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Every environmental justice and toxics activist has experienced something like this:

A member of your group finds a public notice in the local paper, on page 11 in tiny print, announcing a meeting about a recycling facility (or some similar proposal).

So you go to the meeting and learn that the Green Hero Corporation is planning to "recycle" sewage sludge by bagging it and selling it as fertilizer -- and they're planning to do this in your neighborhood.

Your neighborhood already has its share of smelly projects and diesel trucks, and now you are supposed to welcome this new neighbor.

Of course, it's already a done deal. The zoning has been changed, permits issued, financing arranged, and the city council has voted yes. You ask, "Why wasn't the community informed?" and some slick guy in a three piece suit and a bad tie says, "Well your city council knew and we are informing you tonight. Besides, this proposal will bring jobs to your neighborhood and it will meet all state and federal laws so I don't see the problem." Then he gets in his helicopter and flies back home to his nice clean neighborhood never to be seen again.

In too many communities, this scenario accurately reflects what "community participation" means these days: informing the community after all the permits have been given, just as the operation is about to begin.

But true "community participation" does not have to be like this. First let's consider why community participation is important. And then we'll look at some better ways of engaging communities in making decisions that affect their quality of life.

Community participation is important for many reasons:

** So we are more likely to get the kind of neighborhood we want.

** To reduce conflict and legitimize government decisions because everyone has had their "say" in the decisions.

** To create the "social glue" that turns a group of strangers into a neighborhood, with all the other benefits that neighborhood life brings (less crime, more pairs of eyes watching out for the children, people helping each other solve problems, etc.)

** To honor and fulfill the most basic political idea that led to the Revolutionary War in 1776 -- self-governance.

** So we don't have to spend our lives defending our families, time after time, against toxic assault.

** To gain the self-respect and self-assurance and sense of well-being that comes with the power to control what's going on in your life, especially the power to protect your family.

The environmental movement has not always held community participation as a high priority. In earlier days, many environmental groups were content with "dueling experts" where their experts went head-to-head with their adversaries' experts while the public stayed home and perhaps read about it in the newspaper.

The environmental justice movement changed all that.

In October 1991, over a thousand people of color came together at "The First National People of Color Environmental Leadership Summit" in Washington, D.C. and drafted the Principles of Environmental Justice.[1]

Two of the Principles are about community participation: Principle 5 says, "Environmental justice affirms the fundamental right to political, economic, cultural and environmental self-determination of all peoples." In other words we have the right to speak for ourselves and determine our own destiny. And Principle 7 says, "Environmental justice demands the right to participate as equal partners at every level of decision-making including needs assessment, planning, implementation, enforcement and evaluation." In other words we should be equal partners in all decisions that affect our community, starting early in the process.

The concept of community participation is also embedded in the precautionary principle as defined by environmental justice activists, academics, scientists, labor activists, and staff of environmental organizations at a meeting held at the Wingspread Center in Racine, Wisconsin in January 1998. At that meeting participants drafted the Wingspread Statement on the Precautionary Principle, which includes as its very last sentences, "The process of applying the Precautionary Principle must be open, informed and democratic and must include potentially affected parties. It must also involve an examination of the full range of alternatives, including no action."[2]

In other words the precautionary principle says all affected parties must be included in decisions and they must have the opportunity to examine all reasonable alternatives including the alternative of doing nothing.

How Can Communities Participate in Decisions?

Three recent reports have addressed public participation and have suggested how it should work.

1) In May 2003, the U.S. Environmental Protection Agency (EPA) released Public Involvement Policy of the U.S. Environmental Protection Agency[3].

This policy creates a standard for judging EPA's success (or failure) in involving the public in its regulatory programs (for example, enforcing the Clean Water Act) and nonregulatory
programs (for example, providing information on pollution prevention).

2) In July 2003, the National Academy of Public Administration (NAPA) released Addressing Community Concerns: How Environmental Justice Relates to Land Use Planning and Zoning [4]. This document offers advice to local, state, and federal agencies about involving the public in decisions about land use, including planning and zoning. NAPA is like the National Academy of Sciences -- it was created by Congress to provide advice on important public issues, but it is not funded by Congress (it has to raise its own research funds).

3) In October 2003 the California Environmental Protection Agency's (Cal/EPA) Advisory Committee on Environmental Justice released its report, Recommendations of the California Environmental Protection Agency (Cal/EPA) Advisory Committee on Environmental Justice to the Cal/EPA Interagency Working Group on Environmental Justice, Final Report[5]. The report recommends ways that Cal/EPA can promote environmental justice (and precaution) in all its programs, regulations, and policies.

From these three documents we learn, first, that the agencies empowered to protect our resources and our health are not doing such a great job. Then we learn how they could do better.

** Today people want more input into the decisions that affect their communities, and governments are not responding, say both the Cal/EPA report [5, pg. 12], and the NAPA report [4].

