

## **REACHING OUT TO MULTIPLE STAKEHOLDERS – EPA'S PUBLIC OUTREACH AND COMMUNICATIONS PROGRAM FOR THE WASTE ISOLATION PILOT PLANT**

by

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### **ABSTRACT/INTRODUCTION**

In October 1992, Congress enacted the Waste Isolation Pilot Plant (WIPP) Land Withdrawal Act that gave the U.S. Environmental Protection Agency (EPA) significant new responsibilities for overseeing the U.S. Department of Energy's (DOE) activities at the WIPP. The WIPP, which is designed to last at least 10,000 years, is located near Carlsbad, New Mexico, and is the world's first deep geological disposal facility for transuranic waste. In May 1998, EPA determined that the WIPP can safely contain transuranic waste and that it will comply with the Agency's radioactive waste disposal standards. EPA's decision allows the DOE to begin disposing radioactive waste in the WIPP once all other applicable health and safety standards have been met. As of September 1999, the WIPP has received approximately 40 shipments of transuranic radioactive waste.

In implementing its new responsibilities, EPA committed to conducting an open public process that includes interaction with all interested parties. EPA believes that a successful communication and consultation program facilitates the regulatory oversight process and promotes sound public policy decisions. As a first step in meeting its commitment to an open public process, EPA conducted a public consultation and communication needs assessment. The purpose of this assessment was to obtain input from interest groups and the public on their key concerns about EPA's role and responsibilities at the WIPP as well as to determine the best methods for communicating with them. The final step in our public consultation process is to evaluate the effectiveness of our WIPP public outreach program. We expect to have the evaluation results by the end of the year.

This presentation describes the importance of public involvement in EPA's WIPP oversight role and how the findings and recommendations of the communications needs assessment influenced the way in which the Agency developed and implemented its WIPP communications program with the citizens of New Mexico.

### **PUBLIC CONSULTATION AND COMMUNICATIONS NEEDS ASSESSMENT**

The Agency undertook a needs assessment as the first step in establishing its WIPP public outreach program for several reasons. First, although the WIPP project had been underway for quite a while, EPA involvement was new. So the Agency needed to learn about the public and its communications needs quickly and efficiently. Second, given the controversy surrounding this project, and EPA's awareness of the public's impressions of the federal government, the Agency could not afford to make mistakes in its outreach program if it was to establish credibility with the public in New Mexico. Third, given the public's involvement and familiarity

with the program, the Agency recognized that the New Mexicans would have valuable insights and make useful contributions to EPA's WIPP regulatory oversight program.

## **The Process**

EPA hired a New Mexico/Washington, DC-based consulting firm that specialized in public interaction and planning to assist in developing and conducting the needs assessment for this project. EPA began the process by interviewing New Mexicans who represented a wide range of interests and opinions regarding both the WIPP project and EPA's oversight of DOE's WIPP activities. Those interviewed included representatives of citizen and environmental groups, civic organizations, business groups, Native American groups, and private citizens. The results of these interviews provided EPA with information on the basic knowledge, understanding, and perceptions of a cross-section of residents and organized interest groups regarding DOE's WIPP project and EPA's WIPP oversight role and responsibilities.

## **Findings**

**General Public Perceptions About the Federal Government** — Interviewees described a history of poor communication and lack of consultation between the federal government and the public in New Mexico about the WIPP.

**Public Knowledge and Understanding About EPA's Role in the WIPP Project** — Although most individuals were well informed about the WIPP and knew that EPA had a regulatory oversight role, virtually no one interviewed had a good understanding of that role or the specific tasks EPA was responsible for carrying out, nor a good idea about time frames, schedule, or key decision points in the WIPP oversight program.

**Issues of Concern to New Mexicans** — Interviewees raised issues that EPA could address, as well as some that were outside EPA's authority. Many interviewees were concerned about how EPA would make its decision on the safety of the WIPP and how the public would be involved in the rulemaking process. They also stressed that EPA should be sensitive to the needs of New Mexico's culturally diverse population in formulating its communications and consultation program.

