitting process begins. Residents may have questions about your facility that will not be addressed by the air permit:

- ✓ Will the facility produce odors?
- ✓ Will the facility increase truck traffic?
- ✓ Will the facility create noise?
- ✓ How will the facility benefit my community?

IAP2 Public Participation Spectrum
Developed by the International Association for Public Participation

INCREASING LEVEL OF PUBLIC IMPACT

INFORM	CONSULT	INVOLVE	COLLABORATE	EMPOWER
Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:	Public Participation Goal:
To provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities and/or solutions.	To obtain public feedback on analysis, alternatives and/or decisions.	To work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered.	To partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution.	To place final decision-making in the hands of the public.
Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:	Promise to the Public:
We will keep you informed.	We will keep you informed, listen to and acknowledge concerns and	We will work with you to ensure that your concerns and aspirations are	We will look to you for direct advice and innovation in formulation	We will implement what you decide.

Culture Change #2: *Core Values*

- **Continuous Improvement**
- **Community Engagement (with EJ focus)**
- **Compliance Assistance**
- **Customer Service**
- **Collaborative Partnerships**

Strengthening Communities from Within

- Build capacity
- Educate on roles, responsibilities, and programs
- Strengthen partnerships



LEARN more about your environment

LEVERAGE resources

LEAD transformation and change in your community

Forum Dates and Topics

Dec 6 – 7, 2013	January 24-25, 2014	March 7-8, 2014	April 4-5, 2014
Effective Leadership and Engagement	Understanding Government and Our Environment	Community Organization and Development	Strategies for Sustaining Your Initiatives

•profit organizations, faith-based organizations, officials, businesses, industry representatives, strengthening their community and the environment!

•y outreach, social media & marketing, an evaluation, strategic plans, community

Send an application contact:
CDHEC (803) 898-1249
dhec.sc.gov
environment/envjustice



LEADERS in ENVIRONMENTAL ACTION PILOTS

EJ Hub Advisory Group

- Provides feedback on policies and initiatives
- Local EJ leaders
- Share ideas and network
- Develop various tools for communities



Benefits of Community Engagement

- Learn local knowledge, experience, history
- Minimize delays in the permitting and regulatory processes
- Address concerns that may be outside scope of environmental regulations
- Develop relationships with future partners



Myths of Community Engagement

-  • The community may not agree with the “experts” about what is needed
-  • It’s difficult to ensure that all the right people get to the table
-  • It will take time to educate the community enough to understand the project, which will delay the permitting process
-  • It’s a waste of time because the results will be the same

Culture Change #3: *Future Initiatives*

- Expand the use of established stakeholder advisory groups
- Utilize ePermitting system and social media tools
- Develop champions at all staff levels and ensure support from upper management
- Synthesize with public health community-based teams

Discussion

- Summary
- Questions and Answers
- For more information, tools and resources, go to EPA Environmental Justice Learning Center

<https://www.epa.gov/environmentaljustice/environmental-justice-learning-center>



State Environmental Justice Training Webinar
Enhancing Community Involvement in the Regulatory Process
Learning Objectives

- (1) Learn about the authorities, obligations, and opportunities for involving environmentally overburdened and vulnerable communities in the environmental decision-making process.
- (2) Understand what constitutes a standard for authentic and meaningful public participation that public agencies should strive for.
- (3) Gain knowledge about the spectrum of public participation – including activities such as informing, connecting, involving, commenting, collaborating, and partnering – and examples of how some public agencies carry them out.
- (4) Understand the value of meaningful public participation early on and throughout the process providing for better decisions and more efficient processes.
- (5) Learn how to build capacity – within the agency and the community – to best engage communities and promote mutual cooperation.
- (6) Understand the value of building and sustaining relationships with impacted communities.

State Environmental Justice Training Webinar
Enhancing Community Involvement in the Regulatory Process
Biographies

Laura McKelvey

Laura McKelvey has worked for the US EPA's Office of Air Quality Planning and Standards since 1989. In that capacity she has worked on Acid Rain issues, SO₂ and Lead NAAQS implementation, served as the team lead on the development of the Integrated Urban Air Toxics Strategy, the office's tribal program coordinator, and now leads a group that deals with Tribal and Community issues, specifically, environmental justice issues. Laura has a BS in Natural Resource Management from the University of the South, which included training in forestry, geology, natural resource issues, and policy with a minor in botany. She also has a Master's Degree in Environmental Management from Duke University's school of the environment (currently the Nicolas School of the Environment) with an emphasis on Forest Ecology. Her Master's Thesis was on the Effect of Acid Rain on Soil Solution Chemistry. She spent three years in the Peace Corps working with upland slash and burn farmers where she worked on soil erosion and integrated farming techniques (including crop diversity, inter-cropping and rotation, and livestock).

