

1-2-96
to AGENCY
DIST. LIST
+ CRCs

John Jun
12/29

to CAC
for Meeting
MEMBERS

to General
Assembly
253
12-2-95

EXECUTIVE SUMMARY: PUBLIC PARTICIPATION REFORM

At Secretary Seif's request, the Citizens Advisory Council has been assessing DEP's public participation processes. This document addresses devising improved and publicly acceptable processes for external participation in agency decision making. Where we have reached conclusions, we recommend specific actions, while reserving other areas for further study.

Council defines DEP's publics both collectively and individually: any and all who are affected by DEP activities and indicate an interest in participating--including individual citizens, interest groups, local governments as well as business and industry--should be welcomed and aided in coming to the table. *Our intent is to create an agency/citizen partnership that eases misunderstandings and dismantles unnecessary barriers.*

Targets for and Elements of Effective Public Participation

- ⇒ Building trust between DEP and its publics: DEP must first accept public involvement as integral to sound decision-making, and then demonstrate from the top down that it wants public input and that staff should serve the public.
- ⇒ Building understanding among diverse interests: Wide public dialog can clarify goals and expectations, leading to more mutually acceptable solutions.
- ⇒ Improving decisions: Public participation provides access to a broad range of expertise, experience and perspectives.
- ⇒ Achieving early "buy-in": Effective public participation results in a better and more easily implemented decision.
- ⇒ Striving for balance and inclusivity: A membership arrangement that strives for diversity, avoids dominance by a single faction and encourages those affected to be represented.
- ⇒ Validating commenters' right to a response: All commenters deserve to have their views considered and should receive a substantive, timely response.

Administrative Strategies for Effective Public Participation

- ⇒ Provide early access to information: DEP should provide wider access and easier availability to existing documents and earlier access and outreach on upcoming decisions and issues.
- ⇒ Inform and educate the public: DEP should educate and promote education of the public in environmental issues and its procedures, keep them informed of its activities, alert them to problems and work with them in devising solutions.
- ⇒ Develop effective outreach: Notification efforts should be required to effectively reach the public of concern. More staff need training to enhance skills in direct communication with the public.
- ⇒ Provide multiple opportunities for participation: Additional opportunities for both individual comment and candid discussion are essential.

to
LOBBY

1-4-96

to:
GAIL
LEADER
FOR
SWAC
1-9-96



- ⇒ Clarify and designate appropriate lines of communication: Demonstrated interest and support by top level staff is critical to public participation.
- ⇒ Devote rigorous attention to timeliness: DEP should inform the public of its plans and deadlines far in advance so that both sides can plan for public participation.
- ⇒ Exercise flexibility: DEP should not avoid public participation by delaying or rushing the process and the public must be responsive to legal deadlines.
- ⇒ Establish accountability mechanisms: Any public participation reforms should enhance DEP's accountability to the public it serves.
- ⇒ Protect participants from retaliation: DEP should support legislation that discourages retaliation by the regulated community and should adopt a top-down policy that retaliation by DEP will not be tolerated.

Advisory Committees

The key to effective citizen advisory groups is that DEP must actually use them to reach more fully informed decisions. Some preliminary recommendations include:

- All committees should have by-laws or rules of procedure, publish meeting notices, maintain mailing lists, elect a chair from outside the Department and develop clear mission statements.
- Committee chairs should share at least an equal role with DEP in setting committee agendas and meeting schedules.
- Reimburse all committee and roundtable members for travel and official committee-related business and rotate meeting locales to encourage greater involvement.
- Provide adequate clerical and technical staff.
- Amend by-laws or rules of procedure to allow public comments from guests.
- Committees should submit their own "report" to EQB (even if it is a standardized check-off) indicating what if any action they took on specific regulations.
- The committees and roundtables should inform their "constituencies" on issues being considered and solicit involvement.
- Consider expanding the advisory committees' role from only advising directly to coordinating and collecting public input and incorporating it into their advise.

Ongoing Tasks

- Alternative Public Participation Mechanisms. Council is continuing to explore alternatives such as potential models for an Office of Citizen Advocate, negotiated rulemakings, and stakeholder groups.
- Advisory committee makeup, mission and mix. Committees should have clear mission statements, providing the basis for a publication on advisory groups and for review of some possible changes to the existing mix of committees.
- Regional roundtable recommendations. Council will explore with the roundtables and DEP alternatives for enhancing regional roundtables.
- Permitting process. Comments received on public participation in the permit review process are listed as a starting point for future deliberation

In carrying out this study, we circulated a draft for review, held discussions with a variety of groups and individuals, received comments and input from others, and will continue to do so as we pursue related topics.