

PREPARE FOR THE NEXT PHASE OF PUBLIC INVOLVEMENT

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Integrating community input into a plant's day-to-day routine and a company's culture can support right-to-know communication efforts. Here's how to set up such a program.

The roll-out of the Environmental Protection Agency's (EPA's) Risk Management Program (RMP) signals a new era in the history of community right-to-know in the U.S. For more than a decade, the public's right to information about industrial operations has expanded from one year to the next.

In 1986, the Emergency Planning and Community Right-to-Know Act (EPCRA) was enacted, mandating the establishment of emergency planning districts and local emergency planning committees (LEPCs), as well as the publication of Toxics release inventory (TRI) data. In California, Proposition 65 and AB2588 (Air Toxic Hot Spots) have required information about a variety of chemical hazards to be made public. Last year, RMP went into effect across the nation, requiring more than 66,000 facilities to develop a risk management plan and submit it to the EPA and local emergency planning committees.

Those in the industry who have struggled with public communication might want to think that community involvement ends with the distribution of right-to-know information. To the contrary - more and more community members are heeding the call to action and seeking ways to influence the entire process of industrial risk management.

Right-to-know is clearly on its way to becoming right-to-act. Industry must be ready not only to communicate, but also to share decision-making power with local communities. Sharing power over any part of facility operations will certainly not be easy. The process can be improved only if community involvement becomes an integral part of the facility's day-to-day routine and of the company's culture.

This article discusses how such involvement can support right-to-know communication efforts and provides guidance on initiating such a program. It includes: an example of how the public's right to know extends beyond what is required by the letter of the law; a discussion of what is likely to make people concerned or angry about a risk; and

recommendations for how industrial facilities can integrate right-to-know thinking into their day-to-day operations.

The evolution of right-to-know

During 1999, industrial facilities across the nation began presenting their RMPs to the media and the public. In some cases, this step represents the culmination of several years of cooperative effort among industry, local emergency officials, community representatives, and local stakeholders. Unfortunately, for many, it also represents what they believe is the "final" step in the process - they "tell" the affected community their results according to the letter of the law, by depositing the plans with local officials and going back to work. The conversation is over before it has ever really begun. The truth is that an RMP is only an intermediate step in the development of the public's right to know, a process that is evolving and expanding with each passing year. It has been more than 13 years since EPCRA went into effect as part of Title III of the Superfund Amendments and Reauthorization Act (SARA). Central to this law is the requirement that facilities report their annual emissions of listed toxic chemicals (the toxics release inventory or TRI) - information that has become the staple of news reports identifying the country's worst polluters.

In the past three years, the TRO reporting requirements has been reinvigorated through the development of the Environmental Defense Fund's (EDF) **Chemical Scorecard** Web site, among others. This Web site uses TRI database information to allow people to identify the chemical release sources in their neighborhood, to learn about the health effects associated with these chemicals, and even to send a free fax message directly to a particular facility in order to make inquiries.

The high traffic that the Chemical Scorecard generates (it received an average of 200,000 hits per day during its first nine months of operation in 1998) is prompting companies to make unrequired reductions in releases. And it has given momentum to EDF's High Production Volume (HPV) Challenge, which asks the chemical industry to voluntarily come forward with complete health-effects data on all high-production-volume chemicals. In September 1998, the EPA adopted EDF's program and asked chemical companies to participate voluntarily or face mandatory compliance. It is apparent that the right-to-know process has increased in both scope and in speed.

The transformation of the public's right to know is not just about regulations, requirements, and filling out the appropriate forms in time for the latest deadline. Today's right-to-know movement represents a fundamental paradigm shift in the information process. Historically, EPA has set the rules and established the field of play by serving as a point of governance. Industry and its representatives, as well as the environmental community on the other side, litigated the agency to attempt to modify the rules to fit their agendas. In other words, the process was entirely adversarial.

Today, without new legislative authority to implement some of the programs it would like to put in place, the EPA has taken a new tack. By providing ready access to environmental, health and safety data already within its systems, the EPA has the Environmental Defense Fund, Sierra Club, and United States Public Interest Research Group (USPIRG) opportunities to use and interpret this information for the public. Chemical Scorecard is one such example, and the Sierra Club's Web site "**Report on Cancer Pollution and Your Health**" is another. The existence of such Web sites mean that right-to-know information is available to the public 24 hours a day with just the click of a button.

In addition, more and more community members are heeding the call to action and seeking ways to influence the process of industrial risk management. In 1998, the nation's first "Right-to-Act" law was passed in Passaic County, NJ, allowing local residents to create special advisory committees for specific facilities. These citizen committees would have the ability to discuss potential hazards and make recommendations to facility management, including the right to perform on-site surveys, accompanied by independent experts. The regulations to implement this law have softened its impact considerably, but the direction is quite clear and it is likely to be replicated in other communities.

