Chapter 8: Public Involvement and Environmental Justice

Major Topics

- Public involvement
  - Global support for public involvement
  - Leads to better decisions
  - 7-step planning process
- Environmental Justice
  - Key concepts (including relationship to sustainable development and public involvement)
  - Approach of EPA’s air program

International Standards

Environmental issues are best handled with the participation of all concerned citizens at the relevant level. At the national level each individual shall have appropriate access to information concerning the environment…States shall facilitate and encourage public awareness and participation…

Principle 10 of the Rio Declaration, 1992
International Standards

Ensure access at the national level to environmental information and judicial and administrative proceedings in environmental matters, as well as public participation in decision-making ...

World Summit on Sustainable Development Plan of Implementation, 2002

International Standards

Examples of Multilateral agreements that support participation and environmental justice:

- AARHUS Convention (1998)
- Malmo Declaration (2000)
- Inter-American Strategy for the Promotion of Public Participation in Sustainable Development in Decision Making (2001)

U.S. EPA’s Public Involvement Policy

- Provide for early and meaningful input
- Look for new ways to enhance public input
- Seek all points of view
- Provide open and accessible decision making, including persons of limited income or resources
Discussion: South Africa’s commitment to public participation in environmental decision making

Discussion: Opportunities to Strengthen Public Involvement

- Current opportunities in governmental planning and decision making
- Current opportunities for civil society

**TOP TEN Reasons For Public Involvement**

10. Increases compliance
9. Perceived as a fairer process
8. Reduces litigation
7. Addresses misunderstandings
6. Allows parties to “vent”
5. Fosters better relationships (Trust!)
4. More creative solutions
3. Practicality check
2. Technically superior options
1. Better environmental outcomes!
Seven Basic Steps for Effective Public Involvement

- Plan and budget for public involvement activities
- Identify the interested and affected public
- Consider providing technical/financial assistance
- Provide information and outreach
- Conduct public consultation/involvement activities
- Review and use input and provide feedback
- Evaluate public involvement activities

Step 1: Plan and Budget

- Public involvement is a process, not an event
- Budget sufficient resources
- Start EARLY! Help people plan – they have lives too
- Fit the forum to the fuss
- Obtain the right type of skilled help
- Follow through on commitments

IAP2 Public Participation Spectrum

INCREASING LEVEL OF PUBLIC IMPACT
Step 2: Identify the Affected Public

- Do research
- Communicate and publicize
- Use appropriate language and media
- Build contacts and partnerships

Step 3: Technical Assistance

- Some groups and individuals will need resources in order to participate effectively
- Do your homework on their needs and potential barrier to involvement
- Get creative/look for low-cost options
- Develop tools for the public
- Look for partners

Step 4: Provide Information and Outreach

- Give accurate information early and often in accessible places
- Understand the audience
  - How they prefer to receive information
  - Their trusted sources
  - Their history with the issue
- Find community contacts
- Practice transparency
Step 5: Conduct Involvement
Activity
- Activity is appropriate based on agency's needs and public's needs
- Work your plan
  - Prepare easily understood materials
  - Line up the resources and help you need
  - Publicity
  - Convenient time and place
  - Encourage participation of the under-represented

Step 6: Review and Use Input, Give Feedback to the Public
- Respect and use input to earn trust and credibility
- Use input where appropriate and possible
- Tell the public about the decision and how public input affected the decision

Step 7: Evaluate!!
- Evaluate in order to define, measure and improve your public involvement program
- Measure outcomes
- Decide on your measurement tool
- Lessons learned
- Identify whose support you need in order to make changes
EPA Resources for Public Involvement

- Internet site
  http://www.epa.gov/publicinvolvement
- Resource CD
- Other resources

Class exercise on two-way communication

Major lessons: Effective public involvement...
- Is planned, not accidental
- Requires resources
- Assures better decision making
- Is a process
- Builds relationships
Environmental Justice is …. 

