

Community Involvement in Protecting the Environment: The Role of Restoration Advisory Boards (RABs)

Dr. Ross Prizzia

University of Hawaii West Oahu

96-129 Ala Ike

Pearl City, HI, USA

rprizzia@hawaii.edu

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ABSTRACT

Central to the theme of this article is the exploration of innovative community-based approaches to environmental management that focus on citizen participation. Provided is a description of community involvement in the context of environmental protection, focusing on the role of community-based Restoration Advisory Board (RABs). Also provided is an overview of the role the Environmental Protection Agency (EPA) in the development and evolution of community involvement plans and citizen demands for increased participation in communities directly affected by environmental degradation and contamination. Examples of effective involvement of RABs in community-based collaborative decision-making at several U.S. military installations are also included.

“In a democracy, the highest office is the office of the citizen”.
Supreme Court Justice Felix Frankfurter

Introduction

Most people would not dispute that, in a democracy, citizens have a right to participate in the decisions which affect them. However there are wide-ranging views on what form that participation should take. A managerial perspective entrusts elected representatives and their appointed administrators with identifying and pursuing the common good (Laird, 1993). While knowledge of public preferences is vital to a managerial approach, the direct involvement of the public in decision-making is seen as a threat to the common good because it opens the door to self-interested strategic behavior. A pluralist perspective views government, not as a manager of the public will, but as an arbitrator among various organized interest groups. In pluralism, there is no objective “common good” but a relative common good arising out of the free deliberation and negotiation among organized interest groups (Williams and Matheny, 1995). The popular perspective calls for the direct participation of citizens, rather than their representatives, in making policy. Popular democratic theory stresses the importance of direct participation in instilling democratic values in citizens and strengthening the body politic.

Each perspective favors a different form of participation. The managerial perspective may favor a survey while the pluralist perspective favors stakeholder mediation, and the popular perspective favors a citizen advisory group.

In the context of protecting the environment, there is also the need to reconcile differences in perspective to achieve a balance of increased participation, greater expertise, and efficiency in the decision-making process. Moreover, because most environmental decisions are concerned with establishing rights and responsibilities over the use of common natural resources (such as water, land, air and biodiversity) environmental laws must require substantial rights of public participation to provide checks and balances on administrative government and to

improve the quality of decisions. Public participation can also enable advocacy on behalf of interests not normally represented (Spyke, 1999).

Community involvement in protecting the environment of their impacted community and related environmental issues is generally supported for its potential to provide low-cost sources of information to government agencies, increased acceptance of and confidence in government decisions, empowered community members on issues that affect them and advancement of democratic ideals (Fiorino, 1990, 2000; Heinman, 1997; Shepard and Bowles, 1997; Spyke, 1999; Chess, 2000). Moreover, community involvement by local residents can result in the collective transition from victims to agents of change (O'Rourke and Macey, 2003).

The Superfund Community Involvement Program

In 1980, when Congress enacted the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, it also created the legal mechanism for cleaning up abandoned or uncontrolled hazardous waste sites. Since 1980, requirements to increase legislation has broadened community involvement in all Superfund actions taken by the U.S. Environmental Protection Agency (EPA). This included official memos from EPA directors in 1991 (OSWER, 1991) and 2000 (Federal Register, 2000) and culminating in the EPA memorandum of October 12, 2001, to all Superfund national managers in regions 1-10 requiring "early and meaningful community involvement" (EPA, 2001). The 2001 memo identified four key practices (EPA, 2001):

1. Listen carefully to what the community members are saying
2. Take the time to deal with community concerns
3. Change planned actions where community input has merit
4. Explain to the community what EPA has done and why.

While the 2001 memorandum was an improvement over previous practices many community activists directly affected by government projects which contaminated their community still had problems with how these practices were going to be enforced and with the wording of practice number 4 above. In too many communities, community participation meant informing the community after all the permits have been given, and just as the operation is about to begin (Pellerano, 2004).

By 2003, the EPA required community participation in the Superfund process and that citizens concern be identified and met through a written Community Involvement Plan that included citizen participation in decisions on how contaminated sites will be used after they are cleaned up (US EPA, 2004). Community concerns are usually represented in a Community Involvement Plan and data is routinely collected from a variety of sources. The Pearl Harbor Naval Complex Community Involvement Plan (PHNC CIP) includes the results of interviews conducted from 2002-2003. During these interviews, members of the community were asked to identify personal or community concerns related to the environment and restoration activities being conducted at Pearl Harbor Naval Complex (PHNC). Some respondents also provided suggestions to improve interactions between the Navy and local communities (PHNC CIP, 2004).

