



RESOURCE GUIDE: RESOLVING ENVIRONMENTAL CONFLICTS IN COMMUNITIES

This Resource Guide describes the alternative and appropriate dispute resolution approaches that the United States Environmental Protection Agency (EPA) is using and provides information and contacts to help community members decide if non-adversarial conflict resolution is a good choice for dealing with their environmental concerns or disputes.



“I place great importance on decision making processes that anticipate and avoid conflict, and the consensual resolution of disputes that do arise.”

U.S. EPA Administrator Carol Browner

RESOLVING DISPUTES APPROPRIATELY

In our increasingly complex and interconnected world, communities have to deal with complicated decisions about environmental matters. Controversies may arise over industrial pollution, over the siting of a new facility, or over the cleanup of an abandoned contaminated property. In most of these cases, communities will confront difficult economic, environmental, and quality of life tradeoffs. The debates about these issues can become divisive and lead to conflict, deadlock, or long, expensive lawsuits.

The term alternative dispute resolution (ADR) is used to describe a range of techniques that can help people settle their disputes without having to resort to litigation or to reach settlement more efficiently within existing litigation proceedings. The goal of ADR is to have people work collaboratively together to develop and consider alternatives that can lead to mutually satisfying resolution of their issues. ADR is based on the theory that people who are involved in a controversy are the ones best able to develop a reasonable and enduring solution because they know their own needs and interests. In those situations where the United States Environmental Protection Agency (EPA) has responsibility, such as issuing a permit or overseeing the cleanup of an oil or chemical spill, the Agency is committed to dealing proactively with problems and concerns that may lead to conflict and to resolving disputes that do occur as early as possible and in non-adversarial ways.

TYPES OF ADR

ADR techniques used at EPA include facilitation, convening, mediation, consensus-building, and ombudsmen. One thing they all have in common is the use of an objective third party, often referred to as a “neutral”. The neutral, who has no stake in the substantive outcome of the effort, helps orchestrate the process and ensures that it is implemented fairly and that everyone is heard and shares in the decision making.



CONVENING (OR CONFLICT ASSESSMENT) involves the use of a neutral third party to help assess the causes of the conflict, to identify the persons or entities that would be affected by the outcome of the conflict, and to help these parties consider the best way (for example, mediation, consensus-building, or a lawsuit) for them to deal with the conflict. The convener may also help get the parties ready for participation in a dispute resolution process by providing education to the parties on what the selected process will be like.



FACILITATION is a process used to help a group of people or parties have constructive discussions about complex, or potentially controversial issues. The facilitator provides assistance by helping the parties set ground rules for these discussions, promoting effective communication,

eliciting creative options, and keeping the group focused and on track. Facilitation can be used even where parties have not yet agreed to attempt to resolve a conflict.

MEDIATION is a process in which a neutral third party (the mediator) assists disputants in reaching a mutually satisfying settlement of their differences. Mediation is voluntary, informal, and confidential. The mediator helps the disputants to communicate clearly, to listen carefully, and to consider creative ways for reaching resolution. The mediator makes no judgments about the people or the conflict, and issues no decision. Any agreement that is reached must satisfy all the disputants.

CONSENSUS BUILDING is a process in which people agree to work together to resolve common problems in a relatively informal, yet cooperative manner. It is a technique that can be used to bring together representatives from different stakeholder groups early in a decision-making process. A neutral helps the people to design and implement their own strategy for developing group solutions to the problems.



AN OMBUDSMAN is an official who has the authority to receive complaints and help to resolve them. EPA has ombudsmen for several programs. They are high-level employees who have the ability to look independently into citizens’ concerns and facilitate the communication and consideration that can lead to a solution.

ADR SUCCESS STORIES

SUPERFUND CLEANUP CONVENING AND CONSENSUS BUILDING.

EPA's original cleanup plan for the Pine Street Canal Superfund site was met with strenuous community opposition for being too expensive and intrusive. The Mediation Consortium, a private dispute resolution firm, was brought in to help the parties involved come together and engage in a consensus-building process. A council was established consisting of representatives of the responsible parties, the regulatory agencies, and community interests. The council eventually reached a consensus recommendation on a \$4.3 million plan for the site cleanup, a cost of about one-tenth of the original proposal. After additional public comment, EPA issued a final remedy decision that adopted the council's recommendation. That plan received overwhelming community support. The participants in the council agreed that the process ensured their meaningful involvement and resulted in a better outcome for everyone concerned.

CHILDREN'S HEALTH FACILITATED COMMUNITY DIALOGUE. EPA has supported 11 community dialogues about environmental threats to children's health. The goal was to empower communities 1) to evaluate their own local health issues, 2) to set goals to protect children, and 3) to develop action plans to deal with the identified problems. The dialogues were collaborative efforts that brought together a wide and representative cross-section of community members. In some cases EPA provided the facilitation. The participants did the hard work of grappling with the many and varied potential health concerns. The sessions were often difficult because of different perspectives, needs and values. Yet the common interest in giving kids a safe environment in which to grow helped all of the groups stay on track to develop community-specific programs for working to eliminate the most serious situations.

OPPORTUNITIES

EPA continues to look for opportunities to work with citizens, local governments, small businesses, communities and others to demonstrate effective ways to handle disagreements and concerns. The Agency welcomes suggestions from the public about how to put conflict prevention and resolution ideas into practice, as well as recommendations for specific sites or issues for ADR. In some circumstances, the Agency may be able to pay for or share in the costs of a neutral facilitator or mediator to help EPA and community members deal constructively with significant differences.