With so much information currently in circulation, it may seem as though communications are taken care of. If people are already getting information in ways over which industry has no control, what point is there in fighting the process? And, in fact, attempting to dispute the technical foundation of tools like EDF's Scorecard will not work. Industry does not have the credibility that the environmental groups do, and challenging the technical basis of the environmental groups' statements is only likely to further damage industry's image.

What is needed instead is a commitment to building and maintaining a dialogue with the local community. It is never too late to be proactive, and it's not too late to take an active role in getting this process going.

It is our contention that this dialogue needs to become an integral part of facilities' day-to-day operations. Right-to-know is ultimately not just about delivering required information to the public, but about learning and responding to the public's questions and concerns. Moreover, the cooperative involvement of agencies and public interest organizations means that people will be getting information about industrial facilities, with or without the direct participation of industry. If industry is not actively involved, the public will likely be left with a wealth of negative information, but no relationship or reason to trust that industry.

Understanding right-to-know: an example

Let's begin our discussion of right-to-know by looking not at a worst-case release scenario or a terrible plant accident, but at the simple case of a small oil-and-water

separation plant that had a brief release of black smoke after a heavy rain caused oil to seep into a natural gas burner.

The smoke was under control in less than ten minutes; so at first it might seem as if there is not much of a story, and certainly not one about the public's right to know. However, in the aftermath of this seemingly small incident, the facility was nearly forced to shut down, and the company had to invest thousands of dollars and countless hours to keep its operating permit.

Here is where right-to-know fit in: the primary cause for the extended crisis was the fact that, in all its years of operation, the facility had never made any effort to talk to its neighbors or to learn about their concerns. When people suddenly discovered the facility, they were angry to have been left in the dark for so long. Residents felt they had a right to know what kind of industrial operations existed in their neighborhood and what kind of risks the facility posed. In their opinion, they had been betrayed.

Oil-and-water separator doesn't mix. Over its 30 years of operation, the separation plant had seemed to be exactly the sort of facility that didn't require a formal community-outreach program. The oil/water separation process was quite safe and unobtrusive. A mixture of oil and water was piped in from offshore, heated, and transferred into settling tanks. The oil was then piped out through a pipeline, while the water was treated and discharged into the sewer system. The whole operation was so simple that only two-and-a-half employees were needed to run the place and the facility was unstaffed much of the time. Right-to-know didn't figure into the equation - what was there for the public to know anyway?

For years, the surrounding community had been completely oblivious to the plant's existence, even though it was located only 50 feet from the nearest residence and across the street from an elementary school. There was no signage to identify the enclosed facility, and nobody had ever asked anything about it - until the day that smoke started pouring out of it.

Looking back in anger. When local residents learned about the facility, they were concerned and had a lot of questions about plant safety. One resident was particularly alarmed. He went to speak to the fire department and the facility manager, only to find that his questions were not taken seriously. Facility representatives refused to acknowledge that the man had any valid concerns, which served to make him more upset and angry.

Because residents had known nothing about the facility to this point, they had a backlog of questions and concerns, for which they wanted immediate answers. The man who had not been taken seriously began doing door-to-door throughout the neighborhood, collecting stories of anecdotal health concerns. People described rashes, coughs, and problems with pregnancies. One woman, alarmed that her baby had suffered a seizure that she now believed was caused by emissions from the facility, teamed up with the man and others to get the plant shut down.

Residents' anger increased, as did their level of activism. Neighbors circulated a petition to the city council, requesting the plant's closure. News media picked up the story, which received considerable play in both the papers and on television. The local air pollution control district became involved, and the city came very close to agreeing with residents that the plant should be closed. Over the coming months, the facility was forced to invest its money and its energies into reacting to residents' demands that the operations be shut down.

The costs of noncommunication. The oil/water separator was ultimately able to continue operations, but only after the company funded two health risk assessments, established health protective levels for chemicals used during cleaning and turnaround, promised to provide extensive environmental monitoring during nonroutine operations, held four community meetings, and spent countless hours and dollars trying to regain the community's good will. Moreover, when the company attempted to reopen a similar facility 20 miles away, residents from the first neighborhood got involved and succeeded in keeping the second facility from obtaining an operating permit.

In the case of the oil/water separator, company representatives discovered too late that the public's right to know goes beyond what is required by the letter of the law. There are many issues that the local community wants to know about, including basic information about which industries are operating in the area and the potential risks posed by those industries. People have a right to such information. By getting involved in a dialogue with the public up front, industrial facilities can ensure that their first meeting with the public is not an angry scene or part of a developing crisis.