** Environmental and land use planning and zoning agencies have largely failed to solicit input from those most affected by the decisions and often the result is incompatible land uses. For example, residential neighborhoods have toxic, polluting facilities in their midst. [5, pg. 11; 4, pg. 71]

** When community residents try to remedy bad planning and zoning decisions or get a facility moved or cleaned up, they find it hard to know who they need to talk to because often several different agencies give permits and enforce regulations within their town, and sometimes the agencies themselves cannot say who is responsible for which decision. [5, pg. 11]

** In some cases, agencies lack processes for tracking or addressing citizen concerns and have no staff to oversee the environmental health of the community or track pollution control efforts, which leads to serious environmental injustices in low-income and people-of-color communities [4, pg. 117].

** Impacted communities are then required to line up the dead bodies (have to prove they have been harmed) before they can get any help. [4, pg. 157]

** When agencies speak to communities they often use technical language or speak in a legalistic, bureaucratic way, and treat residents as if they couldn't possibly understand the problem. [4, pg. 158]

And so governments and the corporate sector continue the cycle of bad decision-making. But this can change.

EPA acknowledges that when citizens participate in decisions, better decisions result. Often it is citizens who goad governments into action, leading to better decisions.[3, pg. 1]

According to the U.S. Constitution, the main role of government is to promote the "general welfare." Obviously this includes protecting public health and the environment. [4, pg. 1, and see Rachel's #775 on the public trust doctrine.]

The National Academy of Public Administration noted many times in its report[4] that citizens have become the primary catalyst for change. Communities initially identify problems, then suggest more effective solutions, and finally hold the government accountable to make things right. [4, pgs. 1, 11, 59, 89 and 117.]

So how would true community participation work? Each of these reports makes numerous recommendations but here are a few highlights:

** Agencies need to plan and budget for public participation for all programs. This includes, but is not limited to, hiring staff to coordinate public involvement, providing financial resources for extensive outreach and communications programs, and training agency personnel to understand environmental justice issues and work with the public. [3, pg. 7 and 5, pg. 18]

It is also extremely important that agencies give money to communities or community groups so that local residents can get technical assistance and participate in meetings. This "no-strings-attached" money would allow groups to hire their own experts, make photocopies, and make it possible for residents to attend meetings (money for transportation, child care and even compensation for meeting time). [3, pgs. 9-10, 13; and 5, pg. 19]

Agencies need to widely distribute a publication explaining citizens' rights and opportunities to participate in decisions. [5, pg. 19]

** It is important for agencies to solicit community input before any decisions are made and this is particularly important in land use planning and zoning decisions. [5, pg. 18; and 4, pg. 22] Often bad planning and zoning decisions are the first step in creating contaminated sites.

Agencies can identify interested and affected parties and solicit community input by contacting existing community-based groups, non-governmental organizations, and churches, as well as advertising in local newspapers and on radio and cable television. [3, pg. 8; and 5, pg. 19]

** All community outreach materials need to be clearly written in easy-to-understand language. Outreach materials should be published in a number of formats (for example, fliers distributed at community centers, churches, schools and other community-gathering places; electronic postings on web sites; and announcements in local newspapers), widely available and published in languages besides English if the affected parties do not read English easily. Agencies should consider communicating in non-traditional ways, using pictures to convey complex ideas. [5, pg. 18; and 3, pgs. 11-12] For example, a drawing of a bathtub in the ground is a...
So we have a distance to go. More next time.

** Hold meetings and workshops at times and locations that are convenient for community members rather than times that are convenient for agency staff. [5, pg. 18 and 4, pg. 22] This is one of the greatest impediments to community participation because most meetings are held between 9 am and 5 pm, Monday through Friday, making it impossible for any working person to attend. Also meetings are often held at Agency headquarters, making it hard for local people because they have to travel great distances to attend. Meetings should be held in the community that will be affected by the decision.

** It is particularly important for local agencies to help low-income and people-of-color communities participate in planning and zoning decisions, ensuring that residents' concerns are integrated into planning and zoning documents. Local governments should also appoint people representing the local community to land use planning and zoning boards. At present, zoning boards tend to be dominated by middle-aged white males. [4, pg. 22]

Cal/EPA reiterates these ideas and says that local governments and communities should provide special tools for already disproportionately impacted communities, including the authority to deny permits. [6;7] As you can imagine, this idea does not sit well with the polluters. Attached to the Cal/EPA document is a dissenting opinion written by one of Cal/EPA's Advisory Committee members, Cindy Tuck, General Counsel for California Council for Environmental and Economic Balance (see http://www.cceeb.org/ to learn about this organization). In her dissent, Tuck says no one besides government should have the authority to deny permits or make land use decisions. [5, pg. 41 and see note 7]

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[6] The Cal/EPA report says [5, pg. 22], "Develop tools for communities and local governments to use for evaluating the siting of facilities that significantly increase pollution in disproportionately impacted communities, including the authority for denial of permits, and increase the weight of community involvement in those decisions;"

[7] Cindy Tuck writes in the Cal/EPA report [5, pgs. 41-42], "Certainly it is appropriate for local governments to have tools to use in making land use planning decisions. Communities and other stakeholders need to be able to understand what those tools are and how they work. However, no interest group, including communities, should have the authority for the denial of permits or to make the land use decision. Only government should have the authority to approve or deny a permit or make the land use decision. Communities and other stakeholders need to be able to participate in a meaningful way in the public process, but communities and other stakeholders do NOT make the decisions." [Emphasis in the original.]

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