Although CERCLA did not apply to military installations, the Department of Defense (DOD) adopted its provisions as a pattern for environmental cleanups by Department of Navy (DON)

and the other military components, known as the Installation Restoration Program (IRP). Among the seven major goals of DON for the Installation Restoration Program to accomplish its mission is to “involve local communities in the Installation Restoration Program. Establish Restoration Advisory Boards (RABs)”, encourage stakeholder participation, make information available in a timely manner, encourage public input, and consider all comments in the decision-making process.” (Don, 2003) The DON 2003 report claims that the 91 Restoration Advisory Boards (RABs) at active and closing Navy and Marine Corps installations help provide for a safe environmental and community support by turning “concerned citizens into motivated allies” in improving the DON restoration efforts. (DON, 2003)

What is a Restoration Advisory Board?

Restoration Advisory Boards (RABs) provide a forum for effective two-way communication among community members, the DOD and regulatory agencies. RAB members are a valuable information resource for the community. The primary purpose of the RAB is to represent the interests of the general public and to serve as a community point of contact.

The Restoration Advisory Board is comprised of local community members, environmental regulators, local government representatives, DOD representatives, and other interested parties. Community members selected for the RAB reflect the diverse interests within the local community. RAB members should live and/or work in the affected community or be impacted by the environmental restoration program.

The formation of a Restoration Advisory Board encourages community participation in the cleanup process. RABs provide community members and other stakeholders the opportunity to have meaningful dialogue with and provide advice and recommendations to DOD environmental officials. Together, the DOD, the Restoration Advisory Boards, the regulators, and the public work toward a common goal.

The roles and responsibilities of the Restoration Advisory Board includes that members act as the focal point for two-way communication with the public by relating community concerns to the DOD which then communicates back to the community.

Each Restoration Advisory Board is chaired by two people, a Navy and community representative. RAB members are expected to:

- Act as a resource to the community,
- Increase community understanding of and support for DOD’s cleanup program,
- Provide advice on cleanup activities,
- Recommend priorities among sites or projects, and
- Participate in regular meetings.

Despite the resurgence of interest in public participation, there remains a lack of consensus on what public participation is supposed to accomplish. Are participatory programs intended to empower disenfranchised groups or to make it easier for government agencies to implement their programs? Is a program successful if it simply involves more of the public, or should it have to result in demonstrably better decisions? The DON, through the participation of community-based RAB members, seems to suggest that their goal is to accomplish both community input and better decision in the military “cleanup” efforts. (DON, 2003)

The DON 2003 report promoting community involvement in the form of Restoration Advisory Boards (RABs) is departure of a legacy of the widely discredited “decide, announce, and defend” approach to environmental decision-making in which the government agencies confront the public only after determining a course of action.

Generally, there has been an increase in the importance of the public’s role in environmental decision-making. The National Research Council (NRC) concluded that public involvement is critical to ensure that all relevant information is included, that it is synthesized in a way that addresses parties’ concerns, and that those who may be affected by a risk decision are sufficiently well informed and involved to participate meaningfully in the decision” (NRC, 1996)

However, citizen participation in the policy process of environmental law, such as formal comments, public hearings, and citizen suits, have proved inadequate to effectively meet the challenge of constructively involving the public. Efforts at many levels of government show a commitment to moving beyond formalized approaches to public involvement. The Environmental Protection Agency, Department of Energy, and Department of Defense have initiated over 200 citizen advisory groups at contaminated sites around the country (FFER, 1996); a number of states have incorporated public involvement into comparative risk efforts (WCED, 1997); and public advisory groups have become important components of EPA’s environmental justice activities, place-based decision-making efforts, and reinvention programs (Davies and Mazurek, 1998; Mlay, 1996; NEJAC, 1996; NAPA, 1997).

