

January 13, 2006

Jim Woolford

Director

Federal Facilities Restoration and Reuse Office (MC - 5106 G)

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Dear Jim:

The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) is a non-profit trade organization supporting the environmental agencies of the States and trust territories. The Association's mission is briefly stated: "To Enhance and Promote Effective State and Territorial Waste Management Programs, and Affect National Waste Management Policies". ASTSWMO's members are the State managers of hazardous waste, solid waste, and cleanup programs, who are engaged full time in the regulatory and remediation activities of their State environmental agencies, and have hands-on familiarity with the implementation of federal and State statutes governing federal facilities.

The ASTSWMO Community Involvement Focus Group has reviewed the "Environmental Justice and Federal Facilities Recommendations for Improving Stakeholder Relations Between Federal Facilities and Environmental Justice Communities" dated October 2004, prepared by the National Environmental Justice Advisory Committee (NEJAC).

This report was generated by NEJAC to identify and evaluate key issues of concern to environmental justice communities regarding community involvement activities at federal facilities, and to formulate a set of national policy recommendations to address the concerns. We support the recommendations made in the NEJAC report, which are:

1. Enhanced community assessments and communication methods needed to improve cultural sensitivities for communities facing environmental justice issues.
2. Access to adequate health services needed.
3. Additional resources for capacity building needed.
4. Improved and effective communication needed between facilities/regulators and communities facing environmental justice issues.



5. New and consistent opportunities needed to help communities facing environmental justice issues to influence decisions at Federal facilities undergoing cleanup/remedial actions.

Below are the Community Involvement Focus Group comments:

**General Comments:**

- While it is certainly understandable and much more interesting to the reader to have specific sites mentioned throughout the report detailing the inadequacy and problems associated with minority outreach, it is reasonable that the staff of those sites might become defensive when reading a document for national distribution that details their inadequacies. It is recommended that when detailing these problems, instead of naming a specific site, mention could be made simply of a DoD site or DOE site.
- Even though community involvement can be subjective and difficult to measure, the Conversation Guide is a bit too general to yield significant information. For example, how is the “level of community involvement and participation” defined? One person’s definition of high community involvement could be 20 people, while another’s could be 100. The data becomes meaningless if you can’t define what you’re measuring.
- No mention was made in this report about people who become involved with the cleanup who have a totally different agenda that does not accurately reflect the concerns of the community. It would be helpful to make mention of this contingency and reflect a position in dealing with this contingency.

**Specific Comments:**

The Conversation Guide:

1. Page 7, III. Data Collection and Report Methodology: What were the criteria used to determine who was a “key” stakeholder?
2. Page 7 and Appendix B, III. Data Collection and Report Methodology: The Conversation Guide seems a bit too general to yield anything significant. How do you define what is a high level of community involvement and participation? The data is meaningless if you can’t define what you are measuring. We do believe that the document could be strengthened by quantifying the measurements being made so that plausible conclusions can be drawn.
3. Page 11, 2.a. Conduct Detailed Assessment of Cultural Differences: All the cultural sensitivity in the world will not help you if you do not have a mediator who is well versed in the culture in question and is willing to assist

the government in reaching out to the community. A good example of this is the Waikoloa Maneuver Area (FUDES) Ordnance cleanup where a Hawaiian chieftain was instrumental in convincing a few local property owners to allow the Army Corps of Engineers to enter their property.

4. Page 12, 2.b. Improved Communication Methods: Past experiences from regulators have shown that community involvement at meetings has been inconsistent (e.g., poor attendance, no input when present) and, in certain instances, deleterious to the remedial process (e.g., last minute involvement and comments that undermine the selected remedy). Efforts are required by all parties (regulators, Federal agencies, and the community) to improve communication methods.
5. Page 13, B. Access to Adequate Health Services Needed: Again, the terms need to be defined. Please clarify what is meant by “significant quantities”.
6. Page 19, E. New and Consistent Opportunities Needed to Help Environmental Justice Communities Influence Decisions: The community already has someone who can influence the decision-making process: the State or Federal regulator. If the community really does not care for the remedy being selected, efforts need to be made to convince the regulator to have another remedy selected.

These recommendations are positive actions that can be taken by all parties involved to help facilitate community involvement and productive partnerships. In addition to supporting the recommendations made in the NEJAC report, we have outlined additional recommendations for consideration to help improve community involvement overall, but especially in environmental justice communities. The following are offered for consideration of other alternatives that could help improve community involvement:

1. Record meetings, presentations, workshops, and discussions via digital technology or VHS camcorder so that the information at meetings is preserved and can be viewed at a later time. The VHS tapes or DVDs (or other appropriate media) can then be deposited into a public repository where people in the community could go to obtain the information and be involved.
2. Utilize public access television to distribute the message to citizens who aren't able to attend meetings in person but want to be involved. Many communities may consist of people who can't get out of the home to attend meetings and this would be a way to get the message to them in their homes.
3. Offer childcare and transportation services for public meetings and advisory boards. Many communities consist of single families and the lack of childcare could be a contributing factor for poor community involvement in some areas. Working with local college education majors to assist in this effort would be a win-win situation for all involved.

4. Hold advisory meetings and public meetings at non-traditional times of the day but at times that work best for the community. In many cases, environmental justice communities do not have traditional work hours, such as 9-5pm, but often residents in these communities work shift jobs that prevent them from attending community involvement meetings.
5. Offer resources such as a community center or partner with an existing entity such as a school or library to use space for such a resource. The community center could serve as a central location for obtaining information, gathering information, asking questions, and learning, and would provide computer resources and Internet services for community public use. Many of the documents and reports are generated electronically, however, not everyone is in possession of a computer. This center could also house the public records, environmental documents and reports specific to the site under investigation. The center could be staffed with a community involvement person who could help answer questions as they arise and help educate community members on environmental issues and the cleanup process. This center could serve as a visible place within the community that people can go to learn, ask questions and get help understanding complex issues or environmental concerns. Funding for this measure could be provided by currently established funding mechanisms (i.e., DSMOA) or other initiatives.
6. Where applicable, translators should be provided for all meetings.
7. Page 14 C. Additional Resources For Capacity Building Needed: Why not recommend that the TAPP and TAG grant limits be changed? How does an internship program help communities “develop priorities, explore issues, and make recommendations independent of the lead agency”? You need an experienced and trained professional exploring these issues for you.
8. EPA’s Community Action for a Renewed Environment (CARE) program is another resource that is available to EJ communities. We believe that this program is a viable option that should be pursued.
9. Recommend that EPA prepare a compendium of case studies involving EJ issues; partner with States to compile a list of successful strategies used at various sites across the country.
10. EPA and States must be sensitive to the cultural diversity of the communities and be proactive to hiring qualified candidates that reflect that diversity.

Thank you for providing us with the opportunity to comment. If you have any questions regarding our attached comments, please do not hesitate to contact myself at (303) 692-3310 or Dania Rodriguez, ASTSWMO, at (202) 624-5973.

Sincerely,

A handwritten signature in black ink that reads "Laura Bishard, Chair". The signature is written in a cursive style.

Laura Bishard, Chair  
ASTSWMO Community Involvement Focus Group

cc: David Cooper, EPA  
ASTSWMO Federal Facilities Subcommittee  
ASTSWMO Community Involvement Focus Group