



Achieving Health
and Environmental
Protection Through
EPA's
Meaningful
Involvement
Policy

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Executive Summary

EPA's Meaningful Involvement Policy ("the Policy") provides guidance for U.S. Environmental Protection Agency (EPA) teams on meaningfully involving the public in the Agency's regulatory and program decisions. It updates [EPA's 2003 Public Involvement Policy](#). The purpose of the new Policy is to promote an EPA-wide approach to meaningful involvement that can be tailored for program and regional needs and outline practices that EPA staff can choose to use as they design public outreach components of EPA's decisions and carefully consider public input. This policy builds upon EPA's established commitment to meaningful involvement and is grounded in the acknowledgment that EPA actions informed by the individuals with lived experience and expertise and processes that are inclusive of a diverse set of voices result in strengthened decisions to protect health and the environment. As such, the Policy aims to:

- Improve the acceptability, efficiency, feasibility, and sustainability of the Agency's decisions.
- Reaffirm EPA's commitment to early and frequent involvement, accessibility, and meaningful public involvement.
- Ensure that EPA makes its decisions with an understanding of the interests and concerns of affected people and entities.
- Promote the use of a wide variety of techniques to create early and, when appropriate, continuing opportunity for public involvement in Agency decisions.
- Establish clear and effective guidance for conducting meaningful involvement activities.

EPA staff may use the Policy to plan for engagement activities as part of EPA actions, when feasible and within budgetary constraints, including proposed and final rules, and permitting, as well as the development of policy or significant guidance documents, creating strategic documents and strategic plans, and developing EPA initiatives or programs (including financial assistance programs). At the Policy's core is EPA's Public Participation Model ("the Model"), which guides EPA staff through seven iterative stages for effective public participation in EPA's actions:

1. Plan: Identify the EPA Action, Select a Level of Participation, and Secure Resources
2. Identify the Public and Segments of the Public
3. Consider Providing Technical or Financial Assistance to the Public
4. Provide Information and Outreach
5. Provide Opportunities for Public Consultation and Participation Activities
6. Review and Use Input and Provide Feedback to the Public
7. Evaluate and Report Public Participation Activities

In programs or activities in which the public is already participating, EPA teams can choose to use the strategies listed in the Model to meaningfully enhance involvement, as is appropriate for the activity's scale, scope, and schedule. The Model can also support and supplement current strategies by offering suggested practices that can be adapted and applied for specific uses. The revised Policy offers a variety of approaches, including a public participation spectrum, adapted from the International Association of Public Participation's spectrum of public participation, that can help guide EPA teams in selecting appropriate level(s) of participation.

In addition, the Policy incorporates best practices and lessons that EPA has observed since the 1981 and 2003 Policies, including improved public involvement techniques that allow for expanded accessibility

and transparency of EPA programs; the consideration and use of data and information collected via participatory science and Indigenous Knowledge in decision-making; the importance of using the Alternative Dispute Resolution process as needed, including mediation, arbitration, and neutral facilitation; and the necessity of demonstrating cultural competence and humility when engaging with the public.

This policy aligns with and builds upon EPA's commitment to meaningful public involvement over its history, as highlighted most recently in the 2022–2026 Strategic Plan and Equity Action Plan. It incorporates the recommendations that have been made from public commenters on previous versions of EPA's Public Involvement Policy and that have been received from partners and external advisors to EPA in other EPA decision-making processes and listening sessions. The Policy will help EPA staff build and strengthen capacity and capabilities necessary to ensure members of the public are reached and heard in actions which they are interested in or affected by. Finally, the evaluation section of the Policy and newly developed criteria for measuring success can be used by EPA teams to help fulfill meaningful involvement commitments.

Section 1: EPA's Meaningful Involvement Policy

Background

The U.S. Environmental Protection Agency (EPA) issued the [1981 Public Participation Policy](#) to strengthen EPA's commitment to public participation. In 2003, EPA updated the [Public Involvement Policy](#) to provide guidance on effective and reasonable means to involve the public in EPA actions. This revised document, "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy," establishes an EPA-wide approach to meaningful involvement that can be tailored by programs and regions during decision-making processes.¹

Policy Audience

The primary audience for this policy is everyone in EPA providing opportunities for meaningful involvement in EPA actions (as defined in the Key Concepts sections), which may include staff, managers, fellows, interns, appointees, senior executive service, contractors, and senior environmental enrollees. This policy uses the term "EPA team" to refer to the group of people working on an EPA action. EPA teams can also use this policy to inform performance work statements for contractors, grantees, or other groups conducting this work on EPA's behalf. All individuals at EPA are expected to familiarize themselves with the policy and help ensure meaningful involvement as appropriate for EPA actions.

Meaningful Involvement

The fundamental premise of this policy is that each EPA team has a responsibility to provide meaningful involvement opportunities in EPA's programs and activities that impact people's health and the environment. Historically, public participation opportunities did not always succeed in reaching all interested or affected segments of the public, nor did they always provide access to influence EPA's decision-making or to ensure accountability. In response to these concerns identified by members of the public and other government agencies, EPA emphasizes the term "meaningful involvement" to refer to how the public participation process could include and be accessible to a more representative public—including multi-lingual, multi-cultural, rural, and urban populations with differing abilities, ages, and documentation statuses—all communicated in plain language. EPA teams can then provide opportunities for meaningful involvement that prepare the public with knowledge they can use to engage in EPA actions.

Given this history, there are many terms EPA and other federal agencies use to describe the process of public participation, such as "community engagement," "meaningful engagement," and "community involvement." For example, EPA's Superfund Program uses community involvement, the Resource Conservation and Recovery Act and the Office of International and Tribal Affairs use public participation, and the Office of Enforcement and Compliance Assurance uses community engagement. As a result,

¹ The policy references statutory and regulatory provisions that contain legally binding requirements, but the policy is not legally binding. It does not create, expand, or limit any legal rights, obligations, responsibilities, or benefits of or to any person, and is not enforceable against EPA or any other person.

many different terms are used to refer to the process of involving the public in decision-making. The key is to use the correct term when communicating with the public, which may depend on applicable statutes, regulations, and policies, if any, and the particular context. Overall, this policy states the expectation that EPA teams provide opportunities to conduct outreach, engage in consultations, involve the public, collaborate, and prepare the public with knowledge they can use to convey their concerns and influence EPA decisions.

Meaningful Involvement is used to describe EPA's commitment to a public participation process² that seeks and facilitates public input on EPA actions by "providing timely and culturally appropriate information, access for people with disabilities, and language access for persons with limited English proficiency, considering issue of access raised by location, transportation, and other factors affecting participation, and by making available technical assistance to build community-based capacity for participating."³ EPA recognizes that limited public involvement may be marginalizing and could have the effect of denying appropriate access to the EPA decision-making process. Therefore, addressing, as feasible, other barriers to participation that individuals may face allows for more informed and applicable EPA actions.

Building Trust Through Meaningful Involvement

During a public meeting, an EPA team shared plans to fund a solar panel project in a community with environmental justice concerns. A follow-up question revealed that people would need to be homeowners to benefit from the project, excluding renters and raising further questions about whether the solar panels could be placed in community spaces instead. These questions not only highlighted that the project's intended beneficiaries would be excluded, but also offered potential community solutions to remedy this omission.

Meaningful involvement is about inclusivity in decision-making, and the process itself can build relationships between EPA teams and the public that lead to mutual benefits and learning opportunities. This exchange can make EPA's work more effective, transparent, and can build public support. Therefore, to guide EPA's meaningful involvement approach, this policy outlines the following principles:⁴

- **Integrity.** Be transparent and clear in scope and purpose of meaningful involvement opportunities.
- **Inclusiveness.** Be accessible and include diverse groups to capture a full range of values and perspectives.
- **Dialogue.** Listen to community concerns and priorities, express respect and humility, and promote open and genuine discussion supported by timely and accurate information to identify and weigh options and develop common understanding.
- **Influence and accountability.** Use public input in decision-making. The public should be able to see and understand the impact of their time and effort.

² [EPA's Public Participation Guide](#).

³ White House Environmental Justice Advisory Council (WHEJAC), [Final Recommendations: Justice40, Climate and Economic Justice Screening Tool, and Executive Order 12898 Revisions](#). May 2021.

⁴ Federal Infrastructure Task Force's [Community Engagement Strategy](#) for tribal integrated waste management programs.

Additionally, this policy reaffirms the importance of building EPA teams' capabilities to provide opportunities for meaningful involvement in order to:

- Use the principles of integrity, inclusiveness, dialogue, influence, and accountability to guide meaningful involvement.
- Use or consider data and information collected via [participatory science](#) and Indigenous Knowledge⁵ in decision-making.
- Use EPA's annual budget process to secure resources and use EPA resources to plan for the meaningful involvement process, make the process easy to access, and build the public's capacity to participate.
- Provide responses to solicited public input in a timely manner, in plain language,⁶ and accessible in languages used by the public.
- Address solicited public input using applicable regulations, executive orders, and policies within the parameters of statutory authority, and use EPA's tools and resources for identifying alternative approaches and communicating the science used to calculate risk to meet public concerns.
- Use risk communication as a two-way approach to provide the public with information they need to make informed, independent judgments about risks to safety and health and to provide EPA with appropriate information to assess risk.
- Use the [Alternative Dispute Resolution](#) (ADR) process as needed, including mediation, arbitration, and neutral facilitation.
- Demonstrate cultural competence and humility when engaging with the public.
- Demonstrate transparency, sincerity, and a willingness to learn when engaging with the public.

⁵ If applicable to the action, develop an Indigenous Knowledge plan that identifies how EPA will seek input from Tribal Nations and Indigenous Peoples to determine how Indigenous Knowledge may inform an EPA action. "Indigenous Knowledge" means a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through direct contact and experience with the environment, as described by the [White House Office of Science and Technology Policy's Guidance for Federal Departments and Agencies](#). While "Indigenous Knowledge" is used here, a variety of terms, including Traditional Ecological Knowledge, Traditional Knowledge, Indigenous Traditional Knowledge, Native Science, and related terms, are used and preferred by different Tribes and Indigenous Peoples.

⁶ See the U.S. General Services Administration's [website](#).

Key Concepts

This policy is built upon the concepts detailed below and referenced throughout this document.

Meaningful Involvement

Meaningful involvement⁷ means:

- People have an opportunity to participate in decisions about activities that may affect their environment and/or health.
- The public's contribution can influence the regulatory agency's decision.
- Community concerns will be considered in the decision-making process.
- Decision makers will seek out and facilitate the involvement of those potentially affected.

EPA Teams

The group of people in EPA providing opportunities for meaningful involvement in EPA actions, which may include staff, managers, fellows, interns, appointees, senior executive service, contractors, and senior environmental enrollees.

EPA Actions

For purposes of this policy, “EPA actions” refer to key activities EPA undertakes to achieve its mission. EPA actions include proposed and final rules and permits, policy or significant guidance documents, strategic documents and strategic plans, and development of EPA initiatives or programs (including financial assistance programs). Some specified EPA actions have public participation requirements from statutes and implementing regulations (see “Applying the Policy” below). For these actions, a minimum level of participation is required. The Policy does not add any requirements to EPA actions, but it can be used by EPA staff to support existing and new participation activities as feasible and within budgetary constraints.

Public

The term “the public” is used in the broadest sense, meaning the general population of the United States. Many segments of “the public” may have a particular interest in or may be affected by EPA programs and decisions. For EPA teams involved with actions that are more place-based or affect a particular region or entity, the Public Participation Model provides information on how to “identify segments of the public” to select a narrower definition of “public” that includes individuals or entities interested in or affected by the decision.

⁷ See EPA’s definition [here](#). For the purposes of this document, “meaningful involvement” and “meaningful engagement” are used as equivalent terms and further described in Executive Order 14096.

In addition to private individuals, “the public” includes, but is not limited to:

- Representatives of consumer, environmental, and other advocacy groups.
- Environmental justice groups.
- Indigenous peoples.
- Historically marginalized groups and individuals.
- Business and industrial interests, including small businesses.
- Elected and appointed public officials.
- Trade, news, industrial, agricultural, and labor organizations.
- Public health, scientific, and professional representatives and societies.
- Civic and community associations.
- Faith-based organizations.
- Research, university, education, and governmental organizations and associations.
- Government agencies, including federal, state, municipal, and local agencies.

Applying the Policy

Certain statutes and implementing regulations include public participation requirements for specified EPA activities, such as those found under [40 Code of Federal Regulations \(CFR\) Part 25, Public Participation in Programs Under the Resource Conservation and Recovery Act](#), the [Safe Drinking Water Act](#), and the [Clean Water Act; 40 CFR 6 Subpart B, EPA’s National Environmental Policy Act Environmental Review Procedures](#), and [40 CFR 300 Subpart E, Hazardous Substance Response](#), the Federal Advisory Committee Act (FACA; 5 United States Code [U.S.C.] 10); the Paperwork Reduction Act (PRA; 44 U.S.C. Section 3501 et seq.); and the Government in Sunshine Act (Sunshine Act; 42 U.S.C. 2996(g)). **However, the public participation requirements in these regulations specify the minimum level of participation.** EPA teams should strive to provide meaningful involvement opportunities beyond the minimum regulatory requirements. EPA has published [legal tools](#) to advance environmental justice to help decision makers understand their authorities to consider and address environmental justice and equity in decision-making and to promote meaningful involvement.

In the context of enforcing environmental laws, EPA does not disclose information that will interfere with an ongoing investigation, settlement negotiation, or litigation. The Agency also will not release personally identifiable information (PII), confidential business information, or privileged (attorney work product, attorney client, deliberative) material. The inappropriate release of sensitive enforcement information can affect the outcome of litigation, jeopardize settlement negotiations, and compromise protection of people’s health and the environment. For more information, see the EPA memorandum [Restrictions on Communicating with Outside Parties Regarding Enforcement Actions](#). Aside from these limitations, EPA is committed to providing meaningful involvement opportunities in enforcement cases, including soliciting information on health and environmental problems caused by violations of federal environmental laws.