## **Recommendations**

Recommendations from the interviewees regarding EPA's public outreach and communications program all revolved around the theme of ensuring active and extensive public involvement in the WIPP regulatory oversight decision-making process. Overall, the needs assessment participants felt that EPA should focus its outreach and communications efforts on the identified needs of New Mexicans instead of on the Agency's needs. They made six recommendations:

**Provide Full Disclosure of Information Related to the WIPP** — New Mexicans wanted to receive extensive information on the WIPP project, on EPA's WIPP role and responsibilities, other federal and state agencies' roles and responsibilities, updates on the status of EPA actions, and the relative risks and hazards of radiation and the safety of geologic disposal of radioactive

waste. Participants also requested that communications between EPA and DOE be documented and made available to the public and that meetings between the two agencies be open to the public.

**Ensure Integrity and Independence of EPA's Decision-Making Process** — Participants voiced concerns that political considerations might outweigh public health and safety considerations. They felt that DOE might not provide accurate data to EPA and requested that EPA explain its approach to incorporating public participation into its decisions.

**Include the Public in Meetings** — The public requested access to events such as EPA's consultations with its National Advisory Council for Environmental Policy and Technology (NACEPT) WIPP Review Committee. In addition, they requested in-person contact with Agency officials and a method by which individuals could contact EPA for the latest information on upcoming events and activities.

**Conduct Activities Openly and Consult the Public When Making Decisions** — It was particularly important to many interviewees to have some involvement in EPA's decisions about the WIPP because they thought they had been excluded from participation by the federal government in the past.

**Provide Early Notification of WIPP Meetings** — New Mexicans suggested that EPA publicize its WIPP events widely and well in advance. New Mexico is made up of culturally diverse populations, including Hispanics and Native Americans, who wanted EPA to make a genuine effort to reach out to them and others in geographically remote communities. The geographically dispersed and culturally diverse population made it particularly important for the Agency to make special efforts to notify the public early.

**Respond Promptly to Public Inquiries** — Participants requested timely responses to inquiries, requests for information, and suggestions.

## **EPA's RESPONSE**

### **Development of Public Information Documents**

EPA developed a number of outreach documents for the public. The first, "EPA's WIPP Implementation Strategy", explained in detail the Agency's plan for carrying out its WIPP role and responsibilities. Another publication, "EPA and the WIPP" described EPA's regulatory oversight role and responsibilities. "EPA's Communications Plan for the WIPP" set forth the Agency's commitment to conducting business in an open and public manner, outlined its public outreach program, including the needs assessment findings and recommendations, and provided a listing of public information documents and resources as well as opportunities for public involvement throughout the rulemaking process. Because the Agency wanted to keep as many New Mexicans as possible informed about and involved in EPA's WIPP-related activities, the Agency also made some of its documents and materials available in both English and Spanish.

## **Partnership with the National Safety Council**

In 1996 EPA entered into a cooperative agreement with the National Safety Council's (NSC) Environmental Health Center to perform activities to improve public awareness of the health risks associated with the WIPP and increase the understanding of the various federal and state agencies with WIPP-related regulatory responsibilities. NSC, a nonprofit, non-governmental public service organization with state- and community-based chapters and offices throughout the United States, is a recognized source of worker, public safety, and environmental health information.

In September 1996, the NSC, in conjunction with the University of New Mexico's Institute for Public Policy, conducted three focus groups in New Mexico and a series of statewide public interviews. The purpose of these interviews was to determine the public's knowledge of the WIPP and the oversight and regulatory process surrounding it. In response to the questions New Mexicans posed during the focus groups and interviews, the NSC developed public information materials to address their concerns. These materials ranged from fact sheets and a booklet on frequently asked questions about the WIPP, to poster displays on EPA's public participation opportunities and on EPA's WIPP certification decision. NSC also published "A Reporter's Guide to the WIPP" -- a guide for the media on WIPP issues that includes a listing of contacts and resources.

EPA also worked with the NSC to develop their WIPP Web Site. The address is:  
<http://www.nsc.org/ehc/wipp.htm> .