Also, national research reports have discussed at length the subjectivity of even the most technical tools of environmental decision-making—risk assessment and cost-benefit analysis (NRC, 1996; PCRARM, 1997). Policy initiatives aimed at regulatory flexibility, such as EPA’s Project XL, have underlined the need to introduce social values into deliberations when making tradeoffs among risks which are difficult to compare using standard decision tools (e.g. reducing cancer risk from airborne toxics versus conserving fresh water).

Integrating Social and Scientific Information

The EPA inclusion of social values in the form of social information in the environmental policy making process is an important step in advancing the role of citizen participation. Social information can and often mitigates and provides a context for scientific information. A precautionary principle which provides both social and scientific value is non-acceptance by the EPA, scientific community, and affected community unless there exist scientific proof that any action by a potential polluter and/or by an existing polluter is safe. All too often “cleanup” of waste caused by the Department of Defense is considered by a standard of only “intended use” (e.g. industrial) as opposed to a return to its previous form or highest use (e.g. residential).

To insure that social values and essential social information is included in the early stages of the policy making process, communication with community and all affected stakeholders must be established, early and often, in the planning stage before the final decisions are being made. Moreover, an essential part of the planning stage of any DOD cleanup should begin with the question “does the proposed solution protect the community?” Research has shown that citizen input at the community level at the front-end is the most effective in the clean-up process in the long-term. Enlightened commanders who have used their discretionary power to allow front-end community input at several military installations have benefited by this more collaborative decision-making process.

Collaborative Decision-Making

More meaningful roles for citizen participation in the environmental process evolved in the form of “collaborative decision-making” at several military installations where RABs were involved. In one such case, RAB members at the Kelly Air Force Base in San Antonio were perceived to be controlled by the military representatives at RAB meetings; resulting in some serious health issues being ignored. Pressures from concerned community groups outside the RAB resulted in a collaborative “Round Table” that included RAB members, representatives of community groups, environmental scientist paid with EPA/DOD Technical Assistance Program (TAP) grant money, and representatives of the Air Force Base Commanders. This “Round Table” facilitated citizen-based decision-making, resulted in a DOD \$5 million allocation for a community-based health and wellness center, and “front-end” input for RAB and other community representatives on future military clean-up decision-making involving Kelly Air Force Base.

Another example of successful collaboration occurred at the Savannah River Naval Base Clean-up site in Savannah, Georgia where plutonium and other poisonous chemicals were discovered in the water. The most severely affected groups by cancer and other serious health problems were low-income minorities. Collaboration in this case involved forming an alliance that included the RAB members, scientists supported by TAP funding, community leaders, and volunteers from various environmental organizations. This new alliance facilitated education and communication and helped promote community-based empowerment for “front-end” participation in future military clean-up decisions at the Savannah River site. This was made possible with the assistance of the Community, Science and Environmental Program (CSEP), formerly known as Milwaste, a non-profit organization based at Mount Holyoke College in Massachusetts, which promotes the collaboration of the scientific community, RABs and community leaders of affected communities in the military clean up of wastes. At a conference sponsored by CSEP in June 2003, at the University of Massachusetts, it was proposed that the “best practice” collaborative model should include:

1. An overall purpose to democratize military decision-making in the clean-up process.
2. A review of collaborative experiences that have worked in other communities.
3. Alternate systems of assessment of risk involving community-based “independent” scientists and early engagement by community representation in the decision-making process.
4. The drafting of new public laws to create and fund paradigm shift in the process that includes citizen input in decision-making at every level of the policy making and cleanup process.
5. Recognition of all stakeholders as equal partners at the “round table” meetings.
6. Creation of a Citizen Advisory Team (CAT), which includes representatives of the EPA, DOD, Scientific community, contractors, and RAB members, and all relevant community leaders who would participate in the initial sensitive “backroom” procurement issues.
7. Creation of a political action group to promote change in legislation and secure media support through establishing with local reporters, providing media access to affected groups and people with stories, and the use of “site tours”.

One such example is that of Spring Valley, Washington, D.C. a 660-acre site formerly used by the DOD during World War I (1917-1918) as a firing ground to test various weapons including mustard gas in mortar shells. This site eventually became the part of the present site of the American University and Hospital. Sample tests were made in 1988, and clean up followed with short-term monitoring after which it was determined that site was successfully “cleaned-up” and safe. However, it was later determined that there occurred a change in the landscape which was not accounted for in designated deep and shallow samples. A new clean-up effort was requested by the affected community. As is the situation in many such cases, the DOD preferred resumption of Institutional Controls (IC) in the form of monitoring rather than a new clean up.