[Federal Advisory Committees](#) provide independent advice to EPA. Individuals are appointed to the committee to participate in building consensus and providing input and recommendations. The public may view Federal Advisory Committee proceedings, attend meetings, and submit comments to a committee, benefitting from an open and ongoing exchange of information. The individuals who participate on EPA’s Federal Advisory Committees are experts in their respective fields (e.g.,

environmental, sociological, and technological sciences), represent a necessary point of view, or otherwise hold valuable knowledge and lived experience. Anyone from business owners to public health officials to ecologists can be subject matter experts in their respective issue areas, and more than 400 such members currently participate on EPA Federal Advisory Committees. If EPA seeks advice or recommendations from a group that includes one or more individuals who are not federal government employees, EPA should determine whether FACA, 5 U.S.C. §§ 1001–1014, applies. If so, EPA may need to formally charter the group as a Federal Advisory Committee and must comply with FACA requirements.⁸

EPA’s Meaningful Involvement Approach

Meaningful involvement is a process used to inform decision-making, enhance EPA’s actions, and build or rebuild trust with the public to achieve health and environmental protection. This process takes time and resources, is nonlinear, and is often iterative. Furthermore, every EPA action and public response is different, so EPA teams can use their knowledge of an action’s process and their judgment to plan and provide appropriate opportunities for meaningful involvement depending on the scope and potential impacts of the EPA action. Therefore, EPA’s meaningful involvement approach includes three steps for EPA teams to use to provide opportunities for meaningful involvement in relevant actions: identifying the decisions of an EPA action, using EPA’s Public Participation Spectrum to match the appropriate level of participation to the action, and using appropriate tools and practices from EPA’s Public Participation Model.

Step 1: Identify the Decisions in an EPA Action that May Be Influenced by Public Input

The first step for EPA teams is to outline the target action and its underlying processes. This includes identifying key decision-making opportunities, identifying when decisions have already been made, and explaining the scope of statutory and other legal requirements. This step will help EPA teams use the next step to match the type and scope of a decision to an applicable public participation level.

Step 2: Use EPA’s Public Participation Spectrum⁹

The second step for EPA teams is to use EPA’s Public Participation Spectrum (see Table 1.1) to match an EPA action with a level of participation. This spectrum describes five levels of public participation to assist EPA teams in establishing and communicating clear expectations about how they intend to provide opportunities for meaningful involvement. The levels of participation can be meaningful when

⁸ FACA requirements include those found in the statute and in the General Services Administration regulations implementing FACA at 41 CFR Parts 101-6 and 102-3.

⁹ The spectrum is modeled after the [International Association for Public Participation](#) and the [Conflict Prevention and Resolution Center](#) spectrums.

the opportunities enable the public to inform a decision, are communicated in plain language, and are accessible to the public. In some cases, there is no opportunity for the public to influence decision-making, in which case EPA teams can use the “inform and outreach” level to provide the public with the information they need to understand EPA’s decision-making process.

To identify the appropriate level of public participation for a project, EPA teams should start with the following question: How much potential influence on the decision or action are you able to provide to the public? Considerations could include potential limitations around statutory or regulatory requirements or resources constraints such as budget, staff capacity, timing, and competing priorities.¹⁰ To help EPA teams determine the appropriate approach to seeking public input, here are some questions offered in [EPA’s Public Participation Guide](#):

- Is there specific public input EPA teams seek and intend to consider?
- Is the EPA team seeking to involve the public early and throughout the process?
- Does the EPA team intend to convene a diverse group of the public to work together?
- Does the EPA team intend to involve the public in decision-making on all or part of the decision?

After reviewing the questions, look at the spectrum, identify which level of participation is most appropriate, and make sure that communications match the promise to the public. Note that the levels of participation in the Public Participation Spectrum (Table 1.1 below) are not intended to be ordered steps and there is no expectation that a public participation project move from one level to the next.

¹⁰ EPA’s [Public Participation Guide: Selecting the Right Level of Public Participation](#).

Table 1.1. EPA’s Public Participation Spectrum.

Goal	Inform/ Outreach	Consult/ Info Exchange	Involve/ Recommendations	Collaborate/ Agreements	Empower
Purpose	Provide information to external partners and clearly communicate that this is not an opportunity for involvement.	Provide and exchange data, opinions, and options during one or two instances.	Obtain advice or comments over an extended period of time.	Reach workable agreement, settlement, or decision together.	Empower the public to take action.
Promise to the Public	“We will keep you informed.”	“We will listen, acknowledge concerns, and provide feedback on your input at the appropriate time.”	“We will take your advice or comments into account when making a decision and we will inform you how your advice or comments influenced our decision.”	“We will work together in good faith to reach an understanding that we can all support and implement as agreed.”	“We will support your decision and assist in your implementation.”

Goal	Inform/ Outreach	Consult/ Info Exchange	Involve/ Recommendations	Collaborate/ Agreements	Empower
Examples¹¹	<ul style="list-style-type: none"> • Websites • Fact sheets • News releases • Federal Register notices • Public notices • Infographics 	<ul style="list-style-type: none"> • Meetings with individuals • Official public meetings or hearings • Workshops • Public information sessions or community meetings • Listening sessions • Phone hotlines • Regulatory notice and comment period 	<ul style="list-style-type: none"> • Community Advisory Groups (CAGs) • Policy dialogues • Small Business Advocacy Review (SBAR) panels • Request for public comment 	<ul style="list-style-type: none"> • Superfund Jobs Training Initiative (SuperJTI); or SuperJTI fact sheet • Access agreements • Institutional controls • Settlement agreements • Negotiated rulemaking • Consensus permit • Statement of principles • Federal Advisory Committees 	<ul style="list-style-type: none"> • Voluntary programs • Good Samaritan Initiative • Redevelopment plans • Environmental Workforce Development and Job Training grants • Community Action for Renewed Environment • Sustainability Forum • Participatory science



This spectrum was adapted from the International Association for Public Participation and EPA’s Conflict Prevention and Resolution Center and describes five levels of public participation to assist EPA teams. EPA teams may use this spectrum after identifying decision(s) in an EPA action that may be influenced by public input to help determine the appropriate level(s) of participation. EPA teams can use various levels throughout the project in any order, making sure to clearly communicate if and how the public will be involved.

¹¹ These examples are illustrative and are not an exhaustive list.

Step 3: Use EPA’s Public Participation Model

After identifying the level of public participation, EPA teams can use EPA’s Public Participation Model to understand the types of tools and practices that can help meet the promise to the public. This iterative model for helping achieve health and environmental protection includes seven stages that provide space for EPA teams to initiate or join the process at different stages (i.e., EPA teams may initiate a process from the beginning or join an ongoing effort), and move back and forth along the stages as new information becomes available along the way (e.g., EPA teams may have to adjust the budget after selecting additional outreach methods).¹² **The tools and approaches in this section will vary and should be adjusted to best fit the circumstances of each project or activity and the level of participation.** The stages are not compulsory and do not all have to be used. Details on the Public Participation Model can be found in the next section.

By choosing to use EPA’s meaningful involvement approach, EPA teams can work toward making EPA actions more informed and applicable, reflect public interests and values that lead to better governance, and strengthen health and environmental protection overall. EPA programs and regions can use the following sections of this document to find best practices, tools, resources, and background materials that support the use of this policy.

¹² Should this model not suit identified needs, Appendix 1 includes [EPA’s Environmental Justice Collaborative Problem-Solving Model](#) and [EPA’s Community Action for a Renewed Environment Roadmap](#) for alternative ways to organize and take action.

Section 2: EPA's Public Participation Model

Introduction

As EPA teams plan and provide meaningful involvement opportunities for the public, they can choose to use the Public Participation Model described here. It highlights practices for different stages of participation, from identifying an action and level of participation to evaluating completed participation activities. The Model is designed to be iterative, and EPA teams can move back and forth along the stages as new information becomes available or as plans change. **The tools and approaches in this section will vary and should be adjusted to best fit the circumstances of each project or activity and the level of participation.** The stages are not compulsory and do not all have to be used. The seven stages of the Model are outlined in Figure 2.1 below. Use of this model to support and bolster clear and accessible pathways for public input will help EPA teams make more informed and long-lasting decisions on health and environmental protection.

Figure 2.1. EPA's Public Participation Model.

- Plan: Identify the EPA Action, Select a Level of Participation, and Secure Resources
- Identify the Public and Segments of the Public
- Provide Technical or Financial Assistance
- Provide Information and Outreach
- Conduct Public Consultation and Participation Activities
- Review, Use Input, and Provide Feedback
- Evaluate Public Participation Activities

Plan: Identify the EPA Action, Select a Level of Participation, and Secure Resources

Goal: Facilitate effective, meaningful involvement processes through mapping the EPA action decisions, selecting the appropriate level of participation, and securing the resources needed.

Identify the EPA Decisions to Be Influenced by Public Input

EPA recognizes that many of its actions involve highly technical, complex issues. As the public may be interested in or affected by EPA actions, EPA teams can proactively identify decisions to be influenced by public input,¹³ including, the anticipated timeline for the overall process, and key entry points for the public to influence decision-making.

¹³ This policy uses the phrase "to be influenced by public" generally to mean a decision for which it is appropriate to receive public input and can be changed based on the input.

Select a Level of Participation

EPA's Public Participation Spectrum can help to clarify the timing and role of public influence in the decision-making process. Each level of participation can be appropriate depending on the context. The EPA team may plan for the appropriate level of public participation after using the Public Participation Spectrum. In doing so, they should exercise their judgment wisely, be transparent to the public about areas in which EPA is seeking public participation and how such public input is expected to be used, and make sure the EPA team and the public share a common understanding of how the public input is expected to be used and any follow-up steps that could be taken.

Secure Resources

Securing resources is a crucial part of the process. EPA teams should clarify roles and work together to determine the level of public participation that can be supported for an EPA action, given the specifics of the EPA action, the anticipated level of public interest, the timing, and the resources available. It is important to identify the EPA team members, training, resources, partner organizations, and any contractors that will be needed to conduct the various facets of the process and to ensure the public knows about opportunities to be involved. EPA teams may use the seven stages of the Model to think through the costs to implement the public participation process.

Creating awareness, conducting outreach, getting feedback, incorporating input, and evaluating methods are time- and money-intensive. Adequate resources and funding will need to be approved and allocated to support meaningful involvement activities.

Identify the Public

Goal: Identify groups or members of the public who may have expressed an interest in or who, by the nature of their location, purposes, or activities, may be affected by an upcoming EPA activity or action.

Given the diversity of the public EPA serves, meaningful involvement efforts, when appropriate, should be tailored based on the EPA action. EPA teams may begin with assessing whether communities or entities are interested or are likely to be affected by the EPA action due to geographic location or other impacts, including community members and leaders; business owners; elected leaders; and Tribal, federal, state, or local government staff. The severity of the potential impact is also very important and may inform the level and type of participation.

EPA teams can identify key, local, and diverse partners that may have influence, interest, or be affected by the issues that the EPA action might address.

To understand the needs of your project and the public and to design an effective process, consider the following steps:¹⁴

¹⁴ EPA's [Handbook on Effective Community Engagement in Challenging Contexts \(available for EPA staff\)](#), EPA's [Superfund Community Involvement Toolkit](#), [EJScreen](#), and [CEJST](#).

- Describe the interested and affected public.
- Summarize demographic information (key demographics are included below).
- Identify significant subgroups in the population, languages spoken or read, and other important characteristics of the interested and potentially affected public.
- Identify whether it is a national audience to strategize and connect across the private and public sectors.

Once the interested and affected public has been identified, consider asking the following questions:

- What are the vision and goals for addressing concerns?
- What are the main interests and values regarding the issue at hand?
- Which of these interests are most important, and why?
- What resources (e.g., funding, personnel, access to information, facilitation support) are available to assist with the public participation process?

Assessments should address whether a segment of the public might bear a disproportionate burden of exposure or environmental health effects from the EPA action with respect to race, ethnicity, national origin, disability, or income, compared with other communities. Assessments should also identify any barriers to participation and ways to overcome those barriers.

For EPA decisions that are more geography-based (i.e., the impacts of the decision would primarily affect a few communities), an assessment should include demographics and other descriptive information to paint a picture of the community.

Key demographics when assessing geography-based EPA decisions include and are not limited to:

- | | |
|---|--|
| • Population size | • Education levels |
| • Age distribution | • Languages spoken and/or linguistic isolation |
| • Race/ethnicity | • Computer literacy |
| • Income levels | • Property ownership rates |
| • Percent of the population living below the poverty line | • People with disabilities |
| • Cumulative impacts | • Indigenous characteristics ¹⁵ |

At a minimum, the EPA team should understand government structures, nation-to-nation treaties, and identify key community-based organizations. The EPA team could consider developing a jurisdictional network map of the Tribal, local, state, and federal agencies or organizations/entities that may have interest or jurisdiction in the impacted area, including areas of overlap. This assessment should identify how the community receives and shares information from or with these entities.

Teams conducting assessments may also want to consider other existing environmental health concerns or stressors, such as nearby polluting facilities, rates of health conditions linked to environmental stressors (e.g., asthma), and availability and robustness of emergency services.

¹⁵ There are many community characteristics unique to Indigenous communities that should be considered here, such as use of subsistence resources in the area and nearby cultural resources.

Methods of Obtaining Information

As part of this assessment, the EPA team should consider ways to obtain information that comply with all applicable legal requirements, such as those contained in the PRA and FACA.

For example, for Superfund sites, the EPA team may conduct community interviews to assess the underlying interest and concerns of community members, levels of awareness regarding the issues at hand, and identify ways people obtain information. (Note: This work is generally done under an Information Collection Request approved by OMB if more than nine entities are interviewed.) The EPA team may also connect with other EPA staff members or government partners about their experiences working with the specific community.

For each program, activity, or project EPA is planning to undertake, EPA teams should consider developing an email contact list, a U.S. Postal Service (USPS) mailing contact list, and a phone contact list,¹⁶ as appropriate for the project and as outlined below:

- **Email contact list.** Plans for an email contact list should include how to maintain the list (e.g., Microsoft Excel spreadsheet, a way for people to add or unsubscribe themselves, a strategy for how to advertise the email list, and a plan to manage this PII). Note that work email addresses may be subject to disclosure or release under the Freedom of Information Act (FOIA).
 - Consider a plan for how to send emails to people that allows for protection of individual email addresses.
 - Contact lists are usually created in an electronic format, such as a database, which allows for sorting on any field and is easy to update and expand. Information in contact lists usually includes name, address, phone number, and email address. Additional fields can be added as necessary.
- **USPS mailing contact list.** This list might be appropriate for smaller, place-based projects or places without access to high-speed internet. As of 2023, lists purchased from USPS are one-time-use lists.
 - Typically, EPA contractors can access mailing addresses for specific geographic areas to develop a base mailing list. A mailing contact list plan should include a mechanism to maintain the list (e.g., Microsoft Excel spreadsheet, GovDelivery), whether to have a way for people to add themselves, and a plan to manage PII, if the EPA team decides to include names of people along with the mailing addresses.
- **Phone contact list.** This list can also be appropriate for smaller, place-based projects, or as an accompaniment to larger projects. A phone contact list plan should include a mechanism to maintain the list (Excel spreadsheet, GovDelivery, etc.), a way for people to add or unsubscribe

Example methods of obtaining information:

- Interviews with key public officials
- Focus groups
- Social media
- Public meetings
- Questionnaires
- Other survey options

¹⁶ While preparing contact lists, EPA teams should be mindful of the Privacy Act. EPA teams may need to complete a Privacy Impact Assessment when collecting names and contact information unless there is an existing System of Record Notices. For questions related to EPA implementation of the Privacy Act, EPA teams may contact the Agency Privacy Officer.

themselves, and a plan to manage PII, if the EPA team decides to include names of people along with their phone numbers.