Kelly Haragan

Kelly Haragan is a Clinical Professor and Director of the Environmental Clinic at the University of Texas School of Law, where she joined the faculty in 2008. The Clinic's work focuses on helping low-income individuals and communities use environmental laws and the administrative process to reduce their pollution exposure and improve their communities. Prior to joining the Clinic, Kelly worked as legal counsel for nonprofits including the Environmental Integrity Project in Washington DC and Public Citizen's Austin office. She also worked at the Austin law firm Henry, Lowerre representing individuals and environmental groups in permitting and enforcement matters. Kelly served on U.S.EPA's Title V Task Force and has participated as a trainer at EPA Title V, New Source Review, and Environmental Justice conferences. She is honored to have been awarded the Impact Award by the Texas State Bar Poverty Law Section and the Houser Award by Texas Low Income Housing Information Services.

Lawra Boyce

Lawra Boyce is the Community Engagement Coordinator for South Carolina Department of Health and Environmental Control's Office of Environmental Affairs. She enhances and facilitates community engagement activities across all environmental programs and assists staff in developing solutions using collaborative problem-solving techniques. She has been leading community engagement efforts at SC DHEC for over 10 years. In that time, she has trained staff on the concepts of meaningful public participation, led work groups to educate and engage citizens and other stakeholders, and coached permit applicants on effective methods to build trustworthy relationships with communities. She also led the effort to develop a Public Participation Strategy for the agency's environmental divisions. She has completed effective facilitation skills training and is a Certified Public Manager. Ms. Boyce received a Bachelor of Science degree in Geology from Furman University and is proud to be a native South Carolinian.

Charles Lee (Moderator)

Charles Lee is widely recognized as a true pioneer in the arena of environmental justice. He was the principal author of the landmark report, *Toxic Wastes and Race in the United States*. He helped to

spearhead the emergence of a national environmental justice movement and federal action including the First National People of Color Environmental Leadership Summit, Executive Order 12898, EPA's Office of Environmental Justice, National Environmental Justice Advisory Council (NEJAC), and the Federal Interagency Working Group on Environmental Justice.

Charles Lee is currently the Senior Policy Advisor for Environmental Justice at the U.S. Environmental Protection Agency (EPA). He led the development and implementation of EPA's agency-wide environmental justice strategic plans, e.g., Plan EJ 2014 and EJ 2020. He has served in multiple capacities, ranging from creating the United Church of Christ's environmental justice program to directing EPA's environmental justice office. In these capacities, he led efforts to incorporate environmental justice into EPA's rulemaking process, develop models for collaborative problem-solving, transform brownfields redevelopment into a community revitalization paradigm, advance approaches to address cumulative risks and impacts, and lay a strong science foundation for integrating environmental justice into decision-making. Mr. Lee has authored numerous papers and articles on environmental justice over the past three decades and received numerous awards.

PUBLIC PARTICIPATION RESOURCES

Public Participation How-To Resources

- EPA's Action Development Process: <https://www.epa.gov/sites/production/files/2015-06/documents/guidance-regflexact.pdf>
- Guidance on Considering EJ During the development of an Action: <https://www.epa.gov/sites/production/files/2015-06/documents/considering-ej-in-rulemaking-guide-final.pdf>
- EPA's Public Involvement Policy, fact sheet: <https://archive.epa.gov/publicinvolvement/web/pdf/factsheet-2.pdf>
- EPA's Public Involvement Policy Website: <https://www.epa.gov/international-cooperation/public-participation-guide-introduction-public-participation>
- NEJAC Model Plan for Public Participation: <https://www.epa.gov/sites/production/files/2015-02/documents/recommendations-model-guide-pp-2013.pdf>
- International Association for Public Participation: <https://www.iap2.org/>

Making Effective Comments

- *The Art of Commenting: How to Influence Environmental Decisionmaking With Effective Comments, 2d Edition* (<https://www.eli.org/eli-press-books/art-commenting-how-influence-environmental-decisionmaking-effective-comments-2d-edition>)

Public Participation in Environmental Decision-Making Guides (December 2013)