EPA continues to work with the NSC to identify radiation issues of concern to the public and to develop additional, appropriate informational materials to address these concerns. For example, because trucks will transport the waste from the generator sites to the WIPP for disposal, New Mexicans and residents of other states along the waste transportation routes are concerned that a trucking accident will result in human exposure to radioactive material. In response to their concern, EPA collaborated with the NSC to develop a packet of informational materials including a fact sheet about transuranic waste generator sites and transportation issues and a transuranic waste generator site state contact list. NSC distributed these materials in March 1999, prior to the WIPP's receipt of the first shipment of transuranic waste.

## **Development of Public Information Resources**

In response to the public's request to keep them informed and involved in EPA's WIPP activities, EPA established these resources:

**WIPP Information Line** — A toll-free telephone line, 1-800-331-WIPP, with a recorded message (in English or Spanish) provides updates on EPA's WIPP activities. Callers can ask to be added to the mailing list, request publications, or leave questions for EPA staff.

**WIPP Stakeholder Mailing List** — The stakeholder list includes members of the general public, interest groups, the media, tribes, environmental groups, private industry, and members of

Congress, as well as staff from federal, state and local government agencies interested in receiving information concerning EPA's WIPP activities.

**WIPP Home Page** — EPA provides on-line information about WIPP program activities including announcements, updates on public outreach activities, and publications such as EPA's WIPP-related standards and rulemakings. The address is <http://www.epa.gov/radiation/wipp>.

**WIPP Dockets** — Documents supporting EPA's WIPP rulemaking decisions, such as reports, meeting notes, and correspondence, are available for public inspection at libraries in Albuquerque, Santa Fe, and Carlsbad, New Mexico, and at EPA Headquarters in Washington, DC.

**Consultation with Experts and the Public** — EPA consulted frequently with experts and the public on the many issues involving its oversight of the WIPP.

**NACEPT WIPP Review Committee** — In 1992, EPA established an advisory committee of independent technical experts under the National Advisory Council for Environmental Policy and Technology (NACEPT) to provide advice and counsel on technical and policy issues associated with the Agency's WIPP activities. These meetings were open to the public and provided opportunities to comment on the issues addressed by the advisory committee.

**Technical Exchange Meetings and Workshops** — Since 1992, EPA has held 23 technical exchange meetings with DOE on issues associated with the Department's program for demonstrating WIPP's compliance with EPA's radioactive waste disposal standards. The public was invited to attend these meetings and summary reports were filed in the WIPP dockets. EPA also invited national and international experts and representatives from other federal agencies and from New Mexico, including citizen groups, to participate in a three-day Technical Workshop on WIPP Compliance Criteria issues. The Workshop included time for audience comments and questions.

**Public Hearings** — Public hearings with significant advance notice are official parts of EPA WIPP rulemakings. They offer the public a forum where individuals can personally testify and present their opinions to the Agency. Some 815 people testified at EPA's WIPP hearings and EPA staff reviewed and addressed more than 1,450 oral and written public comments in developing its WIPP rulemaking decisions.

**Stakeholder Meetings** — EPA held frequent, informal meetings with interested stakeholders to keep them informed and to receive their feedback on WIPP oversight issues.

**Meeting Information and Notices** — Information about public meetings, hearings, and requests for written comments were published in the "Federal Register", announced on the WIPP Information Line, and advertised in local and major newspapers in New Mexico in both English and Spanish.

**Media Relations** — The Agency issued press advisories and conducted audio teleconferences with the media to announce key EPA decisions about WIPP. The NSC developed “A Reporter’s Guide to the WIPP”, that was well received by the news media.

**Congressional Relations** — EPA conducts briefings before members of Congress to keep them informed of EPA’s WIPP activities and publishes an annual Report to Congress on the Agency’s WIPP activities and resources.

**Conferences and Meetings** — EPA participates in international, national, state, and industry-sponsored conferences on radioactive waste management issues and in quarterly meetings of the National Academy of Sciences’ WIPP Panel.