Databases can be used to quickly produce mailing labels or email lists. An organized and updated contact list that encompasses the community can play an important role in communicating with that community. EPA should consider updating each contact list periodically. These contact lists will be most effective if categorized by area of interest or geographic location. Contact lists may be used to send various EPA announcements, which can include notices of public meetings, hearings, field trips, and other outreach and engagement events; notices of available information, reports, and documents; and communications with members of the public who may be considered for advisory group membership and other activities. EPA may use postal mail, social media, and other avenues to disseminate information, as appropriate.

Legal Considerations when Obtaining Information

Personally Identifiable Information

EPA recognizes that efforts to obtain information raise privacy concerns as well as the need to comply with policies to protect PII. EPA is committed to protecting the privacy of individuals. Thus, it is EPA policy to not include an individual's name, email address, phone number, mailing address, or other contact information on a mailing list without explicit permission from that individual to be included on the list, or to use names and addresses collected for more than the intended purpose of disseminating information about that specific topic.

Privacy Act

The [Privacy Act](#) mandates how federal agencies maintain records about individuals. The law strives to balance the government's need to maintain these records with the individual's right to be protected from unwarranted invasions of personal privacy. For additional guidance on the [Privacy Act](#), EPA staff should consult with the Office of Regional Counsel or the Office of General Counsel and/or contact the Agency Privacy Officer.

Paperwork Reduction Act

EPA teams need to comply with the [Paperwork Reduction Act](#), which is a law governing how federal agencies such as EPA collect information from the public to minimize the public's paperwork burden.

The PRA minimizes the paperwork burden for the public resulting from information collection by or for the federal government.

The PRA requires federal agencies to obtain approval from the Office of Management and Budget (OMB) before using identical questions to collect information from 10 or more persons. If EPA decides to gather information, it must prepare an Information Collection Request (ICR) that describes the information to be collected, gives the reason the information is needed, and estimates the time and cost for the public to answer the request.

After reviewing the request, OMB may approve or disapprove the ICR, or define conditions for approval. Examples of information collections include surveys, permits, questionnaires, and reports.

Freedom of Information Act

FOIA exists to ensure an informed citizenry and provides the public the right to request access to records from any federal agency unless it falls under one of the nine exemptions and there is a foreseeable harm that would result from disclosure.” Members of public can submit FOIA requests to obtain information provided to the Agency by individuals, organizations, and partners throughout the public involvement process. EPA staff should hold early, transparent discussions about FOIA with public participants prior to seeking public input, exchanging information, obtaining recommendations, entering into collaborations or agreements, conducting community-based participatory research, and working together. Sharing EPA’s limitations with participants allows communities the ability to assess how they intend to share information or knowledge with the Agency prior to engagement, and it facilitates trust and relationship building. EPA staff should also be aware that a community may not wish to disclose information or may provide partial information to protect themselves.

EPA and the public can have successful and meaningful exchanges of information and open dialogue. For example, there are a broad range of collaborative mechanisms and communication methods that assist in the information exchange process, such as: sharing of ideas and experiences, facilitating personal interactions among individuals, participating in the activities of a group or community, building communities of practice, holding face-to-face small group discussions, and engaging in social interactions.

How to Create Contact Lists

EPA teams can construct lists of contacts using various methods, including, but not limited to, “sign-up” or “sign-in” sheets for individuals participating in workshops, community meetings, public events, and other events at which EPA is sharing information with potentially interested groups and individuals. EPA teams can also allow those contacts to request additional information.

Sign-up sheets can be a useful way to gather contact information. Contact list sign-ups can take many forms, including appearing in EPA documents (e.g., fact sheets, public notices, postcards, presentations, press releases), websites (e.g., project webpages, social media posts), and other material (e.g., sign-up sheets at meetings, in community newsletters).

- It is important to note that “sign-in” lists for public meetings can be subject to FOIA requests and releases. It is a best practice to manage these sign-in sheets after the meeting by having one list with PII and one without PII, or by noting or protecting any sheets with PII.
- The sign-up sheet should include a prominent notice at the top of each page informing those who sign it of how the list will be used.

Protecting PII on a sign-up list is critical. For example, EPA must be careful to not allow others to see information from other people. EPA contact lists should be organized by subject matter, program, or other activity and carefully managed to protect privacy. For additional protection, EPA could, for example, provide a QR code or a tiny URL that links a system that allows people to provide information on their own electronic devices.

Consider Providing Technical or Financial Assistance to the Public

Goals: (1) Improve public participation opportunities through providing technical or financial assistance, when available and appropriate, to partners, small local governments, and members of the public, and (2) build public capacity to understand complex technical issues and enable meaningful involvement in EPA decision-making processes to the extent authorized by federal financial assistance statutes and regulations and consistent with EPA's Policy for Competition for Assistance Agreements (EPA Order 5700.5A 1).

Substantial time commitments from the public may be needed to study, research, analyze, and provide feedback to EPA on technical or complex elements of EPA's work. EPA teams can flag any court or regulatory deadlines so the public understands time constraints and can raise the need for longer comment periods to ensure robust feedback can inform the EPA action.

To engage interested audiences—who may not have a technical or subject matter understanding of the topics addressed in EPA processes or regulations—EPA should consider identifying the topics or areas where the interested public might lack the necessary knowledge or resources (for example, understanding of technical information) to provide effective input, or where EPA should consider obtaining the services of experts to help provide meaningful involvement opportunities for the public.

Technical Assistance Needs Assessment

A [Technical Assistance Needs Assessment](#) can be a useful tool to identify whether a community may need additional support from EPA to understand technical information and enable meaningful involvement. A Technical Assistance Needs Assessment is strongly recommended whenever a community may require additional technical assistance so that EPA can tailor its assistance to the specific needs of the community.

Technical Assistance Methods

There are many ways to help members of the public participate meaningfully when they are not subject matter experts in the topic addressed by the specific EPA action. EPA can help determine which assistance methods may be most appropriate to the situation, consistent with applicable legal requirements. **There is not a one-size-fits-all approach or recommendation for every circumstance, and limitations may vary depending on availability of funds and resources.**

Financial Assistance

In limited circumstances, direct financial assistance in the form of cooperative agreements may be available for entities—such as community-based nonprofit organizations, federally recognized Tribes, local governments, and nonprofits that represent Tribal co-regulators—that are statutorily eligible to receive funding from EPA to enable them to participate in EPA's decision-making processes.

For example, depending on available EPA appropriations, authorizations, and other priorities, EPA may have authority to provide funds for public participation activities associated with rules under development, such as through Section 138 of the Clean Air Act, which establishes the Environmental and Climate Justice Block Grant Program.

In limited situations, EPA could consider providing financial support for travel and per diem for people who may be providing information and advice directly to EPA officials, as well as compensation for meeting time spent as a member of a [Federal Advisory Committee](#) through invitational travel orders authorized by 5 U.S.C. 5703.

There are criteria for providing financial assistance. EPA teams should consider:

- The applicable statutory authority for the proposed activity.
- The availability of appropriations for the financial assistance agreement under consideration.
- Whether the applicant adequately represents the interests of the interested and affected public.
- The applicant's ability to match resources, if required.
- The applicant's qualifications to accomplish the work.
- The ability of the activity to further public participation objectives and benefit the public.

However, funds for such purposes are generally limited. When EPA does provide funding, the primary purpose must be consistent with the [Federal Grant and Cooperative Agreement Act](#) (FGCAA), and one or more of EPA's statutes must provide appropriate authority for the funded activities. Note that EPA interprets the FGCAA to allow EPA to fund nonprofits that represent Tribal co-regulators to support and facilitate the involvement of Tribes in formulating EPA policies and programs that Tribes implement in Indian country. Additionally, EPA has determined that Clean Air Act Section 138(b)(2)(E) provides an exception to the FGCAA and authorizes EPA to fund cooperative agreements with community-based nonprofit organizations that facilitate the engagement of disadvantaged communities in EPA FACAs, rulemakings, workshops, and other public processes. Funding may include participant support for stipends and travel support, along with research and other professional services. These cooperative agreements may be awarded on a non-competitive basis in certain circumstances with approval from EPA's Office of Environmental Justice and External Civil Rights.

EPA may use certain authorities when covering costs associated with participating and considering compensation to the public for its time and expertise. Although EPA cannot fund the public directly, EPA teams may use mechanisms such as contracts, grants, or cooperative agreements as a vehicle to administer funds to or procure products or services for the benefit of eligible recipients.

When considering which funding mechanism is most appropriate for which compensation type, EPA may use existing and available mechanisms, such as grant funds already obligated to the administering program, to pay for a public speaker, panelist, or presenter contributing key information during an event. EPA may also consider existing legal authorities in determining whether the estimated costs for public compensation are eligible and classified correctly, such as differentiating between a sub-award and participant support costs. See Table 2.1 below for guidance on different compensation types.

Table 2.1. EPA compensation types for public participation.

Compensation Type	Examples	Legal Authority, Directives, or Executive Orders	Guidance
Invitational travel	Any speaker, trainer, panelist, presenter, or person contributing key information to the event by providing a service to EPA (excludes non-federal meeting participants and EPA staff and management)	5 U.S.C. 5703	Resource Management Directive System 2550B Official Travel (EPA Travel Manual)
Participant support costs	Includes stipends and travel assistance for trainees, non-federal meeting participants, or research project participants (requires prior EPA approval)	2 CFR 1500.1; 2 CFR 200.456 when coupled with statutory authority for EPA to award a grant or cooperative agreement	EPA Guidance on Participant Support Costs
Meals and refreshments paid for by cooperative agreement recipients at a meeting co-sponsored with EPA.		2 CFR 200.432 when coupled with statutory authority for EPA to award a cooperative agreement	Selected Items of Cost Guidance ; EPA cannot pay directly for meals and light refreshments at meetings
Caretaking	Childcare during public meetings (grants or cooperative agreements)	2 CFR 1500.1; 2 CFR 200.456 when coupled with statutory authority for EPA to award a grant or cooperative agreement	Questions i.1, i.2, and i.3 of EPA Subaward Frequent Questions (grant recipients)
Fellowship and internship programs		2 CFR 200.456 and 2 CFR 200.466 when coupled with statutory authority for EPA to award a grant or cooperative agreement for a fellowship or internship program	National Programmatic Term and Condition for Fellowship, Internship Programs, and Similar Programs Supported by EPA Financial Assistance (Participation Policy Term and Condition)

Compensation Type	Examples	Legal Authority, Directives, or Executive Orders	Guidance
Subsidies and rebates	Purchase or installation of pollution abatement technologies	2 CFR 1500.1 when coupled with statutory authority to fund grants or cooperative agreements for environmental stewardship program	EPA Guidance on Participant Support Costs
Accessibility services	Services for persons with limited English proficiency	Executive Order 13166	EPA Order 1000.32: Compliance with Executive Order 13166 (epa.gov)

This table provides a list of the legal authorities that enable EPA to provide financial assistance to eligible entities to support public participation in certain scenarios.

Additional ways for EPA teams to provide support to the public:

- Access to technical knowledge and personnel through grants to universities.
- Staff actions to connect community members or groups with other external networks that have relevant expertise.
- Financial assistance (e.g., grants, cooperative agreements) from EPA and the federal government to community groups.
- Contract support for technical assistance and capacity building (e.g. [Technical Assistance Services for Communities Program](#)).
- Use of online, in-person, and hybrid meeting tools and platforms.
- Translation, interpretation, and other accessibility support.
- Surplus computer equipment donations to parties who need internet access (see EPA's [Computers for Learning](#) program in response to [Executive Order 12999](#): Educational Technology Ensuring Opportunity for All Children in the Next Century).

Provide Information and Outreach

Goals: (1) Provide the public with access to accurate, understandable, pertinent, and timely information to facilitate effective public participation in EPA decision-making processes and (2) assist the public in understanding the reasons for EPA actions, the legal framework for decision-making, and the significance of the related technical data so the public can provide meaningful comments.

Where appropriate, EPA teams should consider creating an outreach plan with clear timelines and sequenced actions. This plan should be created according to overarching goals and with feedback from the intended audience.

The plan should identify the level of involvement, the objectives and goals, and the resources available, and it should outline expected processes and timelines for EPA to provide information and conduct outreach, including choosing from the activities below that are applicable to the action:

- Provide the public with adequate and timely information concerning an upcoming action or decision.
- Engage the public proactively and early in the decision-making process to allow input before the decisions are made.
 - An example is providing early outreach and sharing information before actions are proposed or funding opportunities are announced using requests for information, pre-proposal listening sessions, or Advance Notices of Proposed Rulemaking.
- Provide policy, program, and technical information to the public, as appropriate, at the earliest practicable times (e.g., before issuing a permit, letting communities know when the permit will be up for renewal) to enable those potentially affected or interested persons to make informed and constructive contributions to decision-making.
- If applicable to the action, develop an Indigenous Knowledge plan that identifies how EPA will consult with Tribal Nations and Indigenous Peoples to determine how Indigenous Knowledge may inform an EPA action.
- Provide information at places and at times that are easily accessible to the public, including online, user-friendly access to health and environmental data and information to provide access to relevant data and information.
 - Examples include project websites, news sources (e.g., community newspapers), listservs, religious networks, community centers or organizations, and the *Federal Register*.
- Develop information and educational programs so all levels of government and the public have an opportunity to become familiar with the issues, technical data, and relevant science behind the issues.
- Provide informational materials that clearly identify the role of the public in the specific decisions to be made. Create information in [plain language](#) that meets the intended audiences' reading needs. As part of a plain language review, staff should also include graphics and other visuals to clearly communicate information.
- Ensure effective communication with persons with limited English proficiency when providing information about programs, activities, and services that are accessible to English-speaking persons, consistent with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency, signed August 11, 2000. This communication may include translating written texts such as fact sheets, press releases, and reports, as well as providing interpretation services and accessibility for persons with disabilities for public outreach events such as public hearings or meetings.
- Maintain ongoing communication and outreach with the interested and involved public on particular EPA activities through periodic newsletters, listservs, or other means.