Other facilities at risk

This case of the oil/water separation facility is also relevant to other small companies and industries that may have never talked about risk or worst-case release scenarios. People may enjoy visiting the local dairy, for example, and be regular consumers of its tasty products, without ever knowing that the dairy must keep large - and potentially dangerous - quantities of ammonia on-site for freezing ice cream. Or a community may be aware of a facility's role concerning one medium - water treatment, for example - without considering that the large quantities of chlorine kept in such facilities pose a risk in another medium, in this case the risk of an air release.

In other words, there are many ways that the public might be caught off-guard by information about industrial facilities in their area. Facility representatives need to start talking to people ahead of time - and give people the opportunity to ask questions and express their concerns.

Public outrage and right-to-know

The example of the oil/water separation plant illustrates how quickly a situation can escalate to crisis when there is no record of consistent, two-way communication between

industry and the public. But what exactly was it that made people so upset? And what does the example tell us about how to prepare for the expansion of right-to-know?

Risk perception and environmental vulnerability. Particularly in situations where there is no regular communication between industry and the public, people are going to use their general impressions of a facility in order to form an opinion about whether or not it is a good neighbor. Does the plant look safe from the outside? Does it seem well cared for? Does the facility produce noticeable odors? Visible smoke or vapors? Does the community know who to call if there is a problem? All of these can influence people's perception of the risk associated with a facility.

Some issues that concern the public have to do with the seeming appropriateness or inappropriateness of the facility in the community where it is located. Are there any sensitive locations near the plant or facility that would be at special risk from an industrial mishap? Are there schools, nursing homes or hospitals in the area? What about important scenic, environmental or cultural sites?

These and other environmental vulnerability factors will influence people's perceptions of a facility and help determine their reaction to that facility. Table 1 (see bottom of page) provides a list of such factors.

Notice that several of the environmental vulnerabilities came into play in the example. People initially became concerned about an unexplained release, which was, after all, the first introduction most of them had to the facility. In addition, they wondered about the risk involved in having the facility located so near to an elementary school and residential properties. Some residents suffered from unusual and unexplained health problems, and they began to think there might be a connection to the oil/separation facility.

Every facility is vulnerable in some way to public questions and concerns. Sometimes these concerns will lie dormant for years, only to explode into action because of what might at first seem to be a minor incident. That incident, such as this brief release of smoke, seems to confirm what people often suspect about industrial facilities - that they pose unknown and potentially uncontrollable risks to the local neighborhood. Residents will begin thinking back on all the questions and suspicions they've had over the years, and a lack of communication from the facility will only add to their fear and distrust.

From concern to outrage. While the concept of environmental vulnerability factors helps explain what makes people concerned, it does not really clarify why people become outraged over certain kinds of risks and not others. That can be explained by Peter Sandman's classic discussion of "outrage factors," which are those characteristics of a risk that help determine the level of anger or fear in people's reaction to a risk.

According to Sandman, the public's perception of risk goes beyond the narrow definition favored by scientists and engineers. The technical definition of risk can be established by multiplying the magnitude of the hazard by the probability of exposure as follows:

Risk = Hazard x Exposure

The public's understanding of risk, however, requires that we incorporate what Sandman has dubbed "outrage" into our definition. Outrage is everything about a risk except the technical hazard. For example, is the risk voluntary or involuntary? Is it controlled by the individual or by the system? Is it industrial or natural?

Incorporating outrage, the layperson's view of risk can be summarized as:

Risk = Hazard + Outrage

While the technical level of risk will also concern people, and they will expect you to do something about it, the outrage factors will help determine their level of anger, and will influence whether a risk is perceived as more or less dangerous. A more complete list of outrage factors is given in **Table 2 (see bottom of page)**.

In cases where the public has little or no reason to trust the industry or facility that is creating the risk, the effect of the outrage factors is likely to be even more intense. This was the case with the oil/water separations facility. People felt they had no control over the kinds of industry allowed in their own communities. The release of smoke was both unusual and memorable. Moreover, the industry that caused the release was not seen as trustworthy by the community. There had been no attempt to communicate with the public or to give people an opportunity to express their concerns, and the community resented it.

Outrage and right-to-know. The key to communicating with the public on right-to-know issues lies not in simply explaining away the technical hazards (although it is important to reduce hazards whenever possible), but also in understanding and responding to the sources of people's outrage. One of the central purposes of a community dialogue is to build trust and credibility with the public - an objective that can only be achieved over time.

The proliferation of right-to-know laws illustrates people's strong desire to understand environmental, health, and safety information that could affect their lives. If the public receives this information only from third-party sources, such as environmental activists or the media, then people will have plenty of reasons not to trust industry and no foundation for trust.

Building trust now: the key to right-to-know

Preparing for the future of right-to-know doesn't mean guessing which legislation will be passed next or which technological innovation will spread information about your facilities at a faster speed and in greater detail than ever before. It also doesn't mean simply trying to figure out which brochure design will best serve to placate the public or which sound bite will make your company seem like the most caring, concerned friend in the neighborhood.

Preparing for the future of right-to-know means building relationships with your communities now and doing what it takes to get these relationships going. It is these relationships that will bring trust and credibility into the process and help bolster any right-to-know discussion. Building relationships does not mean that there will never be any conflict, but it does mean that you won't be starting from ground zero when attempting to explain complex, technical information about health, environmental, and safety risk to the public. A consistent, two-way dialogue is the best foundation for your right-to-know efforts. Here are some principles for starting a proactive environmental stewardship program.

1. *Begin with your employees.* The commitment to communication must come from the top, but to succeed, your outreach program must reach out and involve employees at all levels of the facility. Employees are your best communication resource. All of them affect the way your facility is perceived, whether or not they have a specific responsibility for communication. People ask them questions about facility issues and company policies. Frontline employees - who themselves are exposed to whatever risk a facility might pose - possess greater credibility with the public than does management. If employees do not believe the workplace is safe and environmentally sound, no one else will either.

Employees also need to be the first audience for communication. If your goal is consistent communication with the public at large, your employees need to be in the loop. They need information about risks. They want to know that management can be trusted to follow through on its commitments and to keep the information flow going. They also want to know that management is willing to hear and act upon ideas offered by employees.

Because of the important role to be played by frontline employees, it is essential to provide them with risk and crisis communication training. Employees need the tools that will allow them to feel comfortable in fulfilling their communication responsibilities. Communication is a skill that can be learned, and if you expect your employees to take an active role in the process, you need to give them a solid foundation on which to build.

2. *Think small.* The process of building trust and credibility with the public is not one that can be completed overnight. In many situations, people will be reluctant to change long-held opinions of industry and will do so only when they are satisfied that a new impression is merited. In order to build trust, it is essential to make yourself accountable to the public. You need to put your facility and your credibility to the test by building a track record of reaching out, following through, and hearing and responding to people's concerns. But you don't want to start the process by making promises you can't keep.

This is why we recommend that you start small. It is better to begin outreach with a series of small events rather than trying to hit every audience with a big bash that doesn't even begin to achieve the goals of building trust and making yourself accountable. Public meetings have a role in the communication process, but your track record will be shaped by making yourself available to people on a regular basis, going onto their turf and

inviting them onto yours, and making yourself part of community activities that are already ongoing.

It is a good idea to seek out informal ways to interact, such as coffee get-togethers, meetings of civic organizations, homeowners' association meetings, presentations at local schools or conferences, and the like. Such activities bring you out into the community and show people that you're not trying to orchestrate or control the entire communication process. You need to be willing to participate on the public's terms and on its turf.

3. Focus on understanding first. The communication process is not simply, or even essentially, about talking. It is more important to hear - really hear - what the public has to say. People want to receive information from you, but they also want to know - and often want to know upfront - that you will listen to what they have to say, and that they can ask questions and receive answers. This means that, during your initial steps and throughout the process, you need to be attentive to the things that make people concerned. Don't expect to limit the conversation within the boundaries of formal right-to-know information. Be prepared for a number of other issues to arise, and take them seriously when they do.

Your goal in the right-to-know process is to build relationships. Relationships can flourish only when there is two-way conversation going on. By focusing on understanding, you show willingness to learn from and work with others rather than suggesting that you know best and will decide for yourself exactly what the public does and does not want to hear. This is an attitude that allows you to construct a record of accountability, as people begin to see that you listen to them and follow through on what you promise.

Final thoughts

In coming years, the expansion of right-to-know promises to continue. The challenge is to extend your communication efforts in a manner compatible with your business goals and with the needs of the public. Sharing power over any part of facility operations will not be easy. The process can be made easier only if community involvement becomes an integral part of the facility's day-to-day routine and of the company's culture.

Literature Cited

1. Sandman, P., "Responding to Community Outrage: Strategies for Effective Risk Communication," American Industrial Hygiene Association, Fairfax, VA (1993).

Table 1. Environmental vulnerability factors

Things people can see, smell, hear (e.g., odors, clouds of steam, noise)
High volumes of emissions or hazardous wastes

History of community or employee health complaints
 History of unexplained odors and releases
 Presence of "dreaded" substances known to cause cancer
 Poor facility housekeeping or appearance
 Proximity to sensitive locations, including schools, nursing homes and hospitals
 Reports of health problems among school children or staff
 Proximity to important scenic or cultural sites
 Active presence of organized environmental groups
 History of poor community outreach
 Lack of risk and crisis communication program

Table 2. Outrage factors

MORE RISKY:	LESS RISKY:
Involuntary Industrial or artificial Exotic or unusual Memorable Dreaded Concentrated in time and space Unfair Morally relevant Untrustworthy Closed process No visible benefits	Voluntary Natural Familiar Not memorable Not dreaded Not concentrated in time and space Fair Morally neutral Trustworthy Open process Visible benefits