SOURCES OF INFORMATION

EPA'S CONFLICT PREVENTION AND RESOLUTION CENTER

The Center serves as a resource for promoting and supporting ADR across EPA. It is a good starting point for learning about the many interesting and innovative ADR activities being sponsored by EPA programs. The Center also advises and trains EPA employees on ADR, helps EPA programs to arrange for facilitators and mediators, and documents and evaluates ADR efforts in the Agency. The Center manages EPA's Consensus and Dispute Resolution Services Contract, which provides support for EPA conflict prevention and resolution activities. You should contact the Center if you have general questions about ADR at EPA or may be interested in engaging in an ADR effort with EPA.

Contact: Tanya Hill, 202-564-2922

www.epa.gov/stakeholders/intro.htm

This is an EPA website that covers topics related to community involvement and public participation. There are descriptions about what EPA is doing to promote meaningful inclusion of stakeholders in environmental decision-making, examples of successes, information about contacts and training opportunities, and an area for new information about ADR at EPA.

EPA OMBUDSMEN

Several EPA programs have designated ombudsmen who have the ability to look independently into concerns that come to their attention and to facilitate the communication that may lead to a solution. If you have a specific question or concern related to one of the program areas listed below, you may call the contact for help.

Microbial Ombudsman: **Yvette Hopkins, 703-308-6214**

(Area of responsibility: registration of antimicrobial pesticides.)

National Hazardous Waste Ombudsman: **Robert Martin, 202-260-9361**

(Area of responsibility: transportation, storage, disposal, and cleanup of hazardous materials.)

Pesticides Ombudsman: **Linda Arrington, 703-305-5446**

(Area of responsibility: registration of pesticides and herbicides.)

Small Business Ombudsman: **Karen Brown, 202-564-1390**

(Area of responsibility: environmental problems for small businesses.)

Superfund Regional Ombudsmen: **See Regional Contacts Box**

(Area of responsibility: cleanup of hazardous substances and Superfund sites.)

U.S. INSTITUTE FOR ENVIRONMENTAL CONFLICT RESOLUTION (USIECR)

USIECR is a federal agency located in Tucson, Arizona. Its role is to assist in the resolution of environmental, natural resources, or public land use conflicts that involve a federal agency or interest. USIECR, working with EPA, has developed the National Roster of Environmental Dispute Resolution and Consensus Building Professionals. The roster and USIECR are good sources for identifying and learning about ADR practitioners in your area and all across the country. Information about the practitioners listed on the roster is now available to the public involved in environmental, natural resources, or public lands issues involving a federal agency or interest by contacting the Roster Manager.

Contact: Joan Calcagno, U.S. Institute for Environmental Conflict Resolution, 520-670-5299.

EPA REGIONAL OFFICES

EPA regional offices are located in ten major cities around the country. The staff in these offices are the people who work most closely with states and communities in carrying out EPA's environmental protection activities. One of these people would be a good place to start if you have questions about specific community issues that may benefit from ADR.

REGION 1 (CT, ME, MA, NH, RI, VT) 1 Congress Street, Suite 1100 Boston, MA 02114-2023 ADR Contact: Ellie Tonkin , 617-918-1726 Superfund Ombudsman: John Smaldone 617-918-1207	REGION 6 (AR, LA NM, OK, TX) 1445 Ross Avenue Dallas, TX 75270-2733 ADR Contact: Jim Dahl , 1-214-665-2151 Superfund Ombudsman: Arnold Ondarza 1-800-533-3508
REGION 2 (NJ, NY, PR, VI) 290 Broadway New York NY 10007-1866 ADR Contact: Tom Lieber , 212-637-3158 Superfund Ombudsman: George Zachos 1-888-283-7626	REGION 7 (IA, KS, MO, NE) 901 N. 5 TH Street Kansas City, KS 66101 ADR Contact: Cheryle Micinski , 913-551-7274 Superfund Ombudsman: Craig Smith 1-800-223-0425
REGION 3 (DE, DC, MD, PA, VA WV) 1650 Arch Street Philadelphia, PA 19103-2029 ADR Contact: Patricia Hilsinger , 215-814-2642 Superfund Ombudsman: Ken Kryszczun 1-800-438-2474	REGION 8 (CO, MT, ND, SD, UT, WY) 999 18 TH Street Denver, CO 80202-2466 ADR Contact: Maureen O'Reilly , 303-312-6402 Superfund Ombudsman: Sonya Pennock 1-800-227-8917
REGION 4 (AL, FL, GA, KY, MS, NC, SC, TN) 61 Forsyth Street Atlanta, GA 30303-3104 ADR Contact: Lisa Ellis , 404-562-9541 Superfund Ombudsman: Kathleen Curry 1-800-241-1754	REGION 9 (AZ, CA, HI, NV, AS, GU) 75 Hawthorne Street San Francisco, CA 94105 ADR Contact: Allyn Stern , 415-744-1372 Superfund Ombudsman: Sally Seymour 1-800-231-3075
REGION 5 (IL, IN, MI, MN, OH, WI) 77 West Jackson Boulevard Chicago, IL 60604-3507 ADR Contact: John Tielsch , 312-353-7447 Superfund Ombudsman: Doug Ballotti 1-800-621-8431	REGION 10 (AK, ID, OR, WA) 1200 Sixth Avenue Seattle, WA 98101 ADR Contact: Ted Yackulic , 206-553-1218 Superfund Ombudsman: Lauri Hennessey 1-800-424-4372



United States
Environmental Protection
Agency (2310A)
Washington, DC 20460

Official Business
Penalty for Private Use
\$300