- Develop information in a way that makes it easy for external organizations and agencies to amplify EPA activities in their own way (if they choose to).
- Use interviews, focus groups, requests for information in the *Federal Register*, social media, questionnaires, or other survey options to find out levels of awareness, underlying interest and concerns, where people obtain information, and the need for tailored public education and outreach (in ways that comply with the PRA).
- Solicit interest through notices in the *Federal Register*; trade and trade association publications; local print, radio, cable, and television outlets; not-for-profit secular and religious publications; or the Internet or other electronic means.
- Ask those who attend events what, if any, interested community members and/or topics are missing from the discussion.
- Use other creative means that consider the community structure, spoken languages, local communications preferences, and locations (e.g., libraries, churches, schools, and other centers) where the community regularly congregates.
- Tailor information and activities to unique and culturally rich contexts by working with cultural informants, understanding relationships within and between community members and organizations, and respecting local and regional norms.
- Create external-facing webpages for the public to sign up for topics of interest to receive notifications regarding upcoming actions, webinars, or events.
- Create and maintain a separate inbox or email to receive “Contact Us” inquiries.
- Notify the public on how they can sign up to receive information from EPA via fact sheets, public notices, postcards, presentations, press releases, project webpages, social media posts, and other materials such as sign-up sheets at meetings or community newsletters.

Information and outreach programs should use appropriate communication tools and be tailored based on the public’s familiarity with the subject and means of access. The following approaches, among many others, may be used to convey information to the public:

- Publications, fact sheets, technical summaries, bibliographies, resource guides, relevant supporting documents, project websites, and other printed and electronic materials.
- Multimedia platforms to share information with the public, including social networking platforms.
- Electronic communications such as webpages and listservs.
 - Use of webpages, online dialogues, and chat rooms may need additional EPA approval and/or consultation with an information security officer.
- Public service announcements, articles, and news releases through local newspapers, radio, podcasts, and other media sources that reach the interested and affected public. EPA teams may include public affairs staff to assist with coordinating activities and communications.
- Educational publications, programs, or activities.
- Participation in conferences, fairs, festivals, workshops, meetings, community dialogues, or local study groups and tours of relevant sites and facilities.
- Telephone communications such as hotlines, clearinghouses, and toll-free comment lines.

Content of Outreach Materials

Examples of content for outreach materials may include, but are not limited to:

- Background information (e.g., statutory basis, rationale, specific goals).
- A timetable of proposed actions.
- Summaries of lengthy documents or technical material, if relevant.
- Alternative courses of action EPA may have considered, or preliminary determinations EPA may have made.
- Information on whether an Environmental Impact Statement or Environmental Assessment is or will be available.
- Information on where and when there will be opportunities for public engagement and how to participate in the process.
- The name and contact information (e.g., postal address, email address, telephone number) to reach EPA contacts for further information.
- Information on the social, economic, and environmental consequences of proposed decisions and alternatives prepared in connection with the proposed decision, as well as final decisions.
- Technical evidence and research methodologies explained in nontechnical language.
- If available, a list of technical assistance sources, advice, self-help manuals, or other publications that could be helpful to the public.

EPA may use fact sheets, news releases, summaries, and similar publications in print and digital formats to provide notice of availability of materials and to facilitate public understanding of more complex documents, but these resources should not be a substitute for public access to the complete documents.

When appropriate, EPA should provide information in more than one format and in multiple locations to match the public's needs. Formats can include printed documents, videos, infographics, and mobile-friendly applications. Some documents (e.g., confidential business information) are not available for public review. Before releasing certain documents that may be required to be protected from public disclosure, or for advice on whether a particular document must be protected from public disclosure, EPA staff and management should consult with the Office of Regional Counsel or the Office of General Counsel.

Notices to the Public

EPA may use a variety of communication mechanisms to distribute outreach materials, such as email lists, mailing lists, websites, social media, press releases, newspaper announcements, local media announcements, neighborhood bulletins, and local radio, as appropriate. The public should have adequate time and opportunity to receive and review the information before EPA conducts any additional public participation activities. Notices should include information about local repositories (e.g., address, hours of operation) or other information about access to all documents referred to in the notice, including the name of a contact person when appropriate, and be translated into the languages spoken in the area.

Timing of Public Outreach

To enable effective and meaningful involvement, EPA should announce public events well in advance of the planned date. EPA should plan to have outreach materials available with enough time for the public to have the opportunity to review materials and meaningfully participate throughout the process. The more complex the issue, the greater the need for clear information to be provided with adequate time for the public to provide informed input. Public outreach should be an iterative process to build trust and establish a relationship with the community. EPA often makes its materials available to the public by placing them in a public docket. Dockets are discussed in more detail below.

Repositories or Dockets

EPA should consider providing one or more central repositories of documents, reports, studies, plans, and other materials relating to significant issues and decisions in a location or locations convenient to the public. In some instances, EPA officials should consider establishing repository sites within the community, which could include a local library or a municipal building. When choosing the site for a document repository, EPA officials should consider accessibility, travel time, parking, transit, and availability during off-work hours. Copying facilities should be available at repositories. EPA officials are encouraged to determine the accessibility to the interested public and feasibility of electronic repositories. If the public has reasonably convenient, well-advertised electronic repositories, this tactic can achieve significantly enhanced accessibility at a modest cost.

A docket is a collection of documents made available by an agency for public viewing. Often associated with an opportunity for public comment, EPA dockets consist of materials related to a rulemaking or other action. These materials may include documents specifically referenced in the *Federal Register*, public comments received, and other information used by EPA to explain or support its decisions. Dockets are categorized as being either rulemaking or non-rulemaking dockets.

Non-rulemaking dockets (also known as general dockets) contain information on an agency process or action not related to the development of a rule. Non-rulemaking dockets contain varied materials available to the public on agency actions. Examples include *Federal Register* documents seeking public comments on draft guidance, policy statements, information collection requests under the PRA, and other non-rule activities.

The [EPA Docket Center](#), which has improved internal workflow processes and enhanced customer service and public access to information, also enables the public to access multiple program dockets and conduct cross-docket searches from one location. The EPA Docket Center features a Public Reading Room with the following services: computers for the public to access Regulations.gov public docket and comment system, scanners, copiers, and telephone lines.

Conduct Public Consultation and Participation Activities

Goal: Understand the interests and needs of the affected public and provide for the exchange of information and views and the open exploration of issues, alternatives, and consequences between the public and EPA teams responsible for the forthcoming EPA action or decision.

Public Consultation and Participation Activities

When conducting public consultations and participation activities, EPA teams should consider the following practices, as feasible and appropriate based on a range of factors, including the scope of the EPA action, budget, timing, and the defined “public”:

- Identify and select public consultation or participation processes appropriate for the scope of the decision and the time and resources available. When possible, consult or involve partners to ensure the approaches selected accommodate their needs, preferences, and resources, as well as EPA’s needs.
 - Note that no one public participation method will fit all situations; it is important to find ones that work for your EPA action.
- Consider using participatory science to advance public participation when formulating research questions and collecting data (e.g., environmental monitoring), as well as to help with emergency response actions, evaluation of air quality sensor technologies, data collection for specific communities, and environmental education.
- Notify the public of potential consultation and participation activities early enough so they have adequate time to obtain and evaluate information, consult experts, and formulate and express their opinions, options, and suggestions before an EPA action.
- When planning, perform public consultation and participation activities at times and places that are culturally appropriate and facilitate attendance and public participation.
 - When possible, consider time zones; schedule around other important meetings, events, or holidays that might be important to your key audience; and consult or involve the public to best accommodate the public’s scheduling needs.
- Consider a wide variety of public participation methods to provide people with different ways to become involved.
 - For example, schedule a series of the same meeting at different times or days of the week, issue a request for information or public comment in addition to meetings, provide a recorded presentation followed by a series of in-person and virtual question-and-answer sessions, or host an online open house event that is available for a longer period of time.
- Provide guidance, resources, training, and professional assistance in conducting public consultation and participation activities.

- Examples include providing the technical, scientific, and background information in a manner that allows partners to understand the relevant science for the issues under discussion.
- Consider the appropriate use of third-party facilitators or mediators in developing and implementing programs, projects, and activities.
- Be knowledgeable and ensure compliance with laws and regulations that could apply when consulting members of the public, such as FACA, PRA, and EPA’s Public Participation Regulations.¹⁷
- Ensure compliance with the PRA when collecting information from the public and ensure privileged information is not released.
- Ensure individuals with disabilities have and can request reasonable accommodations (e.g., interpreters, access to a virtual or physical meeting venue) to attend public hearings, meetings, or other events, in compliance with the [Rehabilitation Act](#) and the [Americans with Disabilities Act](#).
- Prepare the EPA team to be effective during public participation activities. There can be a large amount of work to prepare the team. If possible, consider consulting with key community leaders or other EPA staff and management who have worked in the community. Activities include creating an overarching communications strategy with key messages, timeline of activities, checklist of communications tools or materials needed to support activities, run-of-show documents with step-by-step instructions on how events will be structured (especially virtual webinars), and multiple dry runs of presentations, including practicing how to respond to tough questions or concerns. The EPA team should invest time in simplifying and clarifying messages to make them understandable to the key audience.
- Anticipate meeting accommodation needs. Public participation activities may warrant translation (written) or interpretation (spoken) services to address language-access needs and cultural considerations, as well as internet accessibility challenges. Note that all of this preparation requires intense advanced planning and appropriate timelines, especially for procuring resources and for reviewing and approving materials. Preparing weeks before the event is appropriate, and accommodation activities may include:
 - Ensuring that activity locations, including hybrid meetings, are accessible to people with disabilities and are accessible via public transportation.
 - Ensuring the event spaces have good acoustics and using microphones when speaking to more than 15 people.
 - Bringing printouts of presentations for those who may have difficulty clearly seeing a projector screen.
 - Translating meeting materials, ensuring Section 508 compliance of the materials, and sharing materials with the public before the meeting.

¹⁷ EPA’s Public Participation Regulations specify minimum requirements and suggested program elements for public participation in agency activities under the Clean Water Act, Resource Conservation and Recovery Act, and Safe Drinking Water Act.

Methods of Public Participation

EPA should work to maximize the use of existing resources as vehicles for public consultation and participation processes. The 20-plus [EPA Federal Advisory Committees](#) are such a resource. EPA established each of its Federal Advisory Committees to provide advice on a different aspect of environmental science, policy, or management. These committees are part of the EPA decision-making process and include members who are scientists, public health officials, businesspeople, private citizens, and officials at all levels of government. Approximately 1,400 individuals sit on these committees, bringing a variety of perspectives and expertise to the environmental consensus-building process.

EPA should consider a wide variety of public participation methods to effectively engage the public in the decision-making process. Using a collaborative agreement process or reaching consensus with partners is not required or practical in all decision-making processes.

The sections below provide general descriptions of public participation methods, including their purposes, common examples, and key actions. The following lists of public participation methods are not exhaustive; their variety demonstrates the need for EPA teams to be flexible and to obtain information that enables them to choose the appropriate techniques for each situation. EPA teams should also review EPA's detailed public participation manuals and guides when planning public participation activities.

Purposes of Information Exchange

- Enable the public and EPA to share data, ideas, views, and concerns.
- Allow EPA to obtain input from a wide range of partners.
- Compile a knowledge base of partners' interests, ideas, views, and needs, allowing EPA to better understand and consider the issues related to a particular decision.

Common Examples

- Input solicited from the public through public comment processes, meetings, or hearings.
- Interactive engagement that provides partners with opportunities to discuss their input with EPA in:¹⁸
 - Public meetings
 - Listening or availability sessions
 - Workshops
 - Interviews
 - Focus groups or surveys
 - Online dialogues
 - Other methods
- Public hearings and meetings that provide an opportunity for formal or informal public participation.
 - Public meetings and hearings should be part of an overall public participation process that offers the public additional opportunities to become informed and get involved.

¹⁸ Note: Most of these information collection activities may be subject to requirements of the PRA.

- **Important:** Before EPA decides a meeting is appropriate, clear goals should be identified and a meeting should be found to be the best tool to achieve those goals.
- Statutes and/or EPA regulations may require EPA to hold public hearings or meetings for the purpose of gathering public input on an EPA decision.
- Though certain practices may be required or are often used at public hearings and meetings (e.g., presenting information, providing an opportunity for questions and/or comments), procedures should not be so prescriptive as to discourage participation.
- When the subject of a public hearing, meeting, or other information exchange process relates to conditions or facilities in a specific geographic area, EPA should hold the public hearing or meeting in that general geographic area. If the subject of a public hearing, meeting, or other information exchange process relates to conditions or facilities in multiple geographic areas, EPA should consider other methods of engagement, such as online meetings or webinars.

Purposes of Recommendation Processes

- Solicit input from the public to inform an EPA decision-making process, especially for decisions on complex topics that have far-reaching effects.
- Identify and analyze various options, receive recommendations for creative solutions, and assess commonalities and differences among varied points of view.
- Obtain input from specific entities that can provide valuable technical expertise, information, or viewpoints that EPA should consider to make a sound decision.¹⁹

Common Examples

- Federal Advisory Committees established by EPA under FACA or other statutory or executive authority.

Federal Advisory Committee Actions

- EPA may choose to adopt the recommendations of a Federal Advisory Committee, but FACA does not require EPA to adopt or implement a committee's recommendations.
- EPA Federal Advisory Committees must be balanced in terms of the points of view represented and the functions the committee is to perform, as required by FACA.
- Per FACA, every public meeting of a Federal Advisory Committee provides opportunity for oral or written public comments, which may be considered in deliberations of the committee members.
- EPA should include directly impacted community members in a Federal Advisory Committee when appropriate.
- External technical committees (such as those conducted by the American Society for Testing and Materials), and various technical advisory groups, citizens' advisory groups, or panels that EPA does not establish, manage, or control may provide recommendations to EPA.

¹⁹ Collecting information or seeking advice from the public could be subject to requirements of the PRA and/or FACA.