- Step-by-Step Tips for Providing Effective Verbal Comments
<http://eli-ocean.org/wp-content/blogs.dir/2/files/Verbal-Commenting.pdf>
- Step-by-Step Tips for Writing Effective Public Comments
<http://eli-ocean.org/wp-content/blogs.dir/2/files/Written-Commenting.pdf>

Videos on Public Participation

- EPA's 20th Anniversary Environmental Justice Video Series: Kimberly Wasserman
<https://www.youtube.com/watch?v=uK2HQdeTd0c>
- Other videos in EPA's 20th Anniversary Environmental Justice Video Series are also very useful for understanding about community engagement with overburdened and underserved communities

Step-by-Step Tips for Providing Effective Verbal Comments

This booklet provides an introduction to submitting verbal comments at public meetings. Providing verbal comments on proposed government actions (which include not just actions by the government, but also actions it permits or licenses) is a way to influence decisions on issues you care about. In this booklet, you will find an overview of the process for providing public verbal comments and suggested tips and techniques for delivering thorough and convincing comments.

What is a “verbal comment”?

When a federal, state, or local government agency undertakes a major action or makes an environmental decision, the agency will often hold public meetings to inform citizens about the process and to seek input on it. At most of these meetings, members of the public will have an opportunity to make a formal **verbal comment** and to enter that comment into the public record. Just like with written comments, the acting agency will be required to respond to the comment before finalizing its decision.

Why submit a verbal comment?

As with written commenting, verbal commenting is an important way to make your voice heard in decision-making. Public comments can strengthen an environmental decision by providing the acting agency with new facts or perspectives. Providing verbal comments also gives you an opportunity to meet face-to-face with individuals involved in the decision.



TIPS FOR PREPARING YOUR VERBAL COMMENT

- **Familiarize yourself with the issue.**
You don't have to be a technical expert to comment, but it is helpful to have a good understanding of the topic on which you're commenting. Gather background materials to familiarize yourself with the scope of the issue (for example, similar agency decisions, relevant laws, or relevant scientific information).
- **Define your objectives.**
What do you hope to achieve through your comment? Are you trying to support or stop a particular action, to ensure that the decision or document is in line with your organization's policies, or to correct factual errors or data gaps? Develop your comment in a way that best supports and clearly articulates your objectives.
- **Pick one to three key points to emphasize.**
Be sure to make your points clear, and avoid getting bogged down by less important details. Remember that you typically will have only a few minutes to speak, so keep your statement concise.
- **Be able to state what you want and what you like, as well as what you don't want and don't like.**
The agency could choose to revise parts of a document that you agree with—so it is a good idea to note the sections you support. You should also be prepared to suggest a possible solution or alternate course of action.

Before the Meeting

- 1. Find out when and where meetings will be held.**
Contact decision-makers for information about upcoming meetings. Keep an eye and ear out for newspaper notices, flyers, and radio announcements, and especially for online or email notifications – meetings are advertised most frequently online.
- 2. Prepare your comment.**
See “Tips for Preparing Your Verbal Comment” (to the left) for more information.
- 3. Encourage others to attend the meeting with you and to give comments.**
It is helpful to decision-makers to know that an opinion is shared, and the more often they hear it, the more likely they are to remember it.
- 4. Use notecards and practice your statement.**
You do not need to have it memorized, but it's a good idea to rehearse beforehand. Often you have only a few minutes to provide remarks, and you don't want to run out of time before making your most important point.
- 5. Print written copies of your statement to bring with you.**
You may have an opportunity to leave copies with meeting officials or to enter them as part of the record.

At the Meeting

1. Introduce yourself to people before the meeting starts, and write down their names.

You may meet people with similar views who want to coordinate the next time, and people involved in the process that you can follow up with later. In particular, you should keep an eye out for meeting officials – they will be more likely to remember your comment if they meet you in person before or after.

2. Sign in, and if necessary fill out and submit a speaker registration card.

Often there will be follow-up materials sent to the addresses on the sign-in sheet. In addition, some meetings require people to fill out speaker registration cards in order to give a verbal comment.

3. Give your statement.

While making your comment, keep the following suggestions in mind:

- o **Clearly introduce yourself.**

State your name, where you are from, and any other information that may be relevant to your comment, such as your occupation.

- o **Explain why this issue matters to you.**

The ability to add a personal touch to your message is one of the major advantages of verbal commenting. You may find it helpful to tell a personal story, or you may want to explain what brought you to the meeting.

- o **If you represent others, say so.**

There is strength in numbers – meeting officials are more likely to heed your comment if they know you represent a number of people who all share the same opinion.