Citizen Participation and Institutional Controls (IC)

Decisions involving the use of Institutional Controls (IC) should include a community’s right to participate at level of the process of planning and implementation. In this context of short-term and long-term “principle threat wastes”, IC should not be promoted as a way around treatment but rather an adjunct to treatment. The process of planning and implementation of IC should accommodate site-specific vs. facility-wide differences, as well as on-site vs. off-site variations. All too often, IC is conducted by modeling rather than monitoring on-site. There are many examples which demonstrate the ineffective use of IC because of the lack of community-based information which escaped the controls. In several of these cases what was not monitored proved to be the most damaging in the long-term. There is growing evidence that the Spring Valley experience is not an isolated case and that the DOD is increasing its efforts to have more IC and less clean-up, even though there is compelling evidence that IC is not working over the long-term. There is also growing evidence that mandatory citizen participation in the planning and implementation process in the most effective means to avoid the inappropriate use of IC in the clean up of military waste.

Evaluating the effective and/or positive outcomes of public participation whether it is through a RAB, or Citizen Advisory Team (CAT) or other formal and/or informal community organization may be difficult, but is essential to the future of sound decisions in environmental planning and administration. Meaningful participation from the effected communities and the public in general is expected to play multiple roles in environmental policy. These roles include “solving the ills of a conflictive regulatory system, restoring democracy and empowering particular parties to a decision.” (Beierle, 1998)

Through an extensive review of various public participation programs in the environmental decisions, Beierle conducted “tailored evaluations” of these programs in the context of social goals. Based on Beierle’s research efforts, it was determined that some of the most important outcomes from participation include (Beierle, 1999)

- Educating the public
- Incorporating public values, assumptions and preferences into decision-making
- Increasing the substantive quality of decisions
- Fostering trust in institutions
- Reducing conflict; and
- Achieving cost-effectiveness

Conclusion

There are many important positive outcomes from community involvement and citizen participation in the public decision-making process. The extent to which people feel able to, and actually do take part in decision-making about society and the environment is widely felt to be an important measure of the health of a democratic society. It reflects the strength of political and social institutions. Participation by those concerned with, or affected by, proposals (stakeholders) is reflected in new forms of decision-making processes being initiated at the local and national and even international level. It breaks away from the “business as usual” approach.

In the context of environmental protection, there exists a significant and growing interest at the local, state and national levels in strengthening community involvement in environmental management. The reasons for this inclusiveness are varied, but an important reality is that excluding public input into the planning process often leads to barriers to successful environmental management including public opposition. Conversely, environmental policy implementation is generally improved when affected community members are part of the decision-making process. Such involvement works especially well at the local level where there can be an ongoing process of community participation and collective learning (NRC, 1999).

Officially the U.S. government has endorsed effective community involvement stating that “public participation is a fundamental component of all government program activities, planning activities and decision-making (NEPA, 1994). A 1998 U.S. Department of Education (DOE) policy statement defined public participation “as open, on-going, two-way communication, both formal and informal, between DOE and its stakeholders—those interested in or affected by its actions” (NEPA, 1998).

Unfortunately, since the enactment of the 1994 Public Participation Policy (NEPA 1994) and 1998 Effective Public Participation Policy Act (NEPA, 1998), enforcement has been uneven and often ineffective.

Even within the Department of Defense where Restoration Advisory Boards (RABs) are now a mandatory part of the decision-making process, and written mutually agreed upon Community Involvement Plans are required, enforcement is mixed and less apparent in high risk poor communities. The future of effective and meaningful community involvement in decision-making remains an important challenge in the preservation of the democratic process and the environment. As noted by one concerned citizen, that it is important to realize that protecting the environment like most issues that impact people’s lives “is political” and requires that “you engage the broadest possible community, recognizing that you will never engage people enough” (Lawrence, 1994). Thus, in the final analysis, it may be better to have too much community participation than not enough.

About the Author:

Dr. Ross Prizzia is a Full Professor and Chair of the Professional Studies Department (Public and Business Administration), University of Hawaii – West Oahu. He has published on emergency management, privatization and participation management, and has been recognized as an innovative teacher.

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