Conflict Prevention and Resolution

[Environmental Collaboration and Conflict Resolution \(ECCR\)](#) or ADR tools, such as facilitation, support EPA's efforts to convene and conduct meaningful involvement activities or to resolve differences among various partners during information exchange and collaborative processes. To conduct ECCR or ADR activities, EPA obtains the services of neutral, trained facilitators and mediators who manage discussions between EPA and a set of well-defined partners. ECCR or ADR is most effective when there are a few highly involved and informed stakeholder groups who agree to participate in a dialogue through which they raise their concerns and seek to resolve a particular issue by consensus. EPA can use ECCR or ADR processes to encourage conflict prevention or resolution at any time during a decision-making process.

Content of Public Participation Activities

- EPA officials should clearly, and in plain language, identify the issues for discussion, negotiation, or decision before and during a public participation process. EPA should always be clear about how the public's input can influence a decision. Please refer to EPA's Public Participation Spectrum (Table 1.1) and the EPA team's promise to the public.
- EPA officials should clearly describe:
 - The type of public participation process planned.
 - The timeline of the process.
 - EPA's expectations for the outcomes of the process and the type of feedback EPA will provide.
- When possible, EPA should involve the public in determining the design of the public participation process.

Notices to the Public

- As feasible, early in the decision-making process, EPA should notify all partners and, when appropriate, the news media of opportunities to participate in the public participation process, as well as provide them with relevant information.
- In addition to legal notices and/or *Federal Register* notices, EPA officials should consider using other outreach methods to publicize public participation opportunities.
- Notices should, at a minimum, include:
 - A general description of the topics to be discussed
 - The time and date of the public participation activity
 - The location of the activity
 - EPA staff contact information
 - The role and expectations for the public
- Notices should also include requests for accommodations, such as American Sign Language or language interpretation, written in the expected languages of the key audience.
 - EPA officials should use multilingual notices of upcoming activities when appropriate and plan for interpretation services, as needed.

Timing of Public Participation Activities

- EPA officials should provide early advance notice of public participation processes so the public has adequate time to obtain relevant information, formulate their needs and interests, and obtain expert assistance if necessary.
- Minimum time frames for notification of public hearings and public meetings will vary according to any applicable regulations and the complexity of the issue.
 - For example, for non-adjudicatory public hearings held under 40 CFR Part 25, the regulations require EPA to provide at least 45 days' notice prior to the date of the hearing (unless other governing EPA regulations require more advanced notice), but that time may be reduced to 30 days if there are no substantial documents to be reviewed and no complex or controversial matters to be addressed at the hearing (40 CFR Section 25.5).
 - If the issues are unusually complex or involve review of lengthy documents, EPA teams may consider providing additional notice, such as 60 days' notice, if feasible.
 - EPA may further reduce or waive the hearing notice requirement in an emergency in which EPA determines there is an imminent danger to public health (40 CFR Section 25.5).
- When EPA holds a public comment period or a consultation process, EPA officials should make the relevant materials available and accessible to the partners at the beginning of the comment period or consultation process.
 - A minimum public comment period may be specified in a statute or regulation; however, EPA typically allows at least 30 days for public comment (or longer for complex issues or lengthy documents).
 - Program-specific notice requirements may apply. For example, the Comprehensive Environmental Response, Compensation and Liability Act requires that, regardless of complexity, EPA allow the public a minimum of 30 days to submit comments on proposed remedies and, upon a timely request, that EPA extend the public comment period by a minimum of at least 30 days (40 CFR Section 300.430(f)(3)).

Public Participation Activity Summaries

- FACA requires EPA to prepare detailed minutes of advisory committee meetings.
- In addition, some statutes also require a transcript of public comments in a public hearing or meeting.
 - Even when not required, EPA should generally make summaries of public hearings and public meetings available to participants and other interested parties.
- When appropriate and practicable, EPA should consider including additions or corrections that participants submit to the summary.
 - Time for such revisions should be built into the planning process by project leaders.
- In rulemaking proceedings, EPA should consider placing in the docket a summary of significant new factual information concerning a proposed rule received during informal meetings or conversations with outside parties.

- In non-rulemaking situations, it may be appropriate to document discussions that contribute information useful to EPA decision-making and ensure that information is available to the public.

Review and Use Input and Provide Feedback to the Public

Goal: Consistently earn and retain the public's trust as well as credibility for EPA's actions and consultation processes by evaluating and assimilating public viewpoints and preferences into final decisions, where appropriate and possible, and by communicating to the public the decisions made and how public input affected those decisions.

Gathering and using public viewpoints and preferences involves examining and analyzing public input related to scientific and other information relevant to the decision, considering if and how to incorporate that input into final program decisions, and carefully considering public views when making or modifying decisions. For each decision, EPA teams should consider information expressed by the public in determining how to best protect the public's health and the environment. EPA should demonstrate, in its decisions and actions, that it has appropriately considered public comments. Finally, when providing responses to solicited public input, EPA should communicate the decision to the public and discuss how the public's input influenced the final decision.

Reviewing and Using Public Input and Providing Feedback

1. **Review and use the information.** EPA teams should briefly and clearly document consideration of the public's views in responsiveness summaries, regulatory preambles, Environmental Impact Statements, or other appropriate documents. This should occur at key decision points. Unless inappropriate or otherwise precluded by law or regulations, each responsiveness summary (or similar document) should:
 - Briefly describe the action EPA initially proposed and why EPA determined such an action was needed.
 - Include a statement of the action that EPA took.
 - Briefly explain the public participation activity that EPA conducted.
 - Identify generally those who participated and their affiliation (either individually or as groups).
 - Describe the matters on which EPA consulted with the public.
 - Summarize the public's views, significant comments, criticisms, and suggestions.
 - Explain EPA's reasoning for the decision.
 - Indicate the influence public comments had on that EPA action.
 - When feasible, provide EPA's specific responses to each comment or group of comments; otherwise, discuss specific responses to significant issues raised in the comments. These responses should discuss how the comments resulted in EPA modifying the proposed action or explain why EPA did not accept comments made by the public.

2. **Provide feedback to the public.** EPA should provide an explanation to participants and interested parties about the outcome of the public's participation, such as how the EPA team considered the information and/or substantive responses to issues raised by the public. Some statutes and regulations contain requirements for responding to comments EPA receives on actions such as rules, permits, and cleanup plans.

Where practicable and where resources allow, EPA should mail or email a copy of the response, or information on how to easily obtain the response, to those who participated in the public participation processes, those who submitted comments, and others on the contact list. EPA can use press briefings and news releases where the number of commenters is so large that individual contact is not practical (e.g., where mass mailings have been received in response to a proposed nationwide rule). In appropriate cases, EPA can provide direct feedback in public meetings; if so, EPA should document the feedback. Appropriate feedback techniques will vary greatly depending upon the circumstances, with the goal to ensure that people who contributed significant input to EPA's decision-making process receive an acknowledgment from EPA where practicable.

Evaluate the Policy and Public Participation Activities

Goal: Evaluate the effectiveness of this policy and of public participation activities to ensure EPA is adequately practicing meaningful public participation in its actions.

Actions for Evaluating Public Participation Activities

EPA's Office of Environmental Justice and External Civil Rights (OEJECR) should evaluate and measure the Policy's effectiveness on a continuing basis, at least every five years. Each EPA team should evaluate the effectiveness of the public participation processes and activities for each of their projects on a continuing basis. EPA should make a summary of its evaluation available to the public on EPA's website in a timely manner. OEJECR should also conduct periodic, broad-based, EPA-wide evaluations to determine whether implementing this "Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy" improves the process of meaningful involvement and EPA actions. Evaluating EPA's success at meeting commitments of meaningful involvement will allow for opportunities to learn from and improve this policy. The feedback from EPA teams on the effectiveness of meaningful involvement strategies will inform the effectiveness of the policy.

Methods of Evaluation

Surveys, interviews, focus groups, and other tools should be used to evaluate whether public participation practices are being performed appropriately and have the intended effects (subject to the requirements of the PRA).

Evaluation Criteria

Three objectives of EPA's Meaningful Involvement Policy are focal points for the evaluation process on the effectiveness of the policy:

1. To provide guidance on **reasonable means to involve the public** in EPA actions.
2. To **build EPA staff capacity** to provide opportunities for meaningful involvement.
3. To **provide opportunities for meaningful involvement** to the public.

The evaluation criteria below refer to the approaches that evaluators can use to determine whether the public involvement practices incorporated in EPA projects will help to accomplish the three objectives mentioned above. Each criterion should be ranked using a scale method of 1 to 5, with 1 being the lowest rank and 5 being the highest rank.

1. **Efficiency.** The extent to which the public has access to the information they need to be informed and prepared to address their concerns.
 - Accessibility: The extent to which the public, especially those in hard-to-reach populations, can access and participate in the public participation process, and the availability of opportunities for public participation.
 - Engagement: The extent to which the public engages in the public participation process.
2. **Feasibility.** The extent to which the policy addresses meaningful involvement challenges.
 - Effectiveness: Effective public participation will make it easier for the public to contribute their input to EPA decisions, build public trust, and make it more likely that people who are most concerned with and affected by EPA decisions will support and implement them, or at the very least, understand EPA's decision.
3. **Impact.** The extent to which EPA considers and incorporates public input into EPA policies, projects, decisions, and more.
 - Durability: The extent to which public participation efforts are sustained over time, in terms of both longevity and consistency. The term also pertains to the durability of the Meaningful Involvement Policy itself, as well as EPA's ability to evaluate the policy.
 - Involvement: The extent to which the public is involved in decision-making or other public participation opportunities, including but not limited to the amount of input received.
4. **Transparency.** The degree to which EPA is transparent in its intentions, communications, and decision-making process, including responses to public feedback. (Note that EPA cannot share PII with the public.)
 - Practicality: The extent to which the evaluation procedures are practical given the time, resources, and expertise available.
5. **Equity.** The degree to which access to the public participation process (and influence in it) is available to segments of the public, specifically vulnerable and marginalized communities and community members.

Table 2.2. Evaluation criteria.

Objectives	Criterion 1: Efficiency	Criterion 2: Feasibility	Criterion 3: Impact	Criterion 4: Transparency	Criterion 5: Equity
To provide guidance on reasonable means to involve the public in EPA’s regulatory and program implementation decisions					
To build EPA staff capacity to provide opportunities for meaningful involvement					
To provide opportunities for meaningful involvement to the public					

This table serves as an example of how to evaluate the three objectives on this scale.

Section 3: Appendices

Appendix 1. EPA Public Participation Models

This appendix summarizes three alternative models for public participation that EPA teams may use when planning and engaging in meaningful involvement activities. The first model is EPA's Public Participation Model, which the Meaningful Involvement Policy incorporates in the EPA-wide approach to meaningful involvement. The second model, Environmental Justice Collaborative Problem-Solving Model, and the third model, the Community Action for a Renewed Environment Model, are summarized to provide additional means to approach meaningful involvement.

EPA's Public Participation Model

This iterative approach to helping achieve health and environmental protection includes seven stages that provide space for EPA teams to initiate or join the process at different stages (i.e., EPA teams may initiate a process from the beginning or join an ongoing effort), and move back and forth along the stages as new information becomes available along the way (e.g., EPA teams may have to adjust the budget after selecting additional delivery methods). The tools and approaches in this section will vary and should be adjusted to best fit the circumstances of each project or activity and the level of participation. The stages, which are not compulsory and do not all have to be used, include:

- Plan. Identify the EPA Action, Select a Level of Participation, and Secure Resources
- Identify the Public
- Consider Providing Technical or Financial Assistance to the Public
- Provide Information and Outreach
- Provide Opportunities For Public Consultation and Involvement Activities
- Review and Use Input and Provide Feedback to the Public
- Evaluate and Report Public Involvement Activities

Environmental Justice Collaborative Problem-Solving Model (CPS)

The CPS model outlines seven elements that are intended to be used iteratively. "Determining which elements to undertake, and in what order, can vary greatly depending upon the unique facts and circumstances surrounding each environmental and/or public health issue. Not all the elements are required to be used in every situation. Rather, the CPS model and its seven elements can be viewed as a 'toolbox' filled with different tools that can be used as needed" (CPS Model, page 5). The seven elements are:

1. Issue Identification, Community Vision, and Strategic Goal Setting
2. Community Capacity-Building and Leadership Development
3. Consensus Building and Dispute Resolution
4. Multi-Stakeholder Partnerships and Leveraging Resources
5. Constructive Engagement by Relevant Stakeholders

6. Sound Management and Implementation
7. Evaluation, Lessons Learned, and Replication of Best Practices

Community Action for a Renewed Environment Model (CARE)

The CARE Roadmap outlines a 10-step plan to improve community environment and health by looking at risk from a community perspective and encourages communities to take action to reduce risk as soon as possible. The 10 steps are:

1. Build a Partnership
2. Identify Community Concerns
3. Identify Community Vulnerabilities
4. Identify Community Assets
5. Identify Concerns for Immediate Action
6. Collect and Organize Information
7. Rank Risks and Impacts
8. Identify Potential Solutions
9. Set Priorities for Action and Begin Work
10. Evaluate Results and Become Self-Sustaining

Appendix 2. Resources

The purpose of this appendix is to provide a list of available resources, such as already existing public participation guides, toolkits, and manuals. It is not intended to be a comprehensive listing of all EPA resources that staff may find useful. It is provided for informational purposes and for the reader's convenience.

[EPA's Public Participation Guide](#)

EPA's Public Participation Guide provides tools for public participation and public outreach in environmental decision-making. This guide is organized to provide you with a clear overview of important considerations in the design and implementation of a meaningful public participation program, while incorporating fair treatment and meaningful involvement of all people regardless of race, color, national origin, sexual orientation, or income. It will help you identify some of the best practices in planning, skills, and behaviors that government agencies can use to design and implement meaningful public participation. It will also help you to recognize the difference between meaningful public participation and less valuable forms of public engagement. Most importantly, it will help you to select and design public participation programs to best meet the needs of your project and the publics you wish to engage. The guide is organized to provide basic information and ideas as well as useful links and a self-study guide.

[RCRA Public Participation Toolkit](#)

The RCRA Public Participation Toolkit is an online resource guide that presents a broad range of activities that RCRA site teams, community involvement staff, permitting agencies, public interest groups, community leaders, and facility owners/operators can use to design and promote public participation. The toolkit was designed to help users identify opportunities and methods for engagement throughout the RCRA public participation process. The variety of activities in the toolkit should fit any situation: from the formal regulatory process that EPA follows, to community-based discussion of RCRA issues, to events held by the facility owner or operator.