## **LESSONS LEARNED**

**Know the Affected Public and Stakeholders** — Conducting the public consultation and communications needs assessment was useful in identifying members of the affected public and stakeholder groups. Recognizing the controversial nature of the WIPP project, the Agency obtained important information regarding the public’s attitudes, needs, and concerns needs before developing a comprehensive communications plan.

**Involve the Public and Stakeholders Early in the Regulatory Process** — EPA’s regulatory process was lengthy and complex. Although EPA was not required to conduct public hearings under the WIPP Land Withdrawal Act, the Agency wanted to conduct its business openly and provide the public with as many opportunities as possible to comment and participate in the regulatory process. In conjunction with the rulemaking hearings process, the Agency established seven public comment periods, a total of 495 days, for the public to submit written comments. Since 1992, EPA has held 23 technical exchange meetings, three NACEPT meetings, one technical workshop, three public meetings, and 12 public hearings. All 42 events were open to the public and the summary reports and transcripts were placed in the dockets. Frequent meetings and teleconferences also provided opportunities for all stakeholders to better understand the issues.

**Educate the Media** — Because the media is the major conduit for transmitting information to the public, EPA worked hard to educate reporters on its regulatory role and responsibilities and on the process that would be used for certifying the safety of the WIPP. Agency officials traveled to New Mexico and met with television, print, and radio journalists throughout the State to prepare them for EPA’s final certification decision for the WIPP. A key benefit of working closely with the media before a major announcement is that articles and broadcasts following the event are more accurately reported.

**Be Open and Responsive to Public Concerns** — Encouraging public and stakeholder participation and keeping them well informed is an ongoing process at EPA. The Agency will continue to meet with the public and stakeholders to discuss and address their concerns about the WIPP and EPA’s continuing role and activities.

Be Realistic With the Public About the Extent of Their Role and Involvement — Say up front what you can and cannot do for them. EPA was careful not to give the public false expectations about the extent of their involvement and role in the regulatory rulemaking process.

## **EPA'S CONTINUED OVERSIGHT ROLE AND FUTURE PUBLIC PARTICIPATION OPPORTUNITIES**

When EPA certified WIPP, the Agency included the condition that DOE waste generator sites may not ship waste to WIPP until two things happen: (1) EPA approves the site's quality assurance program for transuranic waste characterization activities and assumptions; and (2) EPA approves the transuranic waste characterization processes used at the site. The public may submit comments to EPA about any site the Agency inspects. Once an inspection is scheduled, EPA announces it in the "Federal Register", posts it on the WIPP Home Page, the WIPP Information Line, and simultaneously opens a 30-day public comment period on the site's quality assurance and waste characterization plans. These plans, as well as EPA's final inspection reports and letters of decision, are placed in the dockets. Throughout its operation of the WIPP, DOE must apply for re-certification by EPA every five years. EPA will consider public comments as part of its review.

EPA may also conduct inspections of activities at the WIPP and at other WIPP-related contractor, laboratory, and waste generator site facilities to verify continued compliance with EPA's radioactive waste disposal standards.

The Agency will continue to keep the public informed about its WIPP-related activities by recording WIPP Information Line announcements; by publishing notices in the "Federal Register", fact sheets, and the "EPA WIPP Bulletin" -- a newsletter; and by submitting inspections reports and other pertinent documents to the dockets for public review.

## **CONCLUSION**

The success of EPA's WIPP public outreach program is largely due to the amount of information that the Agency received before developing its comprehensive communications plan. By seeking this information, EPA avoided potential communications pitfalls that could have jeopardized the Agency's credibility and integrity. Although the Agency obtained more recommendations for its outreach program than it had resources to develop and implement, the findings and recommendations from the needs assessment enabled EPA to develop a responsive and cost-effective communications program. In addition, EPA staff have established a network of expert advisors with whom they can continue to work to help anticipate public concerns and attitudes before problems arise.

EPA highly recommends the program that we have described here. It is important to learn as much as you can about your audience. Focus communications and outreach efforts around the identified needs of the public instead of around the needs of your organization.