U.S. EPA’s Definition of Environmental Justice

“The fair treatment and meaningful involvement of all people—regardless of race, ethnicity, culture, income or educational level— with respect to the development, implementation and enforcement of environmental laws, regulations and policies.”

Fair Treatment and Meaningful Involvement

Fair treatment means no group should bear a disproportionate share of negative environmental consequences.

Meaningful involvement means (1) an opportunity to participate (2) public’s contribution can influence policy (3) concerns of all will be considered, and (4) decision makers proactively involve those potentially affected.
South Africa’s Commitment to Public Involvement and EJ

Everyone has a right to (a) an environment that is not harmful to their health or well being; and (b) have the environment protected, for the benefit of present and future generations, through …measures that (i) prevent …ecological degradation; (ii) promote conservation; and (iii) secure ecologically sustainable development…while promoting justifiable economic and social development.

Section 24 of the RSA Bill of Rights

Environmental justice – is it a right or a privilege?

Human beings are at the center of concerns for sustainable development. They are entitled to a healthy and productive life in harmony with nature.

Principle 1 of the Rio Declaration, 1992

Factors That Lead to Disproportionate Impacts

- Remnants of discrimination
- Lack of voice and public participation
- Vulnerable infrastructure
- Cumulative and multiple impacts
- Vulnerable populations
- Unique exposure pathways
Why address environmental justice

- Part of agency's mission
- Reduced health problems and health care costs
- Public acceptance of air program
- Good government
- Relationship to sustainable development

Sustainable Development

“All mainstream definitions of sustainable development share three characteristics: first, achieving sustainable development requires integrating policies related to social justice, environmental protection, and economic development. Second, the interests of future generations must be taken into account. And, third, transparency and public participation at all levels of decision-making, from local to global, are essential to achieving sustainable development.”

“One Species, One Planet: Environmental Justice & Sustainable Development”
Center for International Environmental Law
October 2002

Sustainable Development and Environmental Justice

“Among the areas that highlight the legal nexus between sustainable development and environmental justice, three are key:

- The right to life, including the right to a healthy environment;
- The traditional and customary property rights of indigenous and other local communities, especially those in the Global South; and
- Participatory and procedural rights.”

“One Species, One Planet: Environmental Justice & Sustainable Development”
Center for International Environmental Law
October 2002
Health Indicators

- Existing health conditions
- Health impacts from environmental stressors

Economic Indicators

- Unemployment rate
- Income levels and distribution
- Percent of community residents who rely on polluting industries for jobs and economic development
Social Indicators
- Race and income levels
- Population density
- Education levels
- Percent of population that is especially vulnerable
  - Very young and very old
  - Subsistence farmers and fishermen
- Percent of population that is indigenous

Environmental Indicators
- Sources of stress on the community (multi-media)
- Potential exposure to stressors
- Environmental conditions resulting from stressors

EPA Will Use Indicators to Identify & Understand EJ Communities
- Document community conditions
- Justify action based on health issues
- Use of indicators
  - existing health vulnerabilities
  - economic
  - social demographics (education, susceptible populations)
  - environmental conditions (multi-media)
EPA Uses Indicators to Target Enforcement

- EPA uses compliance and enforcement data along with the 4 types of indicators previously mentioned to target its enforcement actions.

EJ Components within EPA’s Air Program

- Risk reduction through a focus on
  - Areas with the worst air quality
  - Children and schools
  - Indigenous people
  - Pollutants and sectors of most concern
  - Community based solutions

EJ Components within EPA’s Air Program

- Outreach and communication
- Training
- Coordination
- Grants and contracts
- Improving assessment methodology
Areas of controversy

- Standard Setting
- Control Strategies
- Construction permits and siting issues
- Operating permits
- Enforcement

Summary: the Link Between EJ and Public Involvement

- Sustainable EJ outcomes require collaboration.
- Collaboration requires trust.
- Trust must be earned.
- Trust comes from effective public involvement.
- Effective public involvement takes planning, resources, and follow through.

Resources for Environmental Justice

- Resource CD
- Other