[RCRA Public Participation Manual – 2016](#)

The 2016 edition of the RCRA Public Participation Manual emphasizes public participation as a two-way dialogue. Public participation involves both getting information to interested partners and getting feedback from them in the form of ideas, issues, and concerns. The toolkit can help you think through questions as part of the process, such as: What do you want to accomplish? What is the appropriate level of public participation? What tools can be used? Which participants should be your target audience?

Modernizing Public Hearings for Water Quality Standard Decisions Consistent with 40 CFR 25.5 – 2019

This document provides suggestions for interested states and WQS-authorized Tribes on how they could modernize—that is, incorporate technologies into—their Water Quality Standards (WQS) public hearing process consistent with federal public hearing requirements at 40 CFR 25.5. This document does not impose any requirements on states or WQS-authorized Tribes. This document does not constitute a regulation, nor does it change or substitute for any Clean Water Act provision or EPA regulations.

Model Guidelines for Public Participation – 2013

This is an update to the 1996 NEJAC Model Plan for Public Participation. It is expected that this document will serve as a guide for not only federal agencies, but for all stakeholders who are engaged in public participation efforts and who seek to meaningfully engage environmental justice stakeholders in decision-making processes. Agencies should look to this document as a model when engaging communities, while also recognizing that not all communities are the same. The recommendations presented are not intended to be universally applied; rather, they should be customized for application based on the priorities and characteristics of each unique community.

Policy Guidelines and Checklist for Participatory Science Projects

This resource identifies existing policies that may be relevant to participatory science activities within EPA, although each policy identified in the guidelines may not be applicable to every project or activity. The document helps EPA staff and managers to understand key requirements and design considerations for EPA participatory science projects. EPA staff are encouraged to use the content of this document as they design, fund, and manage EPA participatory science projects.

Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) – 2006

Section C. Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs (Recipient Guidance) applies to recipients of EPA financial assistance pursuant to the prohibition in Title VI of the Civil Rights Act of 1964 against exclusion from participation in the recipient's programs and activities.

Environmental Justice and Civil Rights in Permitting Frequently Asked Questions, Questions 15 and 16 – 2022

Question 15: When and how should permitting programs conduct community engagement?

Question 16: How does tribal consultation differ from community engagement?

EPA’s Action Development Process – 2018

The purpose of this document is to ensure that agency actions are of consistently high quality, involve senior managers early in the development process, are supported with strong analysis and are developed via an open process. This document lays out the Action Development Process and tells you where to get additional information and guidance as you develop agency actions.

EPA’s “Learn About Risk Communication” Webpage

EPA developed the SALT Framework as a tool to help ensure EPA’s risk communication activities follow best practice and are strategically aligned with the needs of the Agency and the American public.

Environmental Collaboration and Conflict Resolution (ECCR) or Alternative Dispute Resolution EPA page

The Conflict Prevention and Resolution Center (CPRC) supports EPA’s regulatory, enforcement, and voluntary programs by providing ECCR services to the entire agency. ECCR is ADR focused on environmental conflicts.

EPA Docket Center

A docket is a collection of documents made available by an agency for public viewing, often in association with an opportunity for public comment regarding a rule or other agency action. EPA also creates dockets when engaging in non-rulemaking activities, such as issuing guidance or other non-rulemaking documents. These are called “general dockets.”

The Plain Language Action and Information Network (PLAIN)

PLAIN is a working group of federal employees from different agencies and specialties who support the use of clear communication in government writing. Their goal is to promote the use of plain language for all government communications. The group believes that using plain language saves federal agencies time and money and provides better service to the American public.

EPA Superfund Community Involvement Toolkit

On this page:

- [Community Involvement Toolkit](#)
- [Community Involvement Handbook](#)
- [Community Guides](#)
- [Other Resources](#)

EJ IWG Promising Practices for EJ Methodologies in NEPA Reviews (Meaningful Engagement on pages 8–11) – 2016

The Promising Practices Report is a compilation of methodologies gleaned from existing agency practices identified by the NEPA Committee concerning the interface of environmental justice considerations through NEPA processes.

Stakeholder Involvement and Public Participation – 2001

In the 1990s, EPA increased its efforts to involve the public by giving citizens, industry, environmental groups, and academics a much greater opportunity to play key roles in environmental decision-making.

With this report, EPA has taken a fresh look at Agency efforts to involve the public by reviewing formal evaluations and informal summaries from across the Agency that identify, describe, and/or evaluate Agency stakeholder involvement and public participation activities.

Community Action for a Renewed Environment Model (CARE)

The CARE Roadmap outlines a 10-step plan to improve community environment and health by looking at risk from a community perspective and encourages communities to take action to reduce risk as soon as possible.

National Pollutant Discharge Elimination System (NPDES): Applications and Program Updates – 2016

EPA Environmental Justice for Tribes and Indigenous Peoples and EPA Policy on Environmental Justice for Working with Federally-Recognized Tribes and Indigenous Peoples

This resource includes the sections:

- [Overview](#) of EPA's [Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples](#)
- [EJ Webinar Series for Tribes and Indigenous Peoples](#)
- [Implementation of the Policy](#)
- [EJ Tribal and Indigenous Peoples Advisors](#)
- [Development of the Policy](#)

Engaging Stakeholders in Your Watershed – 2013

This guide is intended for federal, state, tribal and local agency personnel, as well as nongovernmental organizations, that are involved in watershed management activities and are building a stakeholder group. The guide can also help private organizations interested in recruiting stakeholders and involving stakeholders in local or regional watershed efforts.

EPA Community-Port Collaboration Toolkit (e.g., Environmental Justice Primer for Ports) – 2020

The Community-Port Collaboration Toolkit is designed to help communities and ports develop collaboration skills and to enhance understanding of stakeholders' priorities and challenges associated with port-related activities. The Toolkit includes the Ports Primer for Communities, the Community Action Roadmap, and the Environmental Justice Primer for Ports along with associated training materials and worksheets.

Brownfields Stakeholder Engagement – 2016

EPA developed this Brownfields Stakeholder Forum Kit to enable communities to plan and sponsor effective brownfields stakeholder forums. It is intended to help localities and non-profit organizations engage stakeholders and establish partnerships to address brownfields and community revitalization issues in their communities.

Community Engagement Strategy Issues to Consider When Planning and Designing Community Engagement Approaches for Tribal Integrated Waste Management Programs – 2017

The Infrastructure Task Force Waste Programs Sub-workgroup Community Engagement Strategy provides guidance on the issues to consider when planning and designing community engagement approaches for tribal integrated waste management programs. It focuses on quality, effectiveness, process, and planning when designing engagement tailored to tribal integrated waste management and the range of stakeholders affected.

EPA Policy: National Programmatic Term and Condition for Fellowship, Internship Programs and Similar Programs Supported by EPA Financial Assistance – 2019

EPA Page: [Assisting People with Limited English Proficiency – 2017](#)

On February 23, 2017, EPA published the updated EPA Order 1000.32, “Compliance with Executive Order 13166: Improving Access to Services for Persons with Limited English Proficiency.” This order outlines necessary steps that the Agency needs to take to provide meaningful language access to limited-English proficient persons.

EPA Guidance on Participant Support Costs – Policy RAIN-2018-G05-R1 – 2020

EPA regulations at 2 CFR 1500.1 that took effect in November 2020 codify EPA’s policies on characterizing payments made to encourage participation in rebate, subsidy, and similar programs that promote environmental stewardship as participant support costs.

EPA Page: [Technical Assistance Needs Assessments \(TANAs\)](#)

The Technical Assistance Needs Assessment (TANA) is a site-specific process that identifies whether a community requires additional support from EPA to understand technical information and to enable meaningful community involvement in the Superfund decision-making process.

Federal Grant and Cooperative Agreement Act – 1977

The Federal Grant and Cooperative Agreement Act set out to guide government agencies in their use of Federal funds – particularly by distinguishing between contracts, cooperative agreements and grants.

EPA Federal Advisory Committees

EPA Memorandum [Restrictions on Communicating with Outside Parties Regarding Enforcement Actions](#) – 2006

Modernizing Public Notice for RCRA Hazardous Waste Permitting and Other Actions

This *Federal Register* notice provides EPA’s interpretation that the RCRA and EPA regulatory provisions that require newspaper notice for certain actions (e.g., permit issuance) can be satisfied by notice in qualifying online newspapers, as well as print newspapers. This notice further explains EPA’s view that the Agency in appropriate cases can authorize state regulations that provide for equivalent notice mechanisms other than newspaper publication for actions other than permit issuance (permit modifications, for example). See 86 Fed Reg 71482 (December 16, 2021).

Handbook on Effective Community Engagement In Challenging Contexts – 2020

This handbook is designed to serve as an easy reference tool for EPA staff interested in engaging effectively with communities around difficult public issues, especially in situations where scientific information may be incomplete, public concerns may be heightened, and/or authority or immediate action plans may be uncertain.

OIRA Memorandum Broadening Public Participation and Community Engagement in the Regulatory Process – 2023

This memo provides guidance to federal agencies on how to promote equitable and meaningful participation by a range of interested or affected parties, including members of underserved communities, during the regulatory process to the extent practicable and consistent with applicable law. It also establishes guidance for agencies to implement Executive Order 14094's call for proactive engagement to inform the development of regulatory agendas and plans with a focus on encouraging early engagement in agency priority-setting.

Appendix 3. Relevant EPA Guidance, Executive Orders, Statutes, and Regulations

Introduction

The purpose of this appendix is to provide a list of EPA guidance documents, executive orders, federal statutes, and regulations that are relevant to conducting public participation. It is not intended to be a comprehensive listing. EPA staff should not treat it as a substitute for reading the relevant statute, regulation, executive order, or guidance document or for consulting EPA attorneys in the relevant EPA legal office, such as the Offices of General Counsel or Regional Counsel. It is for the reader's convenience and for informational purposes.

The Achieving Health Equity Through EPA's Meaningful Involvement Policy complements and is consistent with recent executive orders (e.g., Executive Orders 13985, 13990, 14008, and 14096), the Administrator's Message on Transparency and Earning Public Trust (2021), the FY2022-26 EPA Strategic Plan, the EPA Equity Action Plan, the Deputy Administrator's Message on Participatory Science, and previous Executive Orders (e.g., 12898 on EJ, 13132 on Federalism, 13175 on Consultation with Tribal Governments, 13166, Improving Access to Services for People with Limited English Proficiency).

EPA's Intergovernmental Partners: A Key Public Constituency

The Office of Intergovernmental Relations employs the following methods/approaches to ensure that State and local government officials have opportunities to provide meaningful, substantive input into Agency decisions, processes, and actions.

Executive Order 13132, Federalism

Issued by President Clinton in August 1999, Executive Order 13132—Federalism—embodies principles similar to those put forth in the Unfunded Mandates Reform Act (UMRA) and stresses meaningful engagement with EPA's state and local government partners, especially in the context of rule development. EPA has a well-established process for conducting pre-proposal consultation with State and local governments through their representative national organizations when crafting regulations and policies potentially having Federalism implications (FI), defined as imposing substantial compliance costs on state and/or local governments or having preemptive effects on state and/or local law or policy. In fact, in 2008 EPA significantly lowered the economic impact trigger for determining FI, departing from UMRA's \$100 million threshold in intergovernmental costs and setting it at \$25 million nationally, in the aggregate, in gross (not net) state and local compliance or implementation costs in any given year. This change has had its intended effect of requiring the Agency to engage its intergovernmental partners more frequently in the development regulatory actions for which they have compliance or implementation responsibilities. It should be noted that Executive Order 13132 also

requires the Agency to develop a Federalism Summary Impact Statement (FSIS) to include with final actions determined to have FI. The FSIS is, essentially, an audit trail containing a substantive recounting of the most significant concerns raised by state and local governments during the course of rule development, both pre- and post-proposal, as well as a description of how the Agency addressed those concerns in the final rule.

In implementing Executive Order 13132, “Federalism,” EPA consults with state and local government officials early in the rulemaking process for rules with Federalism Implications, substantial direct compliance costs on state and local governments, and not required by statute, and rules with FI and that preempt state law. EPA provides state and local officials with opportunities to provide meaningful and timely input in the development of regulatory policies that have federalism implications, defined as regulations and other policy statements that have substantial direct effects on states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

EPA maintains close working relationships with the “Federalism Big 10 associations,” which include the National Governors Association, the National Conference of State Legislatures, the National League of Cities, the National Association of Counties, the United States Conference of Mayors, the County Executives of America, the International City/County Management Association, the National Association of Towns and Townships, the Council of State Governments, and the Environmental Council of the States. Likewise, EPA also works closely with associations representing career state and local government professionals, such as the Association of State Drinking Water Administrators, the National Association of Clean Air Agencies, the Association of State and Territorial Solid Waste Management Officials, the National Rural Water Association, and numerous others. These groups, in turn, work to ensure that their members’ perspectives, concerns, and recommendations are received by EPA decisionmakers early enough in the federal rulemaking process to meaningfully inform regulatory and policy outcomes.

Office of the Municipal Ombudsman

Established by statute in 2019, EPA’s Office of the Municipal Ombudsman is an *independent, impartial, and confidential* resource to assist municipalities/utilities in navigating clean water programs—including support in identifying sources of technical assistance, federal funding, holistic and integrated water planning assistance, potential Clean Water Act flexibilities, and more. The Municipal Ombudsman also serves internally as a liaison across the agency, advocates for fair processes on municipal issues (i.e., on rulemakings and guidance), provides an impartial perspective and acts in an advisory capacity on Agency activities, and helps to promote innovative Agency policies. The Ombudsman can assist in brainstorming federal funding options, facilitating discussions, sharing relevant contacts, and working to address systemic concerns on behalf of municipalities. Learn more about the Municipal Ombudsman at www.epa.gov/ocir/municipal-ombudsman.

Local Government Advisory Committee (LGAC)

The LGAC is an independent, policy-oriented advisory committee of locally elected and appointed officials that provide advice and recommendations to the EPA Administrator to assist the agency in ensuring that its regulations, policies, guidance, and technical assistance support and improve the

capacity of local governments to carry out critical programs. Specifically, the LGAC advises the EPA Administrator on:

1. How EPA's policies, procedures, and practices impact local government and how effective intergovernmental partnerships can help further the agency's mission in priority areas, including climate change, environmental justice, water quality and water infrastructure, innovation, energy, air quality, and community revitalization, among others.
2. Ways to improve performance measurement and disseminate new environmental protection techniques and technologies among local governments.
3. Improvements to program management and regulatory planning and development processes to involve local governments more effectively as partners in environmental management.
4. Ways in which EPA and states can help local governments strengthen their capacity to promote environmental quality.
5. Projects to help local governments deal with the challenge of financing environmental protection infrastructure.
6. Any changes needed to allow flexibility and innovation and to accommodate local needs without compromising environmental performance, accountability, or fairness. The LGAC also has a standing Small Community Advisory Subcommittee whose mission is to strengthen the capacity of small communities throughout the United States to improve and protect the health of their people and the environment.