- o **Be calm, polite, and respectful.**



Public Speaking Tips

- **Speak slowly and clearly.** Don't trail off at the end of your sentences.
- **Don't read everything from your notes.** Although it is helpful to have notecards, reading directly from them will decrease your effectiveness.
- **Make eye contact with the people to whom you are speaking.** Remembering to do this will also keep you from reading from your notes.
- **Repeat your main points at the end of your statement.** Hearing your main points more than once will help people remember them.



Other Opportunities to Voice Your Opinion

In addition to submitting verbal comments at official public meetings, there are often other informal opportunities to provide verbal input into the decision-making process – such as a one-on-one or small group meeting. In such situations, it is important to be able to describe your concerns and opinions clearly and concisely, just as you would if you were giving a formal public comment.

Informal opportunities to voice your opinion may include:

- **Meeting with government officials** who are involved in decision-making.
- **Talking to the press** to raise awareness about the issue.
- **Speaking at community meetings** or **meeting with citizen groups** to rally support for your position.

For More Information...

A Citizen's Guide to the NEPA: Having Your Voice Heard (Council on Environmental Quality)

Although not specific to verbal participation, this guide describes how individual citizens can participate in federal environmental processes under the National Environmental Policy Act, the major environmental law in the United States.

URL: energy.gov/nepa/downloads/citizens-guide-nepa-having-your-voice-heard

Step-by-Step Tips for Writing Effective Public Comments

This booklet, adapted from the leading text *The Art of Commenting*, provides an introduction to writing comments to government agencies. Submitting written comments on proposed environmental actions is a way to make your voice heard and to influence decisions on the issues you care about. In these pages, you will find an overview of the public written comment process and tips and techniques for creating thorough and convincing comments.

Adapted from ELIZABETH D. MULLIN, *THE ART OF COMMENTING: HOW TO INFLUENCE ENVIRONMENTAL DECISIONMAKING WITH EFFECTIVE COMMENTS*, 2ND EDITION (Envtl L. Inst. 2013).

What is a written comment?

Every time a federal, state, or local government agency undertakes a significant environmental action, the agency has to put something in writing. These documents, which range from background information to records of decisions, can be complicated to produce, and the resulting conclusion or action can have far-reaching effects on individuals, communities, economies, and ecosystems.

Written commenting is a process that allows individuals, organizations, agencies, and businesses to provide written input on proposed environmental decisions. While commenting may first happen internally within the lead agency, this booklet focuses opportunities for the public to comment on a public draft.

Why submit a written comment?

As with verbal commenting, written commenting is an important way to make your voice heard in decision-making. Public comments can strengthen an environmental decision by providing the authoring agency with facts or perspectives that were lacking in the original draft. The goal of commenting is to help the agency create an accurate and comprehensive document to support appropriate and informed decision-making.



BEFORE YOU COMMENT

Comment periods are typically short—often just 30 days—so it is a good idea to prepare as much as possible beforehand. Here are a few ideas:

- 1. Set the stage by preparing yourself.** First, consider whether you know anyone involved in producing the draft to whom you could direct questions. Second, find out generally when the document will be released, so you can plan ahead. Third, consider coordinating your comment with others' comments to strengthen your message.
- 2. Identify, collect, and review background information.** Gather background materials to familiarize yourself with the scope of the issue (for example, relevant laws or similar agency documents).
- 3. Create a checklist of important considerations.** This will help you keep track of what you hope to see in the document.

REVIEWING THE DOCUMENT

Before you can write an effective comment, you must be familiar with the document.

- 1. Review the table of contents and flip through the document.**
- 2. Read the document and take notes.** You may want to focus on particular sections and skim others. Check the document against a checklist of what you understand should be in it, for substantive or technical errors or omissions, and for accuracy and consistency.
- 3. Once you have finished, go back and review your notes.** This will help you identify any major problems in the document, as well as major themes.

Preparing to Comment

Consider the following points before you start writing your comment.

It is important to remember that the person responsible for reviewing your comment may have hundreds, or even thousands, of other comments to read.

To get your message across, you need to frame your comment in a clear, concise, and convincing manner.

1. Define your objectives.

Before you start writing, ask yourself: What do you hope to achieve through your comment? Are you trying to stop or delay a particular action, to ensure that the decision or document is in line with your organization's policies, or to catch and correct factual errors or data gaps? You should write your comment in a way that best supports your objectives.

2. Use clear organization, formatting, and language.

You should use subject headings throughout your comment to draw attention to key points. Remember that the authors may be flooded with comments and may have to review each set quickly. See "Organizing Your Comment" on for more information on formatting and organization.