Local Government Liaison

EPA's Local Government Liaison operation coordinates direct engagement between key EPA personnel and local government officials, both elected and unelected, representing demographically diverse cities, towns, and villages of all sizes and populations. Each year, hundreds of elected local government officials, including mayors, councilmembers, and county officials, as well as career environmental and public health practitioners, request and are provided opportunities to meet in person and via videoconference with EPA policy leadership to discuss a vast range of concerns and issue-interests. These officials often represent economically-challenged and marginalized communities that are seeking both funding and technical resources to support their priorities and, at times, guidance on pursuing environmental and public health policies that may be even more protective than federal "baseline" requirements for some programs. Local government principals who meet with EPA to discuss potential solutions to their immediate concerns regularly avail themselves of opportunities to build on these newly-established relationships, and often re-engage both Headquarters and EPA Regional personnel to present case studies, secure funding and technical support, and explore ways to work most effectively with their respective state agencies. EPA's local government liaisons also serve as the main points of contact between the agency and national intergovernmental associations such as the U.S. Conference of Mayors, the National League of Cities, the National Association of Counties, the African-American Mayors Association, the National Association of Latino Elected Officials, and the National Association of Regional Councils, effectively coordinating Agency participation in these groups' national conference events that bring together thousands of local government officials several times annually.

EPA Guidance

[FY 2022–2026 EPA Strategic Plan – March 2022](#)

Resource: [EPA Legal Tools to Advance Environmental Justice \(2022\)](#)

How EPA works is critical to achieving the goals in EPA’s Strategic Plan. EPA will renew its Tribal government-to-government relationships, expand its intergovernmental collaboration with state and local government partners, and reach out to the regulated community and key stakeholders. EPA is committed to improving on-the-ground community engagement, enhancing EPA collaboration with the business community, delivering high-impact environmental education programs, and increasing public trust and transparency.

Long Term Performance Goal (page 30)

By September 30, 2026, all EPA programs that seek feedback and comment from the public will provide capacity-building resources to communities with environmental justice concerns to support their ability to meaningfully engage and provide useful feedback to those programs.

Strategies (pages 34–35)

“Ensuring that EPA Decision Making Incorporates Meaningful Community Involvement and Analyses that Identify Disproportionate Impacts”: The knowledge attained from community engagement activities, along with other actions to consider more fully environmental justice and civil rights, must be regularly reflected and addressed throughout EPA’s documented decisions. EPA will build upon the many ways that programs and regions currently work with and in communities by elevating and expanding the use of coordinated and collaborative community-driven partnerships to address community priorities.

[EPA Vision for Participatory Science – June 2022](#)

EPA will strive to achieve a balanced approach in support of the full spectrum of participatory science projects. EPA plans to provide additional scientific support for community projects, increase the diversity of project participants, and address equity in project design. Through these actions, EPA will encourage co-created projects where scientists and communities work together.

EPA will work to advance community-based participatory science for all residents, focusing on local priorities and local perspectives, where communities are engaged in identifying concerns, project design and management, and follow-up actions.

[EPA Environmental Justice and Civil Rights in Permitting: Frequently Asked Questions – 2022](#)

Additional information may be found in the FAQ document.

When and how should permitting programs conduct community engagement?

- Community engagement should occur as soon as possible and should go far beyond simply posting public notices. With respect to permitting actions that could result in significant health, environmental and quality of life impacts, the stakes are often that much higher for communities with EJ concerns. The goal of community engagement is to ensure that the people most affected by the permit have input into the decisions that will impact their lives. Community engagement is an active process that requires permitting programs to be proactive in outreach to the public. While some of these activities are required to satisfy statutory obligations and comply with environmental justice directives, going beyond such requirements when called for is good government practice. Among other things, it builds ongoing relationships with community leaders necessary for a deeper level of engagement. Robust community engagement is crucial for making informed permitting decisions that meaningfully consider the site-specific circumstances of the permitting action.
- In addition, it is important that states and other recipients ensure that community engagement and other public participation actions be conducted consistent with the federal civil rights law, which require that no person shall be excluded on the basis of race, color, national origin, or other prohibited grounds from participation in any program or activity receiving EPA financial assistance.

How does tribal consultation differ from community engagement?

- Executive Order 13175: Consultation and Coordination with Indian Tribal Governments (November 6, 2000) calls for federal agencies to have an accountable process to ensure meaningful and timely input by tribal officials in the development of certain regulatory actions and policies that have tribal implications and describes important elements of consultation for certain regulations that have tribal implications.
- The EPA Policy on Consultation and Coordination with Indian Tribes calls for EPA to consult on a government-to-government basis with federally recognized Tribes on a broad range of EPA actions and decisions that may affect tribal interests. Tribal consultation is an important element of the federal government's trust responsibility that arises from treaties, statutes, executive orders, and the historical relations between the United States and Tribes. Conducting government-to-government tribal consultation is separate and distinct from EPA's obligations to involve the public as required by environmental laws.

Administrator Michael Regan's Message to EPA Employees on Transparency and Earning Public Trust in EPA Operations – April 2021

General Principles

In all its programs, EPA will provide for the fullest possible public participation in decision-making. This requires not only that EPA remain open and accessible to those representing all points of view, but also that EPA offices responsible for decisions take affirmative steps to solicit the views of those who will be affected by these decisions. This includes communities of color; Native Americans; rural communities; low-income communities; small businesses; local governments, Tribes, and states; and those who have

been historically underrepresented in EPA decision-making. Consistent with the goals laid out by President Biden in Executive Order 13985, EPA will also continually assess whether, and to what extent, our approach to public transparency perpetuates barriers to opportunities and benefits to people of color and other underserved groups, with a goal of delivering resources, benefits, and opportunities equitably to all. EPA will not accord privileged status to any special interest, nor will it accept any recommendation or proposal without careful, critical, and independent examination.

Rulemaking Proceedings

Public participation in agency rulemaking proceedings may take a variety of forms, including public hearings and meetings, workshops, forums, focus groups, surveys, roundtables, consultation, *Federal Register* notice-and-comment procedures, advisory committee meetings, informal meetings with interested parties, internet-based dialogues, and other opportunities for informal dialogue, consistent with applicable legal requirements. Consistent with President Biden's direction in Executive Order 13985, EPA will continuously evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based organizations, civil rights organizations, and other communities or groups that have been historically underserved by, underrepresented in, or subjected to discrimination by the federal government. I encourage staff to be creative and innovative in the tools EPA uses to engage the public in its decision-making.

EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples – July 2014

This policy affirms EPA's commitment to provide to federally recognized Tribes and Indigenous peoples in all areas of the United States and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Northern Mariana Islands, and others living in Indian country, fair treatment and meaningful involvement in EPA decisions that may affect their health or environment.

Guidance for Tribal Consultation

Presidential Memorandum on Uniform Standards for Tribal Consultation – November 2022

The purpose of this memorandum is to establish uniform minimum standards to be implemented across all agencies regarding how Tribal consultations are to be conducted. This memorandum is designed to respond to the input received from Tribal Nations regarding Tribal consultation, improve and streamline the consultation process for both Tribes and federal participants, and ensure more consistency in how agencies initiate, provide notice for, conduct, record, and report on Tribal consultations. These are baseline standards; agencies are encouraged to build upon these standards to fulfill the goals and purposes of Executive Order 13175.

White House Office of Science and Technology and Council on Environmental Quality Memorandum on Indigenous Traditional Ecological Knowledge and Federal Decision Making – November 2021

This new memorandum formally recognizes ITEK as one of the many important bodies of knowledge that contributes to the scientific, technical, social, and economic advancements of the United States and the collective understanding of the natural world.

Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships – January 2021

This memorandum reaffirms the Presidential Memorandum of November 5, 2009 (Tribal Consultation), which requires each agency to prepare and periodically update a detailed plan of action to implement the policies and directives of Executive Order 13175. Relatedly, tribal consultation under Executive Order 13175 strengthens the Nation-to-Nation relationship between the United States and Tribal Nations and charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications.

EPA Policy on Consultation and Coordination with Indian Tribes: Guidance for Discussing Tribal Treaty Rights – February 2016

The purpose of this guidance is to enhance EPA's consultations under the EPA Policy on Consultation and Coordination with Indian Tribes in situations where Tribal treaty rights may be affected by a proposed EPA action. Specifically, this guidance provides assistance on consultation with respect to EPA decisions focused on specific geographic areas when Tribal treaty rights relating to natural resources may exist in, or treaty-protected resources may rely upon, those areas.

EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples – July 2014

The EPA Policy on Environmental Justice for Working with Federally Recognized Tribes and Indigenous Peoples is designed to better clarify and integrate environmental justice principles in a consistent manner in the Agency's work with federally recognized Tribes and Indigenous peoples.

[EPA Policy on Consultation and Coordination with Indian Tribes – May 2011](#)

The EPA Policy on Consultation and Coordination with Indian Tribes establishes clear EPA standards for the consultation process. It defines when and how consultation takes place, designates EPA consultation contacts to promote consistency and coordination of the process, and establishes management oversight and reporting to ensure accountability and transparency.

Executive Orders

[Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All – April 2023](#)

Directs the Federal Government to build upon and strengthen its commitment to deliver environmental justice to all communities across America through an approach that is informed by scientific research, high-quality data, and meaningful Federal engagement with communities with environmental justice concerns. It defines “environmental justice,” “federal activity,” and “Tribal Nation.”

Sec. 3 Government-Wide Approach to Environmental Justice

Each agency shall, as appropriate and consistent with applicable law, provide opportunities for the meaningful engagement of persons and communities with environmental justice concerns who are potentially affected by Federal activities, including by providing timely opportunities for members of the public to share information or concerns and participate in decision-making processes and fully considering public input provided as part of decision-making processes. Agencies should seek out and encourage the involvement of persons and communities potentially affected by Federal activities by:

- (1) ensuring that agencies offer or provide information on a Federal activity in a manner that provides meaningful access to individuals with limited English proficiency and is accessible to individuals with disabilities;
- (2) providing notice of and engaging in outreach to communities or groups of people who are potentially affected and who are not regular participants in Federal decision-making; and
- (3) addressing, to the extent practicable and appropriate, other barriers to participation that individuals may face.

Each agency should provide technical assistance, tools, and resources to assist in facilitating meaningful and informed public participation, whenever practicable and appropriate.

Executive Order 14091: Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government – February 2023

This executive order targets specific barriers still faced by underserved communities by requiring federal agencies to integrate equity into planning and decision-making. It builds upon other executive orders and directives concerning equity and environmental justice.

Sec. 5. Delivering Equitable Outcomes in Partnership with Underserved Communities

Agencies must increase engagement with underserved communities by identifying and applying innovative approaches to improve the quality, frequency, and accessibility of engagement. Agencies shall, consistent with applicable law:

- (a) conduct proactive engagement, as appropriate, with members of underserved communities—for example, through culturally and linguistically appropriate listening sessions, outreach events, or requests for information—during development and implementation of agencies' respective annual Equity Action Plans, annual budget submissions, grants and funding opportunities, and other actions, including those outlined in section 3(d) of this order;
- (b) collaborate with OMB, as appropriate, to identify and develop tools and methods for engagement with underserved communities, including those related to agency budget development and rulemaking;
- (c) create more flexibilities, incentives, and guidelines for recipients of Federal funding and permits to proactively engage with underserved communities as projects are designed and implemented;
- (d) identify funding opportunities for community- and faith-based organizations working in and with underserved communities to improve access to benefits and services for members of underserved communities; and
- (e) identify and address barriers for individuals with disabilities, as well as older adults, to participate in the engagement process, including barriers to the accessibility of physical spaces, virtual platforms, presentations, systems, training, and documents.

Executive Order 14091 also further defined equity-related terms for the purposes of the order:

- “Equity” means the consistent and systematic treatment of all individuals in a fair, just, and impartial manner, including individuals who belong to communities that often have been denied such treatment, such as Black, Latino, Indigenous and Native American, Asian American, Native Hawaiian, and Pacific Islander persons and other persons of color; members of religious minorities; women and girls; LGBTQI+ persons; persons with disabilities; persons who live in rural areas; persons who live in United States Territories; persons otherwise adversely affected by persistent poverty or inequality; and individuals who belong to multiple such communities.

- “Underserved communities” refers to those populations as well as geographic communities that have been systematically denied the opportunity to participate fully in aspects of economic, social, and civic life, as defined in Executive Orders 13985 and 14020.

Executive Order 13985: Advancing Racial Equity and Support for Underserved Communities Through the Federal Government – January 2021

This order directs federal agencies to assess whether underserved communities and their members face systemic barriers in accessing benefits and opportunities available pursuant to their policies and programs.

Sec. 8. Engagement with Members of Underserved Communities

In carrying out this order, agencies shall consult with members of communities that have been historically underrepresented in the Federal Government and underserved by, or subject to discrimination in, Federal policies and programs. The head of each agency shall evaluate opportunities, consistent with applicable law, to increase coordination, communication, and engagement with community-based organizations and civil rights organizations.

Executive Order 13990: Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis – January 2021

This order declared the Administration’s policy to listen to science; to improve public health and protect our environment; to ensure access to clean air and water; to reduce greenhouse gas emissions; to bolster resilience to the impacts of climate change; and to prioritize both environmental justice and the creation of the well-paying union jobs necessary to deliver on these goals.

Executive Order 14008: Tackling the Climate Crisis at Home and Abroad – January 2021

This order focuses on securing environmental justice and spurring economic opportunity.

Sec. 219. Policy

To secure an equitable economic future, the United States must ensure that environmental and economic justice are key considerations in how we govern. That means investing and building a clean energy economy that creates well-paying union jobs, turning disadvantaged communities—historically marginalized and overburdened—into healthy, thriving communities, and undertaking robust actions to mitigate climate change while preparing for the impacts of climate change across rural, urban, and Tribal areas. Agencies shall make achieving environmental justice part of their missions by developing programs, policies, and activities to address the disproportionately high and adverse human health, environmental, climate-related and other cumulative impacts on disadvantaged communities, as well as the accompanying economic challenges of such impacts.

Executive Order 13790: Promoting Agriculture and Rural Prosperity in America – April 2017

This executive order established the Interagency Task Force on Agriculture and Rural Prosperity. The purpose and function of this Task Force have been to identify legislative, regulatory, and policy changes to promote agriculture, economic development, job growth, infrastructure improvements, technological innovation, energy security, and quality of life in rural America.

Partnership for Sustainable Communities – 2009

The Obama Administration's Partnership for Sustainable Communities is a federal interagency partnership between EPA, the U.S. Department of Housing and Urban Development, and the U.S. Department of Transportation with the goal of ensuring that these housing and transportation goals are met while simultaneously protecting the environment, promoting equitable development, and helping to address the challenges of climate change.

The Partnership makes sure agency programs are fair and inclusive. The Partnership for Sustainable Communities recognizes that effective decision-making about how and where growth occurs depends on understanding and properly addressing the unique needs of different socioeconomic groups. The partnership ensures the full and fair participation in its activities and programs by all potentially affected communities (page 13).

Executive Order 13352: Facilitation of Cooperative Conservation – August 2004

This executive order requires that the Secretaries of the Interior, Agriculture, Commerce, and Defense and the Administrator of the EPA shall, to the extent permitted by law and subject to the availability of appropriations, carry out the programs, projects, and activities of the agency that they respectively head that implement laws relating to the environment and natural resources in a manner that:

- a. facilitates cooperative conservation;
- b. takes appropriate account of and respects the interests of persons with ownership or other legally recognized interests in land and other natural resources;
- c. properly accommodates local participation in Federal decision-making; and
- d. provides that the programs, projects, and activities are consistent with protecting public health and safety.

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments – November 2000

Executive Order 13175 directs federal agencies to establish regular and meaningful consultation and collaboration with Tribal officials in the development of federal policies that have Tribal implications.

In addition, to the extent practicable and permitted by law, no agency shall promulgate any regulation that has Tribal implications, that (1) imposes substantial direct compliance costs on Indian Tribal governments, and that is not required by statute or (2) preempts Tribal law unless:

- Compliance costs incurred by the Tribes are provided by the federal government (in the case of an unfunded mandate); or
- Prior to the promulgation of the regulation, the agency:
 - Consults with Tribes early in the process of developing the regulation;
 - Provides a Tribal summary impact statement to OMB; and
 - Makes available to OMB any written communication by Tribes.

Executive Order 13166: Improving Access to Services for Persons With Limited English Proficiency – August 2000

This executive order requires federal agencies to examine the services they provide, and develop and implement a system by which persons with limited English proficiency can meaningfully access those services. It is expected that the agency system will provide for such meaningful access consistent with, and without unduly burdening, the fundamental mission of the agency. The executive order also requires that the federal agencies work to ensure that recipients of federal financial assistance provide meaningful access to their applicants and beneficiaries with limited English proficiency.

Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations – February 1994

This order lays a foundation for federal environmental justice and equity policies, directing each federal agency, to the greatest extent practicable and permitted by law, to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

It directs federal agencies to:

- Identify and address the disproportionately high and adverse human health or environmental effects of their actions on minority and low-income populations, to the greatest extent practicable and permitted by law.
- Develop a strategy for implementing environmental justice.
- Promote nondiscrimination in federal programs that affect human health and the environment, as well as provide minority and low-income communities access to public information and public participation.

Federal Statutes

Crowdsourcing and Citizen Science Act of 2016 – December 2016

This statute encourages the use of crowdsourcing and citizen science methods within the federal government to advance and accelerate scientific research, literacy, and diplomacy, and for other purposes.

Plain Writing Act of 2010 – October 2010

The [Plain Writing Act of 2010](#) requires that federal agencies use clear government communication that the public can understand and use. While the Act does not cover regulations, three separate executive orders emphasize the need for plain language: [12866](#), [12988](#), and [13563](#).

Unfunded Mandates Reform Act – 1995

The Unfunded Mandates Reform Act (UMRA) requires federal agencies to prepare a written statement, including a cost-benefit analysis, for proposed and final rules that may result in expenditures by state, local, and tribal governments (SLTG), in the aggregate, of \$100 million or more (adjusted for inflation annually) in any one year. Each agency shall, to the extent permitted by law, develop a process to consult with elected officers of SLTG, or their designated employees, to provide meaningful and timely input in the development of proposed rules containing significant federal intergovernmental mandates. The Act also requires agencies to identify and consider a reasonable number of alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule unless the head of the agency publishes an explanation of why that alternative was not adopted or adopting that alternative is inconsistent with law.

Section 203 of UMRA applies to all regulatory requirements that might significantly or uniquely affect small governments. Before establishing a requirement that might significantly or uniquely affect small governments, §203 requires federal agencies to develop a plan to:

- Provide notice of the requirements to potentially affected small governments.
- Enable officials of small governments to provide meaningful and timely input for any proposal containing significant federal intergovernmental mandates.
- Inform, educate, and advise small governments on compliance with the requirements.

The Paperwork Reduction Act (PRA; 44 U.S.C. Section 3501 et seq.) – 1995

One purpose of the Paperwork Reduction Act of 1995 is to minimize the paperwork burden for the public resulting from information collection by or for the federal government. It requires federal agencies to obtain approval from the Office of Management and Budget (OMB) before collecting information from 10 or more persons through identical questions or identical recordkeeping or

disclosure requirements. If EPA determined an information collection is subject to the Act, it must prepare an Information Collection Request (ICR) that describes the information to be collected, gives the reason the information is needed, and estimates the time and cost for the public to answer the information collection. After reviewing the request, OMB may approve or disapprove the ICR, or define conditions for approval. Examples of information collections that are generally subject to the Act include surveys, forms, program evaluations, and applications for benefits or grants.

Emergency Planning and Community Right-to-Know Act (EPCRA) – 1986 (Broadened in 2018)

Requirements in this statute cover emergency planning and “Community Right-to-Know” reporting on hazardous and toxic chemicals. The Community Right-to-Know provisions help increase the public's knowledge and access to information on chemicals at individual facilities, their uses, and releases into the environment. States and communities, working with facilities, can use the information to improve chemical safety and protect public health and the environment.

Section 2018 of the America's Water Infrastructure Act (AWIA), enacted on October 23, 2018, amended the emergency release notification and the hazardous chemical inventory reporting requirements of EPCRA. This new legislation requires state and tribal emergency response commissions to notify the applicable State agency (i.e., the drinking water primacy agency) of any reportable releases and provide community water systems with hazardous chemical inventory data. These requirements went into effect immediately upon the President signing the law.

Regulatory Flexibility Act/Small Business Regulatory Enforcement Fairness Act – 1980/1996

The purpose of the Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act, is to ensure that small businesses, organizations, and governmental jurisdictions (“small entities”) have a voice in the development of regulations that directly impact them, and that agencies consider how to fit regulatory requirements to the scale of the impacted small entities. The RFA requires that agencies determine, to the extent feasible, the rule's economic impact on regulated small entities, explore regulatory options for reducing any significant economic impact on a substantial number of such entities, and explain their ultimate choice of regulatory approach.

The Government in Sunshine Act (Sunshine Act; 42 U.S.C. 2996(g)) – 1976

One of several Freedom of Information Acts, this federal law ensures greater transparency in government, specifically stating that meetings of government agencies should be open to the public.

Federal Advisory Committee Act – 1972

The Federal Advisory Committee Act prescribes procedural requirements that agencies must follow when seeking collective advice from groups outside the federal government. Among other things, the statute directs agencies to hold meetings that are announced in advance and open to the public, formally charter its advisory committees, have balanced membership, and follow various reporting and recordkeeping requirements.

Coastal Zone Management Act – 1972

The major public participation requirements of this act include the following:

- Each state coastal management program must provide opportunities for public participation in all aspects of the program (i.e., public notices, opportunities for comment, nomination procedures, public hearings, technical and financial assistance, and public education).
- Public hearings must be announced at least 30 days in advance, and all relevant agency materials must be made available to the public for review beforehand.

National Environmental Policy Act (NEPA) – 1970

Under NEPA, federal agencies are required to prepare a detailed environmental impact statement (EIS) for all proposals that are “major Federal actions significantly affecting the quality of the human environment.” If an EPA action requires an EIS, the agency must in accordance with the NEPA, the Council on Environmental Quality NEPA implementing regulations (40 CFR Parts 1500–1508), and its own NEPA implementation procedures (40 CFR Part 6):

1. Publish a notice of intent in the *Federal Register* to inform the public that an EIS will be prepared and to formally announce the beginning of the scoping process and ensure that the scoping process for an EIS allows a minimum of 30 days for the receipt of public comments.
2. Prepare and publish the draft EIS.
3. Respond to public comments on the draft EIS.
4. Prepare and publish the final EIS, which contains the Agency’s responses to comments received, as well as the preferred alternative.

EPA may conduct one or more public meetings or hearings on the draft EIS as part of the public involvement process. If meetings or hearings are held, the draft EIS must be made available to the public at least 30 days in advance of any meeting or hearing.

Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA): Public Comment Period Requirements – 1947

The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) is the federal statute that governs the registration, distribution, sale, and use of pesticides in the United States. EPA reviews each registered

pesticide at least every 15 years to ensure that each pesticide can carry out its intended function(s) without creating unreasonable adverse effects to human health and the environment. EPA publishes a notice in the *Federal Register* announcing the availability of the docket and providing the public with a comment period of at least 60 days. Anyone may submit data or information to the public docket. EPA considers the information received during the comment period and then develops a Final Work Plan.

Administrative Procedure Act (APA) – 1946

The APA is the principal statute governing public participation in federal agency decision making, including the development of agency regulations via informal (i.e., notice and comment) rulemaking. The APA defines “rulemaking” as the process by which a rule is formulated, amended, or repealed.

To formulate, amend, or repeal a rule via informal rulemaking, the APA requires an agency to:

1. Develop a general notice of the proposed rule, including the time, location, and nature of public rulemaking proceedings, the legal authority under which it is proposed, and either the terms or substance of the proposed rule or a description of the subjects and issues involved.
2. Publish the proposed rule in the *Federal Register*.
3. Allow the public to submit written comments on the proposed rule.
4. Consider all relevant matter presented.
5. Publish the final rule in the *Federal Register*.

The APA also imposes requirements for engaging in formal rulemaking, which occurs when a statute requires a rule to be made on the record after the opportunity for an agency hearing. In addition, the APA includes the provisions of the Freedom of Information Act, the Privacy Act, and the Government in the Sunshine Act.

Due Process Clause of the U.S. Constitution – 1791

The Due Process Clause of the Fifth Amendment of the U.S. Constitution requires the federal government to practice equal protection.

Title 40 of the CFR - Protection of Environment

National Oil and Hazardous Substances Pollution Contingency Plan (NCP): Community Relations – 1968 (Broadened in later years)

The Comprehensive Environmental Response, Compensation, and Liability Act NCP has a number of provisions related to community involvement in response actions. For example, Subpart E – Hazardous Substance Response, Section 300.430 – Remedial Investigation / Feasibility Study and Selection of Remedy states:

The lead agency shall provide for the conduct of the following community relations activities, to the extent practicable, prior to commencing field work for the remedial investigation:

- (i) Conducting interviews with local officials, community residents, public interest groups, or other interested or affected parties, as appropriate, to solicit their concerns and information needs, and to learn how and when citizens would like to be involved in the Superfund process.
- (ii) Preparing a formal community relations plan (CRP), based on the community interviews and other relevant information, specifying the community relations activities that the lead agency expects to undertake during the remedial response. The purpose of the CRP is to:
 - (A) Ensure the public appropriate opportunities for involvement in a wide variety of site-related decisions, including site analysis and characterization, alternatives analysis, and selection of remedy;
 - (B) Determine, based on community interviews, appropriate activities to ensure such public involvement, and
 - (C) Provide appropriate opportunities for the community to learn about the site.

Other examples include 40 CFR 300.155 (“Public Information and Community Relations”); 300.415(n) (relating to community relations for removal actions); and 300.435(c) (relating to community relations for the remedial/design/remedial action and operation and maintenance stages of a remedial action).

40 CFR Part 124: Procedures for Decisionmaking

Authority: Resource Conservation and Recovery Act, [42 U.S.C. 6901 et seq.](#); Safe Drinking Water Act, [42 U.S.C. 300f et seq.](#); Clean Water Act, [33 U.S.C. 1251 et seq.](#); Clean Air Act, [42 U.S.C. 7401 et seq.](#)

This part includes requirements that EPA issue public notice, invite public comment, and hold public hearings on certain draft permits. EPA will also assemble an administrative record, respond to comments, issue a final permit decision, and allow for administrative appeal of the final permit decisions. There are public participation requirements applicable to all RCRA hazardous waste management facilities.

40 CFR Part 25: Public Participation in Programs Under the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act

Authority: Sec. 101(e), Clean Water Act, as amended ([33 U.S.C. 1251\(e\)](#)); sec. 7004(b), Resource Conservation and Recovery Act ([42 U.S.C. 6974\(b\)](#)); sec. 1450(a)(1), Safe Drinking Water Act, as amended ([42 U.S.C. 300j-9](#)).

This part sets forth minimum requirements and suggested program elements for public participation in activities under the Clean Water Act (Pub. L. 95–217), the Resource Conservation and Recovery Act (Pub. L. 94–580), and the Safe Drinking Water Act (Pub. L. 93–523).

It includes the sub-sections:

- § 25.4 Information, notification, and consultation responsibilities.
- § 25.5 Public hearings.
- § 25.6 Public meetings.
- § 25.7 Advisory groups.
- § 25.8 Responsiveness summaries.
- § 25.9 Permit enforcement.
- § 25.10 Rulemaking.
- § 25.11 Work elements in financial assistance agreements.
- § 25.12 Assuring compliance with public participation requirements.

EPA Implementing Regulations of [Section 504 of the Rehabilitation Act of 1973](#), at 40 C.F.R. Part 12: “Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the Environmental Protection Agency” – 1973

Part 12 of EPA’s regulation prohibits EPA from discriminating against persons on the basis of disability in programs and activities conducted by EPA and provides that qualified persons with disabilities may not be “excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.” Thus, EPA must provide meaningful access to its services, programs, and activities for persons with disabilities, including during public involvement.

Strengthening Enforcement in Communities with Environmental Justice Concerns

In his message to employees on Wednesday, April 7, 2021, the Administrator directed all EPA offices to “strengthen enforcement of violations of cornerstone environmental statutes” in communities overburdened by pollution.