Writing Your Comment

The exact content of your comment will depend on the issues addressed in the document and on your views of them. Here are six tips for writing a convincing comment.

- 1. Make the strongest possible points.** There are three tools to give force to your comments:
 - **Pounding the law.** A government document can have two types of legal problems: it may omit or inadequately address something that is required by law, or the action proposed in the document could violate the law. Either is a good issue to raise. If possible, specifically describe or quote and cite the legal language.
 - **Pounding the facts.** The document could have three types of factual problems: facts are presented incorrectly, facts are left out, or facts are included but not given adequate consideration. The most valuable comments provide key information that the document’s author did not have.
 - **Pounding the table.** If there are neither legal violations nor factual errors to address, you can resort to “pounding the table.” This generally means critiquing the process or people involved in producing the document.
- 2. Suggest specific language when possible and appropriate.** This will save the reviewer time. Think about when you have received comments—isn’t it quicker and easier to adopt someone’s suggestion if they give you the wording?
- 3. Use specific examples to illustrate concerns.** Whenever possible, back up a concern with a solid example (either real or hypothetical).
- 4. State what you support as well as what you disagree with.** The agency could revise parts of a document that you agree with, as well as parts that you don’t—so it is a good idea to note the sections you support.
- 5. Provide supplemental information, if needed.** If you have access to any facts or articles that were not included in the document, consider providing a copy.
- 6. Offer helpful solutions.** Whenever possible, offer suggestions for how the document’s authors can address a concern or solve a problem (such as timing, design, etc.).

Example 1: Suggestions for Content

Less Effective	More Effective
Identifying Violations in the Law	
The old farm at the end of our street has a rich history and may have many artifacts.	Under 40 C.F.R. 6.301, EPA must take steps to preserve historic resources. The old farm at the end of our street has a rich history and may have many artifacts. At a minimum, there should be a historical survey to assess the property and mitigation measures to preserve items of historical or cultural value.
Suggesting Specific Language	
Delete the words “high levels of” and add “at rates higher than indicated on the label” after the word “pesticide.”	Rewrite the sentence as follows: “Application of <u>high levels of the pesticide at rates higher than indicated</u> on the label could harm the Monarch butterfly.”
Using Examples	
The company underestimates the economic benefits of waste minimization.	The company underestimates the economic benefits of waste minimization. As the attached article shows, ABC Corporation adopted a similar program two years ago and has already recouped the cost of the program plus an additional 10%.

Organizing Your Comment

Tips for making your comment clear, concise, and easy to follow:

- If you have more than one major concern, open your comment with a summary section like “Major Concerns” or “General Comments” and outline them before you give detail.
- Use headings and sub-headings to separate your points. Highlight your headings with some combination of spacing, color, capital letters, or bold, italic, or underlined font.
- For specific concerns, order your comments page-by-page to make it easier for the reviewer to locate the places in the document that you are referencing.
- Avoid dense blocks of text.
- Follow good writing practices: use topic sentences, keep each sentence under 50 words, and use the active voice.
- Phrase your comments as statements, not questions, and use respectful language.

FOLLOWING UP ON YOUR COMMENT

If you want to increase the likelihood that your comment is addressed, you may want to follow up after you’ve submitted it. Some follow-up options include: speaking at a public meeting or hearing; rallying support for your position among agencies or citizen groups; meeting with an official decision-maker; and going to the press.

Example 2: Style and Formatting Techniques

Less Effective	More Effective
Highlighting Major Concerns	
1. On page 12, there is a word missing in the first sentence of the last paragraph. 2. Adoption of the proposed regulation would immediately shut down all coal-fired power plants in the United States. 3. The map on page 56 is blurry.	MAJOR CONCERNS Catastrophic Disruption of Power Supply. Adoption of the proposed regulation would immediately shut down all coal-fired power plants in the United States.
Using Topic Sentences	
The draft EIS contains a lengthy discussion of the possible impacts on wildlife. Nowhere, however, does the document address the Perdido Key beach mouse.	The draft EIS fails to address possible impacts on the Perdido Key beach mouse.
Conveying a Respectful Message	
You call yourself the Environmental Protection Agency!	The proposed standards do not go far enough to protect sensitive aquatic organisms.

For More Information...

- Cornell University Law School’s *Legal Information Institute*: <http://www.law.cornell.edu>
- Portal for U.S. government regulations: <http://www.regulations.gov>
- *Notice and Comment Rulemaking* by the Center for Effective Government: