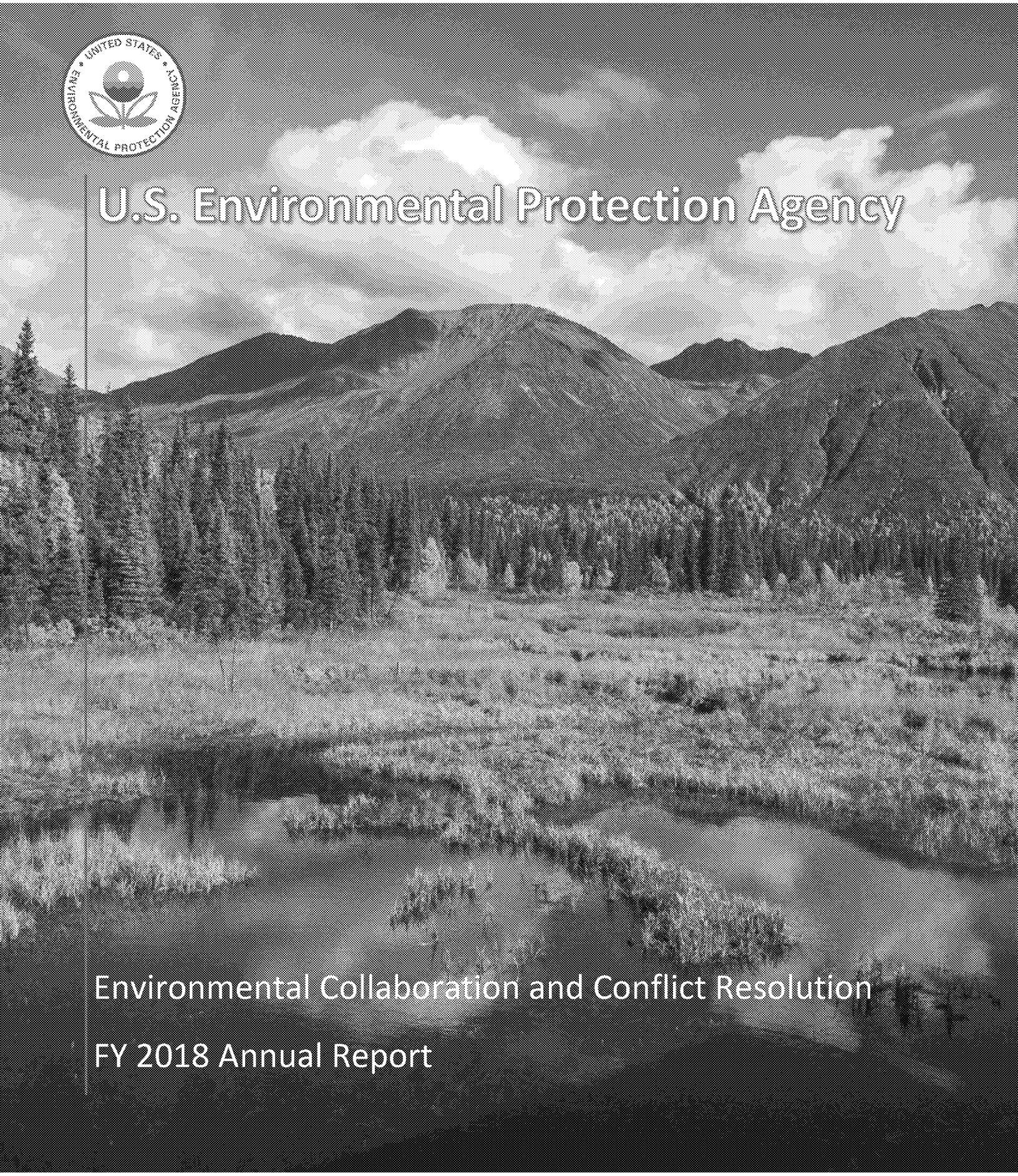

U.S. Environmental Protection Agency

Environmental Collaboration and Conflict Resolution

FY 2018 Annual Report

Executive Summary

This report highlights the Environmental Protection Agency's (EPA's) key achievements in providing environmental collaboration and conflict resolution (ECCR) in fiscal year (FY) 2018 and the infrastructure that supports this work. In FY 2018, EPA's Conflict Prevention and Resolution Center (CPRC) provided facilitators and mediators who helped the EPA address some of its most challenging cases, including Hurricane Irma and Maria recovery, USS Lead Superfund clean-up, and West Lake Landfill dialogue. Overall, the EPA used ECCR in 124 cases and projects throughout every region and most program offices. To efficiently support its large caseload, CPRC leveraged support from private sector neutral mediators, facilitators, and trainers through extensive use of its Conflict Prevention and Resolution Services (CPRS) contract. The EPA maintained its position as a leader among federal agencies in the use ECCR, despite a decreased caseload due to resource constraints. The CPRC also built EPA's capacity to perform ECCR; it trained over 440 staff and managers in 19 training sessions during FY 2018. EPA staff and managers continued to report important benefits from using ECCR including timely outcomes, more efficient processes, better decisions, avoidance of litigation, and a furtherance of EPA's mission. ECCR continues to be an essential tool to help the Agency achieve its strategic goals, particularly to "collaborate more efficiently and effectively with other federal agencies, states, tribes, local governments, communities, and other partners and stakeholders to address existing pollution and prevent future problems."[1]

Contents

[TOC \o "1-3" \h \z \u]

Cover photo: EPA

Introduction

For decades, the EPA has sought input from the public, worked with stakeholders to reach common ground, and negotiated agreements on contentious issues as it strives to fulfill its core mission. Each action the EPA takes to serve the public is the product of dialogue with a diverse set of stakeholders. Sometimes that dialogue goes smoothly; other times working together is challenging and conflicts arise. In those cases, a neutral facilitator or mediator who specializes in ECCR can help participants reach agreement. The Conflict Prevention and Resolution Center (CPRC) is the primary office which helps the EPA to meet these challenges and overcome environmental conflicts.

The CPRC does this by advising EPA staff and managers on how to work better with the public and increase the transparency of its work. It also provides facilitators and mediators who help stakeholders have a voice in EPA's decisions, often resulting in more acceptable, cost-effective, and timely outcomes than traditional alternatives. Key to this work is the Conflict Prevention and Resolution Services Contract, which is

[1] FY 2018-2022 EPA Strategic Plan, p. 7

managed by CPRC. Every office at EPA has access to this contract to quickly hire professional neutral facilitators, mediators, and trainers who specialize in ECCR.

Neutral professionals also mediate cases before the Environmental Appeals Board and the Office of Administrative Law Judges, as well as for environmental civil rights complaints brought to the External Civil Rights Compliance Office. CPRC's work, together with efforts by the Environmental Appeals Board, the Office of Administrative Law Judges, and the External Civil Rights Compliance Office, has resulted in EPA using ECCR more frequently than any other federal agency. EPA continues to be a leader in federal government ECCR practice and expertise.

This annual report is required by the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ)[2] and is prepared primarily by the CPRC. While it is important for cross-government understanding of the use of ECCR, this report is also a tool for EPA management, staff, and the public to understand EPA's use of ECCR and to inform and inspire readers on how ECCR can be used in a variety of situations to reduce conflict and to achieve better outcomes.

In FY 2018, the EPA continued its strategic plan of "Back to Basics," focusing on its core mission of implementing environmental statutes. EPA's strategic plan includes the goal of increased cooperative federalism, i.e. working with states and tribes to help them implement environmental protections. ECCR has become a key tool to achieve this goal for some EPA offices during FY 2018. Effective use of ECCR, led by CPRC has supported achievement of EPA's priorities, saving costs and providing effective and efficient means to resolve disputes and engage stakeholders.

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[2] Office of Management and Budget & Council on Environmental Quality (2012). *Memorandum on Environmental Collaboration and Conflict Resolution*. Washington, D.C. [HYPERLINK "http://www.udall.gov/documents/Institute/OMB_CEQ_Memorandum_2012.pdf"].

Background

Alternative Dispute Resolution (ADR) is the use of a neutral third party to conduct "any procedure that is used to resolve issues in controversy, including but not limited to, conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, and use of ombuds, or any combination thereof."[3] All aspects of ADR are voluntary, including the decision to participate, selection of the neutral, and the content of any final agreement. ECCR is essentially environmental ADR, but it also includes proactive collaborative decision-making, with the aim of preventing future conflict. OMB and CEQ define ECCR as ". . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management."[4]

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Several statutes direct or support the EPA's work providing ECCR. These include: the **Administrative Dispute Resolution Act** (1996), which encourages the use of ADR in agency actions, directs all federal agencies to appoint a Dispute Resolution Specialist and promulgate an agency ADR policy, and provides guidance on the issue of confidentiality during ADR processes; the **Negotiated Rulemaking Act** (1996), which encourages the use of facilitated consensus in developing federal regulations; and the **Alternative Dispute Resolution Act** (1998), which directs the federal courts to establish ADR provisions and processes. **EPA's ADR policy** (65 FR 81858) affirms the Agency's support for using ADR to address environmental conflicts, among others.

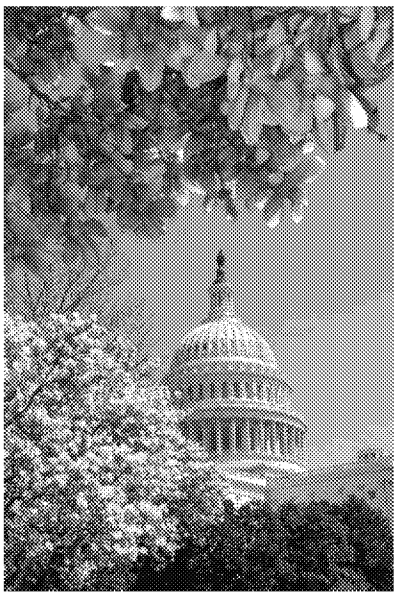


Photo: EPA

In addition to EPA, several federal agencies which implement environmental statutes and/or whose actions have significant environmental impacts also maintain ECCR services. In FY 2018, these agencies included the Department of the Interior (DOI), the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (USACE), the EPA, and several others. EPA has been and continues to serve as a government-wide model for effective use of

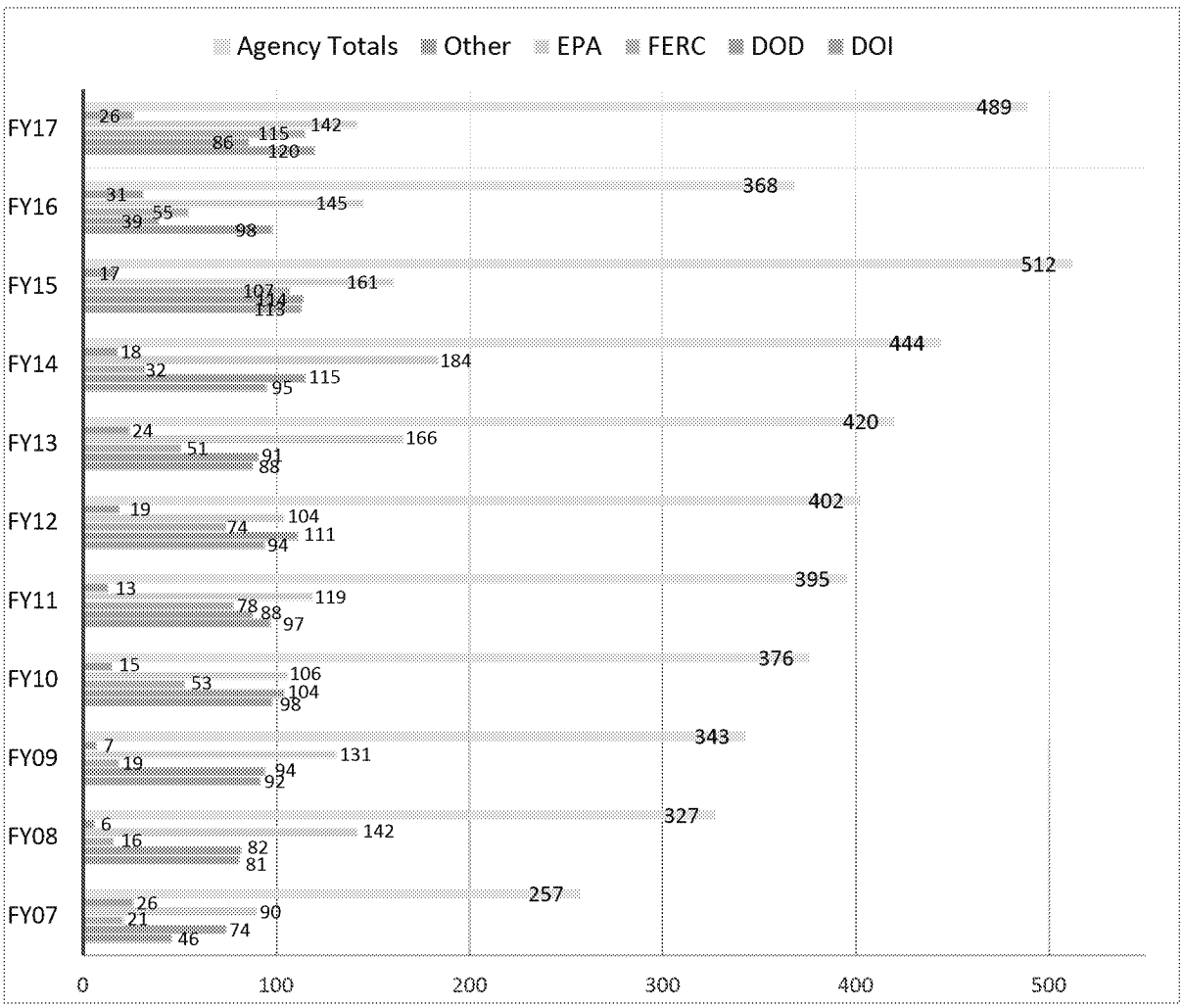
[3] 5 U.S.C. § 571(3)

[4] Office of Management and Budget and President's Council on Environmental Quality Memorandum On Environmental Conflict Resolution, [HYPERLINK "https://www.udall.gov/documents/Institute/OMB_CEQ_Memorandum_2005.pdf"]

ECCR; it has been a national leader in the practice, teaching, and evaluation of ECCR for close to two decades. For all but one of the past eleven years of required reporting, EPA engaged in more ECCR cases than any other federal agency (see Figure 1).

Figure 1 shows a general increase in ECCR use (the number of active [completed or ongoing] ECCR cases) by federal agencies over the past 11 years. The data show a downward trend of ECCR use at EPA beginning after FY 2014. This trend continued into FY 2018 during which EPA engaged in 124 ECCR cases. Likely causes for this trend are discussed in the "Challenges" section.

Figure 1: ECCR Cases in the Federal Government - FY 2007 to FY 2017[5]



[5] U.S. Institute for Environmental Conflict Resolution. *Environmental Collaboration and Conflict Resolution (ECCR) in the Federal Government: Synthesis of FY 2017 Reports*. Tuscon, AZ. The report is available online here: [HYPERLINK "https://www.udall.gov/documents/ECRReports/2017/FY17ECCRSynthesisReport_Final.pdf"]

ECCR Infrastructure at EPA

The CPRC provides most of EPA's ECCR services as well as ECCR training. Through FY 2018, CPRC also maintained a robust case evaluation program. Three additional offices also offer ECCR services consistent with the EPA's policy on conflict resolution[6].

The Conflict Prevention and Resolution Center (CPRC), within the EPA's Office of General Counsel (OGC), is the office that leads EPA's ECCR program and provides most ECCR services at the EPA. It is led by the EPA's Dispute Resolution Specialist. The CPRC supports the entire Agency by helping programs and regions across the agency collaborate, prevent, and resolve disputes. The CPRC provides expert ECCR services, either directly by CPRC staff, or most often, through its $51 million Conflict Resolution Services (CPRS) contract. The contract offers access to reliable and easy-to-use services from private sector experts. CPRC's services help the Agency more effectively engage states, tribes, and local stakeholders to achieve better environmental outcomes. In addition to mediation and facilitation, CPRC staff and contracted ECCR experts provide training, coaching, and related services in support of ECCR. As described below, CPRC works with ECCR specialists located in all ten EPA regions to help deliver services in support of regional programs.

The Office of Administrative Law Judges (OALJ) is an independent office in EPA's Office of Mission Support (OMS). In accordance with the Administrative Procedure Act, the administrative law judges (ALJs) conduct hearings and render decisions in enforcement and permit proceedings between the EPA and those regulated under environmental laws. The ALJs also may conduct hearings related to findings by EPA's External Civil Rights Compliance Office (ECRCO) of a violation of one of the civil rights laws it enforces, including Title VI of the Civil Rights Act, where the Recipient of EPA financial assistance has refused to come into compliance with its nondiscrimination obligations through informal means and EPA seeks to terminate or refuse to award or to continue assistance. All litigants before the ALJs are offered the opportunity to resolve cases through ECCR.

The Environmental Appeals Board (EAB), also located within the OMS, primarily hears appeals of permitting decisions and administrative penalty decisions. Other significant matters include petitions for reimbursement of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) cleanup costs and certain pesticide registration and cancellation proceedings. A wide range of stakeholders appeal to the Board, including companies, state and local governments, tribes, non-governmental organizations, citizens, and in the penalty cases, the EPA itself is the complainant. The EAB offers parties the option to resolve disputes through ECCR with the assistance of a neutral mediator who is

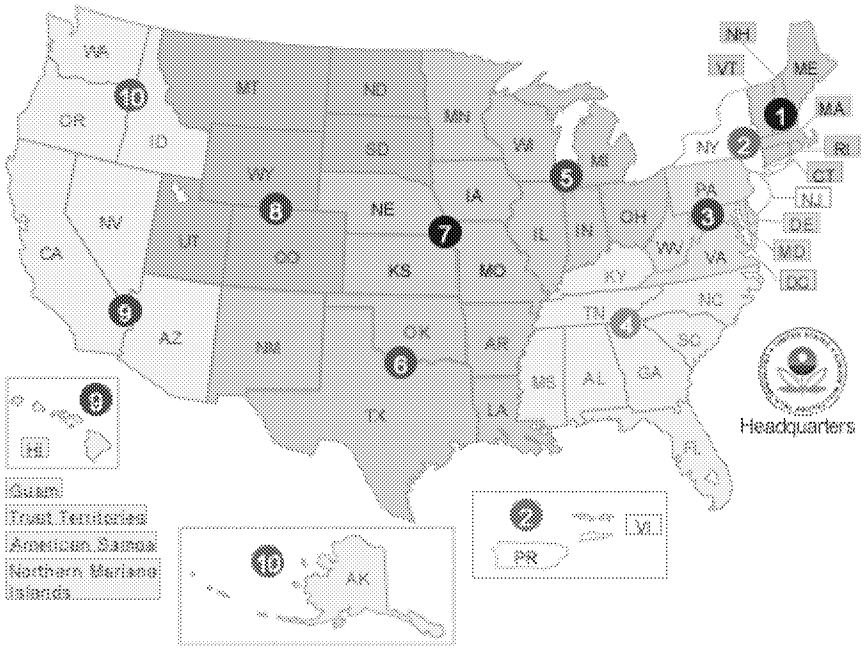
[6] [HYPERLINK "https://www.epa.gov/sites/production/files/2018-04/documents/epa_adr_policy.pdf"]

often an EAB Judge. The EAB's ECCR program has fostered negotiated settlements that speed up resolution of EAB cases and conserve government resources.

The External Civil Rights Compliance Office (ECRCO), within the OGC, enforces several civil rights laws, most notably Title VI of the Civil Rights Act of 1964, which prohibits discrimination by applicants for, and recipients of, federal financial assistance from EPA. In appropriate cases, ECRCO offers parties the opportunity to engage in formal mediation to resolve complaints. ECRCO provides information regarding mediation and other informal resolution options in its initial communications with parties.

In addition to the support for ECCR from these four offices, the EPA has 20 skilled **ECCR Specialists** in its regional and program offices, who work with CPRC to provide ECCR services. A few work as fulltime ECCR specialists, but most do this work as a collateral duty. Many are attorneys in the Offices of Regional Counsel, but others work in a variety of contexts, including public involvement, environmental justice, and enforcement. They have been trained in a variety of ECCR skills, including facilitation, mediation, negotiation, and/or conflict coaching. ECCR Specialists advance the use and understanding of ECCR at EPA by serving as liaisons for ECCR activities; supporting ECCR education and training; drawing on existing regional resources to resolve disputes; building and supporting ECCR and facilitation communities of practice to develop expert knowledge, skills, and capacity; tracking requests for assistance, ECCR cases and projects; and contributing to the development of this annual report to OMB and CEQ. On occasion, they also serve as mediators, facilitators, and conflict coaches. The network of ECCR Specialists remained strong and active in FY 2018, notably growing in Region 4. Regions 7 and 9 experienced a reduction in the use of ECCR, likely due to the loss of full-time ECCR specialists, who have not yet been replaced.

Figure 2: EPA Regions



epa.gov/aboutepa/visiting-regional-office

FY 2018 ECCR Use at EPA

Since 1978, ECCR has helped the EPA to fulfill its mission to protect human health and the environment. Using ECCR allows the EPA, its stakeholders, and the citizens it serves to more effectively engage with each other and develop a common understanding of environmental issues, prevent conflict, reduce differences, and resolve disagreements in a mutually-agreeable manner. In short, ECCR helps the Agency make better decisions, work with stakeholders in a more effective manner, and attain sustainable environmental outcomes.

Overall Use of ECCR at EPA

The EPA's strategic plan focuses on delivering a cleaner and safer environment to the American people. The 2018-2022 EPA Strategic Plan has three primary goals:

1. **Core Mission**: Deliver real results to provide Americans with clean air, land, and water.
2. **Cooperative Federalism**: Rebalance the power between Washington and the states to create tangible environmental results for the American people.
3. **Rule of Law and Process**: Administer the law, as Congress intended, to refocus the Agency on its statutory obligations under the law.

ECCR helps the Agency to achieve all these goals. The following section describes how the EPA used ECCR to support these goals in FY 2018. In particular, EPA's ECCR program directly contributed to effective environmental protection by helping EPA programs and regions work with "… state partners … from a foundation of transparency, collaboration—including public participation—and a spirit of shared accountability for the outcomes of this joint work. This foundation involves active platforms for public participation, including building the capacity of the most vulnerable community stakeholders to provide input." [7]

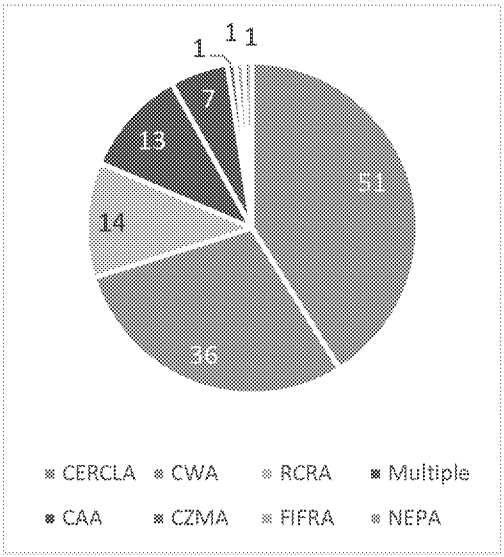
1. Core Mission

In FY 2018, the EPA used ECCR in all ten regions and most program offices for a broad range of applications. From mediating disputes over Superfund cleanups to facilitating rulemaking meetings; from gathering public input during complex and high-tension meetings to mediating enforcement disputes, facilitators provided by the CPRC and others designed and led meetings, so EPA staff could focus on technical and substantive issues and keep projects moving forward.

[7] FY 2018-2022 EPA Strategic Plan, p. 25

EPA used ECCR in FY 2018 in a broad range of circumstances nationwide.

Figure 3: FY 2018 ECCR Cases by Statute



- In FY 2018, ECCR was used in 124 cases in every EPA region and nearly every program, in situations including Superfund cleanups, brownfields redevelopments, permit disputes, and policy development.

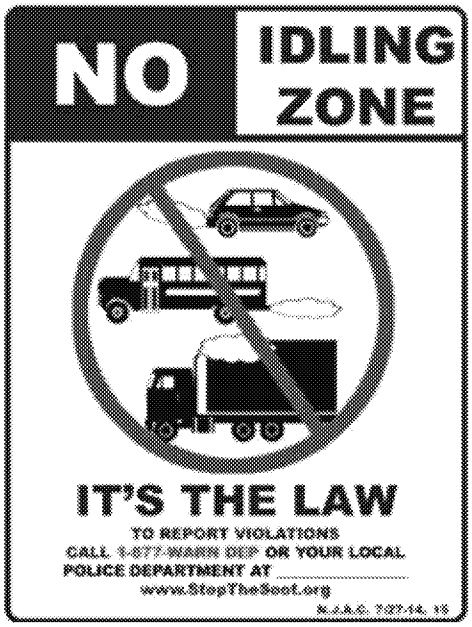
- Similar to past years, in FY 2018, ECCR was used most frequently to address issues under CERCLA (Superfund, in about 41% of cases) and the Clean Water Act (CWA, in approximately 29% of cases), as seen in Figure 2. Cases classified as "multiple" were predominantly facilitated processes with communities that dealt with several environmental issues.

- In FY 2018, all offices with specific mandates to support ADR successfully supported mediations and other cases. CPRC handled 75 cases on behalf of client programs and regions, and the ECCR Specialists were responsible for 22 cases. In addition, the ALJs mediated nine cases to resolution, and the EAB mediated one case. ECRCO referred one Civil Rights Title VI case for mediation with assistance from CPRC (see "Case Highlight" below). EPA was involved in five cases mediated under the auspices of the U.S. Department of Justice, and three mediated in U.S. District Courts. Eight other ECCR cases in which EPA was involved were handled by a combination of means (for example, multiple parties paid for a neutrally facilitated or mediated process).

EPA senior leaders continue to use ECCR to help the Agency achieve its mission. Senior leadership actively engaged in and strongly supported the use of ECCR in several high-profile cases in FY 2018, including:

- Coeur d'Alene Basin/Bunker Hill Superfund Facilitation
- Diamond Alkali Lower Passaic River Superfund Mediation
- Federal Mining Dialogue
- GE Housatonic Citizens Coordinating Council
- Hurricane Irma and Maria Recovery
- National Tribal Caucus Facilitation
- Portland Harbor Southeast Superfund Facilitation
- REACH Title VI Mediation
- Town of Marion Permit Appeal Mediation
- Trash Free Waters
- USS Lead Superfund Facilitation
- West Lake Landfill Dialogue

EPA's Strategic Plan describes goals for the Agency's core mission work in four broad categories - Air, Water, Land, and Chemicals. This section describes how EPA used ECCR in each of these four areas in FY 2018 and provides specific example cases.



Sign developed by Newark Idle-Free Subcommittee

Air - EPA used ECCR in seven air cases in FY 2018, dealing with topics including truck idling, pollution in ports, and asthma caused by indoor air pollution in tribal communities. One example of effective ECCR use in FY 2018 is the Newark and Camden Idle-Free Subcommittee Facilitation. In this case, Region 2 contracted professional facilitators through CPRC to design and manage a series of meetings to support the City of Newark Environmental Commission's Idle-Free Subcommittee in its efforts to enforce and implement its idling regulations, and to conduct outreach to reduce idling by buses, trucks, and other vehicles. As a result of the facilitation, the city and community stakeholders are implementing a plan to limit exposures of sensitive populations including school children and low-income neighborhoods by cutting air pollution in key locations through reduced idling of diesel engines. Building on this success, the City of Camden is now beginning a similar process to reduce idling. (See pages 41-42 in Appendix F for more information.)

Water - After land (i.e. Superfund and RCRA), water has been the media which has historically used ECCR the most at EPA, and this continued to be true in FY 2018. EPA's many water programs often require complicated planning, involve disputed permitting, or experience contentious enforcement actions. The 36 water-related ECCR cases that occurred in FY 2018 arose in nine of EPA's 10 regions. These cases involved compliance and enforcement issues (12 cases), storm and hazard mitigation planning (10), watershed planning (6), permit issuance and appeals (4), policy dialogue facilitation (3), and one instance of rulemaking.

For example, a municipality, local citizens, and EPA successfully used ECCR in the Choctaw Levee Mediation in Region 6 during FY 2018. In this longstanding wetlands enforcement case under the CWA, EPA alleged that the municipality had filled ten acres of wetlands, which impacted an additional twenty acres, and failed to apply for a CWA 404 permit. After EPA filed a complaint, the parties entered alternative dispute resolution with an administrative law judge (ALJ) as mediator. After lengthy and vigorous participation on all sides, the parties agreed that the municipality would pay a penalty and complete all CWA 404 permitting obligations. Using ECCR enabled to parties to create a resolution beyond merely paying a penalty. The resolution included both a negotiated penalty and injunctive relief.

After the parties resolved the enforcement measures, local citizens who had purchased land within the impacted area had the certainty they needed to develop their property.

Land - For decades, EPA's most frequent use of ECCR has supported Superfund cleanups. The large number of Superfund-related ECCR matters is primarily due to the legal requirement to involve communities in the development of clean up remedies and the financial support available through Superfund. Superfund cleanups always involve planning, community involvement, outreach about complicated scientific matters, and sometimes very contentious negotiations and litigation. EPA most often uses ECCR to provide support to establish and facilitate community advisory groups (CAGs), to facilitate challenging public meetings, to provide conflict coaching so EPA staff involved in site cleanups can work more effectively with stakeholders, and to mediate disputes over responsibilities and terms of cleanups. The main policy contexts for the 51 Superfund ECCR cases in FY 2018 were compliance and enforcement (18), general community involvement (12), planning for cleanups (11), siting and construction (5), and implementing agreements to clean up sites (5).[8] CPRC directly supports the Superfund Task Force's goals to engage partners and stakeholders while expediting cleanup and remediation.

An example of successful ECCR use at a Superfund site in FY 2018 is the case of West Lake Landfill Site Facilitation. This site contains radioactive byproducts from defense-related uranium processing in downtown St. Louis. The EPA site team worked with CPRC to secure a skilled facilitator to assist with an important public meeting in March 2018 that was expected to be contentious. The meeting, held to gather public comment on the Agency's proposed Record of Decision amendment, ran smoothly as the facilitator ensured participants had an opportunity to have their voices heard. The neutral facilitator was particularly effective during the public comment portion of the meeting, which became emotional as many community members shared their perspectives on EPA's remedy proposal. As a result, the Agency successfully heard from over 100 citizens during a three-hour period.

March 2018 Community Meeting on West Lake Landfill
Photo: EPA Region 7

The EPA also used ECCR in 14 Resource Conservation and Recovery Act (RCRA) cases in FY 2018. These cases involved a broad range of topics including cleanup from hurricanes, solid waste tracking and recycling, and implementation workshops with municipalities in Regions 1, 2, 4, and 10. These cases

[8] More than one of these categories apply to a number of the cases.

involved planning (5 cases) or compliance and enforcement actions (4), policy development (2), rulemaking (1), and community involvement (1).

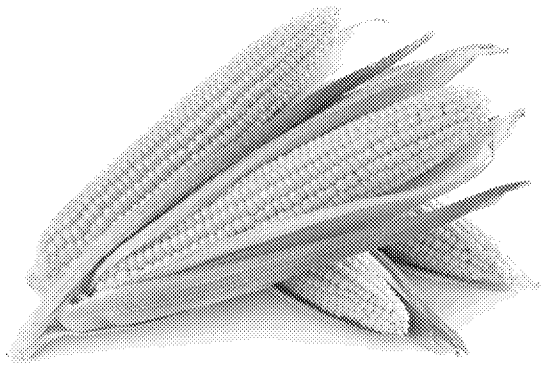


Photo: Wikimedia Commons
Author: Juvencia Irene Da Costa
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Chemicals - During in FY 2018, there was one ECCR case under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Mediation by the ALJs was highly effective in this Syngenta Seeds Mediation. EPA Region 9 and Syngenta Seeds engaged in ECCR after the company filed an Answer to EPA's Complaint in a Part 22 administrative penalty action. In the complaint, EPA sought civil penalties for alleged FIFRA worker protection violations on a Syngenta Seeds research farm in Kekaha, Hawaii. The key issues were about the correct interpretation of FIFRA's Worker Protection Standard and the calculation of the penalty. Settlement negotiations were protracted due to the incorporation of a complex supplemental environmental project. The mediation process allowed all parties time to better understand and evaluate the strengths and weaknesses of each other's positions. The neutral ALJ provided the parties with important feedback regarding the degree of risk should the case be heard in court. With that essential feedback, the parties adjusted their expectations about the likely outcome of the litigation. They came to terms and signed a Consent Agreement in December 2017, which was ratified by a Final Order issued by the Region 9 Regional Judicial Officer in February 2018. The ECCR process required the parties to take the time to prepare for negotiations, but ultimately, because negotiations were successful, further litigation was avoided, saving the Agency and the other party significant resources. The outcome included significant human health and environmental benefits in rural parts of the U.S. and strengthened the EPA's program for farmworker safety - to which all the parties agreed - without the external imposition of conditions that either party would not have preferred.

2. Cooperative Federalism

EPA's second strategic goal is cooperative federalism, under which EPA aims to promote shared accountability among the federal government, states, and tribes and in consultation with local communities to provide environmental protection, and to increase transparency and public participation. ECCR enhances the likelihood of achieving these important outcomes. Engaging with stakeholders can be complex, time-consuming, and imbued with conflict. In these cases, using a skilled facilitator is an essential tool to help ensure that EPA's work with states and tribes is effective, provides meaningful public involvement and comes to timely, practical solutions. In FY 2018, more than half (56%) of EPA's ECCR cases involved facilitation of collaborative processes with states, tribes, communities, and other federal agencies, most often with CPRC support.

Enhance Shared Accountability - The CPRC specializes in helping the EPA work with its state, tribal, and local partners to achieve shared governance, enhanced collaboration, and better environmental outcomes. In FY 2018 the CPRC provided skilled facilitators who helped the Agency to better allow states and tribes to advance their environmental goals.

August 2018 NTOC Meeting Participants Photo: EPA OITA

For example, to enhance shared accountability, in FY 2018 CPRC worked with the American Indian Environmental Office (AIEO) to provide a professional facilitator for the National Tribal Operations Committee (NTOC). The NTOC is a forum where federally recognized tribes work with EPA senior leadership on policy and resource matters related to tribal capacity building, environmental program development, and implementation in Indian country. EPA's AIEO and the National Tribal Caucus (NTC) leadership were concerned that the upcoming meeting could be highly contentious and disruptive. The facilitator's expertise in setting up meetings led to successful, calm, professional, and interactive discussions where participants agreed upon work products and well-defined next steps. The meeting achieved its overall desired outcome to establish a foundation for improved AIEO and NTC relations.

Additional Cooperative Federalism accomplishments supported through CPRC's work during 2018 include:

- Facilitating policy based on input from states and tribes about how best to assume the CWA 404 permitting authority;
- Implementing trans-boundary watershed management plans in Maine, Montana, and Idaho; and
- Collaborating with states in New England to enhance permitting and compliance at RCRA treatment, storage, and disposal facilities.

Increase Transparency and Public Participation - As the Agency's experts in public participation and the main providers of contracted public participation support, the CPRC staff routinely support all EPA programs and regions to increase transparency and public participation. In FY 2018, the CPRC regularly advised on how to organize public participation processes. Expert facilitators and mediators accessed through CPRC's contract supported the creation and improved functioning of 13 Community Advisory Groups at Superfund sites and helped create forums for environmental justice communities to engage with the EPA throughout the country. CPRC also provided training to help EPA staff better plan, design and deliver meetings with improved public participation.

In some cases, EPA directly collaborates with stakeholders. For example, in FY 2018 Region 1 led the E-Enterprise for the Environment initiative, which is aimed at modernizing the business of environmental protection in partnership with the Environmental Council of States, and individual states and tribes. Region 1 staff served as co-chair of the E-Enterprise Regional Coordinators group. During the meetings, each of ten EPA regional representatives shared information regarding its region's modernization and efficiency projects. Region 1 developed its own "New England E-Enterprise State/Tribal Network." Network members from each state and one tribe shared stories and information about modernization and efficiency projects.

E-ENTERPRISE
for the environment

epa.gov/e-enterprise

States and tribes saved time and money by sharing information about ways to reduce technological and regulatory inefficiencies and planned for a multitude of long-term improvement projects. Through the mantra of, "build once, use many," states, tribes, and EPA programs apply systems, platforms, and technologies without the need to start from scratch (for more information, see Appendix G, page 50-51).

3. Rule of Law and Process

Compared to litigation, which can be costly, time-consuming, and has uncertain results, environmental mediation can offer a path to compliance that parties may have not seen before. Through the mediation process, parties can identify more creative means to meet their interests and resolve disputes than may be available through litigation. From negotiations at Superfund sites among potentially responsible parties, to access issues, CPRC used its alternative dispute resolution skills and approaches to help bring more than 90 seemingly intractable cases to satisfying resolutions in FY 2018. Through the CPRC, and in collaboration with the Department of Justice, relevant states, and tribes, EPA staff accessed environmental dispute resolution professionals nationwide and helped bring parties back into environmental compliance consistent with EPA's strategic goal regarding the "Rule of Law and Process".

FY 2018 Case Highlight: Seeking Justice Through Mediation: REACH Title VI Case

In FY 2017 and 2018, EPA provided skilled CPRC staff and an external mediator to resolve a challenging, long-standing Title VI dispute between state agency and community parties in North Carolina involving concentrated animal feeding operations (CAFOs). Mediation allowed the parties to address the current and historical conflict, explore potential remedies and options, and craft an agreement that resolved the issues raised in the Title VI complaint. The parties agreed to develop monitoring programs and to revise the North Carolina General Permit for Swine Facilities through a process that is more inclusive and responsive to the affected community. Had the case been litigated, the parties would not have been able to create their own mutually satisfactory resolution. (See Appendix C.)

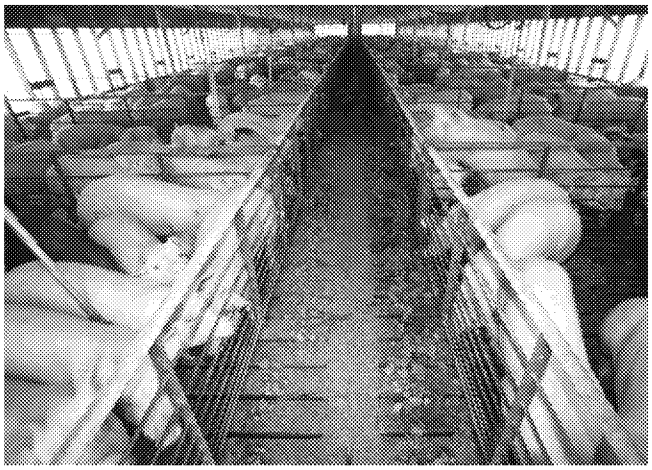


Photo: Wikimedia Commons

"The negotiation training provided examples and hands-on practice of how to communicate more clearly with my colleagues, as well as how to negotiate more effectively with parties outside EPA."

- Interest-Based Negotiation Trainee

ECCR Training at EPA

In FY 2018, the CPRC increased EPA staff capacity to perform ECCR through its training. The CPRC led the Agency's ECCR outreach and training activities to strengthen EPA staff's skills and promote the increased use of ECCR throughout the Agency. First, CPRC continued to implement its training strategy by strategically upgrading training offerings. In FY 2018, CPRC developed two new trainings to better serve the Agency's needs: *Using Alternative Dispute Resolution to Maximize Your Effectiveness as an Advocate;* and *Facilitating Dialogue*.

CPRC provided a series of trainings for EPA managers and staff to build skills and knowledge in interest-based negotiation, engaging in difficult conversations, and legal bargaining. In FY 2018 the CPRC delivered **114 hours** of ECCR training over the course of **19 sessions**. More than **440 staff and managers attended** trainings at EPA headquarters and in six regional offices. Customized, advanced courses were provided to the Office of Pesticide Programs - Regulatory Management Branch, the Office of Land and Emergency Management's Superfund program, the Office of Pollution Prevention's Product Science Branch, the Office of Grants and Debarment - Suspension and Debarment Division, the American Indian Environmental Office, the Office of Regional Counsel in Region 2, all Region 7 staff, and all Headquarters attorneys. Seven introductory sessions open to the entire Agency were attended by over 270 staff from all headquarters program offices.

"It was helpful to see real people talking about their experiences using techniques to take on difficult conversations. [The training] makes it more realistic and approachable and gives me more confidence to employ the techniques myself."

- Difficult Conversations Trainee

CPRC delivered its tenth annual Conflict Resolution Week program in October 2017. Events during this week increased EPA staff and managers' awareness of ECCR services at the EPA and improved their ECCR knowledge and skills. The CPRC hosted three sessions with speakers which were available to all ten regions and presented two in-person trainings on interest-based negotiation and understanding your conflict style. In a panel discussion, senior leaders from the Office of Land and Emergency Management (OLEM), the Office of Water (OW), and AIEO encouraged staff to learn about and apply ECCR in their work by highlighting the value of these approaches to the success of their programs. Region 2 also organized in-person trainings. In total, over 260 people from HQ and regions attended at least one session during Conflict Resolution Week events.

ECCR Evaluation at EPA

As part of its commitment to continuous improvement, CPRC conducted its eleventh year of evaluating ECCR cases, trainings, and performance of its contracting services. CPRC evaluated 9 cases, 9 trainings, and 108 contract task orders and technical directions. The EPA uses case evaluation data to provide feedback to EPA staff and practitioners about how to improve future services and to build understanding of the benefits of ECCR. Review of training evaluation data over the last 11 years shows CPRC's training has improved. FY 2018 training evaluation data showed that the CPRC continued to provide excellent services (average scores of greater than 8.5 out of 10) on nearly all measures of training content and instruction. CPRC is fortunate to have robust baseline evaluation data, which it began using to implement EPA's Lean Management System in FY 2018. CPRC's evaluation program has historically been supported by a contractor. However, as noted above, constrained agency appropriations have not kept pace with costs and that has reduced funding available for CPRC and the regional resources that support ECCR. As a result, CPRC has not had contract support to produce quarterly or annual case and training

evaluation reports in FY 2018. In the past, these reports were used to better understand and adapt to trends.

Benefits of Using ECCR

The following are the main benefits of ECCR use identified by EPA's program and regional offices:

EPA offices and regions reported that ECCR use **furthered the Agency's mission and strategic goals** to protect human health and the environment by helping them establish collaborative processes to resolve environmental problems. Such processes often facilitated creative solutions and strategies to solve problems that would otherwise be held up in litigation and enabled the Agency and its stakeholders to plan effectively for the future.

Noted Benefits of ECCR

- *Furthers EPA's mission and strategic goals*
- *Improves relationships*
- *Greater efficiency*
- *Avoids litigation*
- *More productive conversations*
- *Better outcomes*
- *Builds capacity*

ECCR use resulted in **improved collaboration and working relationships** among a broad range of stakeholders as EPA enhanced cooperative federalism.

The use of ECCR made **processes more efficient**. First, when the Agency used a neutral third party, it provided structure and focus to negotiations and moved cases along more quickly. One result was that the EPA could better meet required case or project deadlines. Second, offices noted resource savings when ECCR was used for enforcement cases. This was because, compared to litigation, the early resolution of cases resulted in cost savings, quicker case resolution, and reduction of wasteful gamesmanship, posturing, and delays between counter-offers. Offices also noted efficiency and the uncertainty associated with litigation outcomes as a **reason to avoid litigation**.

Some noted that ECCR produced **more productive conversations** in both enforcement and non-enforcement contexts. Involving neutral facilitators and mediators helped overcome language barriers, cultural differences, and challenges in communicating about risk. Even in enforcement cases where the parties did not reach agreement, offices and regions reported that ECCR resulted in a better understanding of the issues and often narrowed the range of disagreement, laying the groundwork for a speedy resolution.

Many offices and regions stated that ECCR resulted in **better outcomes**, some of which could not have been achieved without neutral third-party assistance. These included outcomes that have improved environmental conditions when compared to non-ECCR cases, more creative outcomes, and external stakeholder ownership in the EPA's initiatives, programs and agreements.

ECCR professionals helped the EPA and external stakeholders **build their capacity** to engage in collaborative processes. Capacity building activities such as coaching parties on how to deal with conflict and creating procedures to address conflict when it arises, enabled partnerships and workgroups to work together more effectively even after neutral facilitation support ended.

ECCR saved time and money compared to alternative decision-making processes

In 2015, the CPRC conducted a census of lead attorneys in ECCR cases. The CPRC continues to hear reports from ECCR users which affirm the results of the comprehensive 2015 study. The study found that:

- ECCR processes required 45% fewer weeks to reach a decision than litigation.
- ECCR processes required 30% fewer staff members than litigation.
- ECCR processes required 79% fewer lead attorney hours than litigation and 38% fewer lead attorney hours than settlement without third-party neutrals.

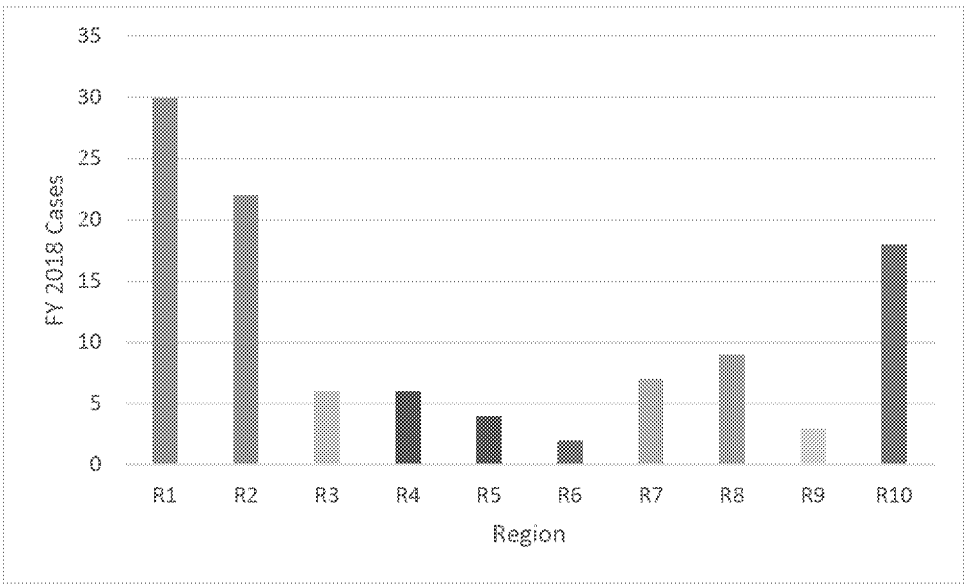
These results suggest that ECCR in EPA's litigation-related cases can produce faster resolutions, reduce staffing workload, and provide direct cost savings compared to alternative decision-making processes such as litigation and settlement without third-party neutrals.

Photo: EPA

Challenges

Several challenges have led to a reduced use of ECCR at the EPA. As noted in Figure 1, the reduced use of ECCR at EPA began in FY 2015 and has continued through FY 2018. Constrained agency appropriations have not kept pace with costs and that has reduced funding available for CPRC and the regional resources that support ECCR. There has also been staff attrition; CPRC staff positions lost to attrition represent about a 33% reduction in FTE from FY 2016 levels. Further, Regional ECCR Specialists, who serve to educate regional staff and managers about when and how ECCR can appropriately be used, have declined in number. Figure 4 illustrates the current level of ECCR use across the EPA regions.

Figure 4: FY 2018 ECCR Cases by Lead Region



Note: this chart does not include 15 ECCR cases that were national or programmatic in scope and were led by a program office.

Additionally, during FY 2018, one of four administrative law judges who frequently provided mediation retired, and the OALJ implemented a policy change, which reduced the opportunities for mediation to be used in cases under their purview. Taken together, these changes reduced the number of ECCR cases in FY 2018 and will likely affect ECCR use in FY 2019 and beyond.

Conclusion

In FY 2018, the EPA remained a lead federal agency that provides ECCR and continued to supply easy access to top quality ECCR services to help the EPA achieve its mission and strategic goals. EPA's program and regional offices, supported by the CPRC, used these services because they are an important tool to carry out effective work. As described above, ECCR was used in every EPA region and most programs to address cases dealing with all media in which EPA works (land, water, air, and chemicals). ECCR allows the EPA to effectively and efficiently get input from, prevent and resolve disputes with, and serve the American public.

Photo: EPA

Appendixes

Appendix A - OMB & CEQ Questionnaire

In anticipation of an updated OMB and CEQ ECCR annual report questionnaire for FY 2019, and in collaboration with the U.S. Institute for Environmental Conflict Resolution (the Agency which collects and summarizes these reports for OMB and CEQ), EPA reformatted this year's ECCR Annual Report. EPA did this to make the report more understandable and useful for the reader. Below are the summarized questions from the OMB and CEQ questionnaire and references to where the corresponding answers can be found in this report (in *italics*).

1. **ECCR Capacity Building Progress:** Describe steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2018, including progress made since FY 2017. Include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases. To the extent your organization wishes to report on any efforts to provide institutional support for non-assisted collaboration efforts include it here. If no steps were taken, please indicate why not.

   - *FY 2018 ECCR Use at EPA "ECCR Training at EPA" - pages 14-15*
   - *Regional and Program Office ECCR Capacity - pages 29-35*
   - *Appendix G - Examples of Non-Third Party Assisted Cases - pages 50-59*

2. **ECCR Investments and Benefits**

   a. Please describe any methods your agency uses to identify the (a) investments made in ECCR, and (b) benefits realized when using ECCR.

      Examples of investments may include ECCR programmatic FTEs [full time employees], dedicated ECCR budgets, funds spent on contracts to support ECCR cases and programs, etc.
      Examples of benefits may include cost savings, environmental and natural resource results, furtherance of agency mission, improved working relationship with stakeholders, litigation avoided, timely project progression, etc.

   b. Please report any (a) quantitative or qualitative investments your agency captured during FY 2018; and (b) quantitative or qualitative results (benefits) you have captured during FY 2018.

   c. What difficulties have you encountered in generating cost and benefit information and how do you plan to address them?

   - *Investments: ECCR Infrastructure at EPA - pages 5-6*

- *Benefits: Benefits of Using ECCR - pages 16-17; Appendix E - Program Office and Regional Descriptions of ECCR Benefits - pages 36-40*

3. **OMB/CEQ Question 3 - ECCR Use**: Describe the level of ECCR use within your department/agency in FY 2018 by completing the table below.

   - *Appendix B Table of ECCR Cases in FY 2018 - page 22*

4. **ECCR Case Example:**

   - *FY 2018 ECCR Use at EPA - page 16; Appendix C - REACH Title VI Case - pages 26-28*

5. **Other ECCR Notable Cases:** Briefly describe any other notable ECCR cases in the past fiscal year. (Optional)

   - *Appendix F - Additional Notable ECCR Cases - pages 41-50*

6. **Priority Uses of ECCR:** Please describe your agency's efforts to address priority or emerging areas of conflict and cross-cutting challenges either individually or in coordination with other agencies. For example, consider the following areas: NEPA [National Environmental Policy Act], ESA [Endangered Species Act], CERCLA [Comprehensive Environmental Response, Compensation, and Liability Act], energy development, energy transmission, CWA [Clean Water Act] 404 permitting, tribal consultation, environmental justice, management of ocean resources, infrastructure development, National Historic Preservation Act, other priority areas.

   - *FY 2018 ECCR Use at EPA - pages 7-13*

7. **Non-Third-Party-assisted Collaboration Processes:** Briefly describe other significant uses of environmental collaboration that your agency has undertaken in FY 2018 to anticipate, prevent, better manage, or resolve environmental issues and conflicts that do not include a third-party neutral. Examples may include interagency MOUs [memoranda of understanding], enhanced public engagement, and structural committees with the capacity to resolve disputes, etc.

   - *Appendix G - Examples of Non-Third Party Assisted Cases - pages 50-59*

8. **Comments and Suggestions re: Reporting:** Please comment on any difficulties you encountered in collecting these data and if and how you overcame them. Please provide suggestions for improving these questions in the future.

   - *Appendix H - Comments and Suggestions for OMB and CEQ on Reporting - page 60*

Appendix B - Summary of ECCR Cases in FY 2018

An ECCR "case or project" is an instance of neutral third-party involvement to assist parties in a collaborative or conflict resolution process.

Table 1: EPA's ECCR Cases in FY 2018 (Note: Tables 2-5 below provide breakout sections of this table in an easier to read format)

Purpose		Decision Forum					ECCR Cases or projects completed[9]	ECCR Cases or Projects sponsored[10]	Interagency ECCR Cases & Projects	
		Federal Agency Decision	Administrative Proceeding/ Appeal	Judicial Proceeding	Other	Other (Defined)			Federal Only	Including non-federal participants
Policy Development	**11**	5	0	0	6	EPA internal policy dialogue, interagency policy dialogue, stakeholder input	4	11	0	5
Planning	**39**	6	1	0	32	Support of tribal, state, regional, municipal dialogue & decision-making, voluntary stakeholder action, stakeholder collaboration	18	35	2	17
Siting and Construction	**5**	5	0	0	0		3	5	0	0
Rulemaking	**2**	1	0	0	1		1	2	0	2
Permit Issuance	**4**	2	1	1	0		3	3	1	2
Compliance and Enforcement Action	**35**	6	9	11	9	Assessment of multi-agency enforcement program	17	26	3	4
Implementation/ Monitoring Agreements	**6**	2	1	2	1	Stakeholder Dialogue regarding access agreements.	2	6	1	2

[9] A "completed case" means that neutral third-party involvement in a particular ECCR case ended during FY 2018. The end of neutral third-party involvement does not necessarily mean that the parties have concluded their collaboration/negotiation/dispute resolution process, that all issues are resolved, or that agreement has been reached.

[10] Sponsored - to be a sponsor of an ECCR case means that an agency is contributing financial or in-kind resources (e.g., a staff mediator's time) to provide the neutral third party's services for that case. More than one sponsor is possible for a given ECCR case.

Other	**22**	4	0	1	17	Stakeholder collaboration, process improvements, situation assessment, stakeholder input, voluntary programs	13	21	0	7
Total	**124**	**31**	**12**	**15**	**66**		**61**	**109**	**7**	**39**

Table 2: Purpose and decision-making forum for EPA ECCR cases in FY 2018

Purpose	Decision making forum addressing the issue when ECCR was initiated:					Total FY 2018 ECCR Cases
	Federal Agency Decision	Administrative Proceeding/ Appeal	Judicial Proceeding	Other (Specify)		
Policy Development	5	0	0	6	EPA internal policy dialogue, interagency policy dialogue, stakeholder input	**11**
Planning	6	1	0	31	Support of tribal, state, regional, municipal dialogue & decision-making, voluntary stakeholder action	**38**
Siting and Construction	5	0	0	0		**5**
Rulemaking	0	0	0	1		**1**
Permit Issuance	2	1	1	0		**4**
Compliance and Enforcement Action	6	9	11	9	Assessment of multi-agency enforcement program	**35**
Implementation/ Monitoring Agreements	2	1	2	1	Stakeholder Dialogue regarding access agreements.	**6**
Other	3	0	1	18	Stakeholder collaboration, process improvements, situation assessment, stakeholder input, voluntary programs	**22**
Total	**31**	**12**	**15**	**66**		**124**

Table 3. EPA ECCR cases by purpose and completion year

Purpose	ECCR cases or projects completed in FY 2018	ECCR cases or projects continuing in FY 2019	Total FY 2018 ECCR Cases
Policy Development	4	7	**11**
Planning	17	21	**38**
Siting and Construction	3	2	**5**
Rulemaking	1	0	**1**
Permit Issuance	3	1	**4**
Compliance and Enforcement Action	17	18	**35**
Implementation/ Monitoring Agreements	2	4	**6**
Other	13	9	**22**
Grand Total	**61**	**63**	**124**

Table 4. EPA case and project sponsorship

Purpose	ECCR Cases or Projects sponsored	ECCR cases or projects in which EPA participated, but provided no funds or in-kind services.	**Total FY 2018 ECCR Cases**
Policy Development	11	0	**11**
Planning	34	4	**38**
Siting and Construction	5	0	**5**
Rulemaking	1	0	**1**
Permit Issuance	3	1	**4**
Compliance and Enforcement Action	26	9	**35**
Implementation/ Monitoring Agreements	6	0	**6**
Other	20	2	**22**
Grand Total	**109**	**15**	**124**

Table 5. Interagency participation in ECCR cases and projects

Purpose	Interagency ECCR Cases and Projects			Total FY 2018 ECCR Cases
	Federal Only	Including federal and non-federal participants	Including no other participants (EPA-only led)	
Policy Development	0	5	6	**11**
Planning	2	16	20	**38**
Siting and Construction	0	0	5	**5**
Rulemaking	0	1	0	**1**
Permit Issuance	1	2	1	**4**
Compliance and Enforcement Action	3	4	28	**35**
Implementation/ Monitoring Agreements	1	2	3	**6**
Other	0	8	14	**22**
Grand Total	**7**	**39**	**78**	**124**

Appendix C - REACH Title VI Case

Overview of the conflict and timeline

The North Carolina Environmental Justice Network, Rural Empowerment Association for Community Help (REACH), and Waterkeeper Alliance, Inc. submitted a complaint to EPA in 2014 against the North Carolina Department of Environmental Quality(DEQ). The complaint alleged a violation of Title VI of the Civil Rights Act of 1964 due to disproportionate impacts on the basis of race and national origin caused by the state's permitting and subsequent dense placement of thousands of swine concentrated animal feeding operations (CAFOs) in southeastern North Carolina.

EPA's Office of Civil Rights (now the External Civil Rights Compliance Office, ECRCO) identified the case as a viable candidate for an ADR process, and they referred it to the Conflict Prevention and Resolution Center (CPRC). A CPRC staff member convened the parties and helped them come to agreement on a preferred mediator. After two attempts to mediate the dispute ended without an agreement, the parties expressed interest in trying mediation again in the Summer of 2016. The parties agreed to work with a private sector mediator provided through CPRC's contract. CPRC provided the initial funding and the Office of Civil Rights followed up by funding most of the process.

Summary: How the conflict was addressed using ECCR

EPA took great care to use ADR appropriately in this case. Following CPRC's convening to assess the parties' readiness to participate and selecting an appropriate mediator, the mediator conducted intake interviews with representatives of the key parties to better understand the issues, relationships, history and expectations for mediation. The mediator assisted the parties to develop an agreement to mediate. Given the sensitivities of the case, the agreement required a careful negotiation regarding the issues to be addressed, who would participate in the mediation, and to assure that all parties, including the mediator, would not speak about the case publicly during negotiations. Because of the inequities alleged in the complaint, it was important to balance both the discussion of substantive issues and the planning of logistics such as meeting locations. The parties agreed to hold meetings alternately in the state capital in Raleigh and in the rural community where REACH and the complainants were located.

The issues included: 1) the past history of the general swine feed lot permit; 2) how the permit could be improved within the statutory authority of DEQ; 3) what monitoring, by whom, and for what media (air, surface water, groundwater) was necessary to further understand concerns; 4) how Title VI requirements would be incorporated into DEQ activities, and, 5) the enforceability of the mediation agreement, should it be breached. Through the mediation process, the parties mutually agreed to resolve the complaint. The mediator helped the parties to draft, revise, and complete a final agreement.

Between joint sessions, the mediator worked with each party to assess progress, discuss ideas and options, and problem-solve both substantive issues and dynamics among the parties. As the options and

approaches to the possible agreement emerged, and the draft agreement was developed, the mediator moved from full sessions and webinars with all parties and participants to mediation between primary representatives of each party to resolve issues and language. As the developing agreement came closer to completion, each party designated one individual each to work with the mediator to resolve final issues. All parties signed the final agreement and announced it publicly.

Key beneficial outcomes

In the Title VI administrative complaint (REACH) involving North Carolina DEQ and several community and environmental group complainants, the mediator helped the parties to achieve key outcomes. Through mediation, the issues raised in the complaint were addressed comprehensively with the involvement of both North Carolina DEQ and the complainants. The mediation allowed opportunities for intensive discussions to explore deeper interests and values, for the parties to build relationships and increase trust, and for the generation and exploration of multiple options for final settlement. Detailed conversations among all parties led to a shared approach to air monitoring. Overall, the mediation resulted in a final agreement that included the development of detailed monitoring plans and a more inclusive, responsive process to revise the NC General Permit for Swine Facilities, which is expected to result in long-term substantive improvements.

Reflections on the lessons learned from the use of ECCR:

While this mediation had many elements of a typical public sector environmental mediation, there were some specific lessons that emerged from this case.

- The mediator needs to patiently negotiate a confidentiality agreement that ensures protections and clarity for all parties in politically sensitive negotiations. Previous efforts at mediation broke down in part due to unclear, or lack of, confidentiality provisions.
- In cases of low trust and historic inequities, all aspects of the mediation must be negotiated carefully, including administrative details such as meeting times, location, participation among agency staff, and shared meals (which both allow work to continue expeditiously and build trust).
- The mediator can help the process make steady progress by providing facilitation among members of individual parties when necessary to help them coalesce, articulate interests and priorities, and make decisions. This can be particularly helpful because recipient state agencies have limited resources, numerous staff and suborganizations with diverse positions, and face intense political pressures.
- CPRC can serve a helpful intermediary role by communicating with both the mediator and EPA's external civil rights office. The mediator should seek CPRC's assistance, when needed, to clarify the role, limits, constraints, and opportunities of the legal context in which Title VI cases occur.
- Justice must be addressed in some manner during the mediation, including giving voice to past wrongs and exploration of the proposed agreement considering broader aspirations for justice,

fairness, and inclusion. In this case, the mediator explicitly addressed these broader, value-based issues in both joint mediation sessions and in caucuses.

Appendix D - Regional and Program Office ECCR Capacity

Region 1 (Boston, MA) - Region 1's culture of support for ECCR remained strong throughout FY 2018. The Region 1 ECCR program focused on providing mediation and facilitation support, including consultation, convening, contract support, and, as appropriate, direct in-house neutral services. As has been the case since 1995, the Region 1 program was managed by a full-time senior attorney-mediator. Approximately ten additional regional staff from a variety of program areas and professional backgrounds provide support to the Program on a collateral basis. Most are trained mediators and facilitators with varying degrees of experience. They served as in-house neutrals when they were needed and available. The group also included a contracts specialist from the Superfund branch who handled Region 1's ECCR contracting work.

At the highest levels of management, regional leaders were aware of the services Region 1's ECCR team provides. They frequently directed parties, both inside and outside of the Agency, to the regional ECCR program, and were generally receptive to the use of ADR when it was proposed for projects within their areas. Because of the proliferation of collaborative approaches to environmental problem-solving, there was a growing demand for facilitation services, which Region 1 addressed, in part, with in-house resources. Workload permitting, managers supported staff with mediation and facilitation skills to participate on the ECCR team and to develop and hone their ECCR skills.

In FY 2018, Region 1 developed and hosted two programs which built staff capacity to effectively engage the public and constructively manage conflict that might arise in the performance of their roles. Working with an outside facilitator, Region 1 designed and implemented a workshop on community involvement to support Superfund remedial project managers and community involvement coordinators. The Regional ECCR Specialist also worked with the regional enforcement office to convene and facilitate a dialogue among inspectors on lessons learned on how to effectively manage difficult interactions in the field.

Region 2 (New York, NY) - Region 2 had a number of collateral-duty employees including one highly experienced ECCR Specialist in the Office of Regional Counsel (ORC), and 33 members participating in Region 2's new Facilitator Network. The Network drew from all the divisions within Region 2.

One training officer assisted in providing ECCR-related training. ORC's ECCR Specialist and the region's training officer planned and offered ECCR training on a regular basis throughout the year. The Region's Public Affairs Division regularly offered ECCR-related training. All of the region's three Divisions collaborated to provide training in FY 2018 (discussed below). Requests for support related to mediation generally came through Region 2's ECCR Specialist.

While Region 2 had no official policies, procedures, or strategic plans that incorporated ECCR, over the past 10-15 years ECCR became more embedded within the Region. Over the years, many Region 2 staff have been exposed to facilitated meetings and workshops and/or ECCR training. This exposure has

helped to change the culture in Region 2 to one that effectively used collaborative skills more in FY 2018 than in the past. Building on this growing support for ECCR, in FY 2018, the region benefitted from the first full year of its new Facilitator Network. The network grew to 33 members, all of whom have had some facilitation training. Each of these individuals brought their facilitation knowledge and skills to the non-ECCR work they do. The ECCR Specialist managed the region's Facilitator Network, which met bimonthly. Requests for facilitation services came to both the ECCR Specialist and to individual members of the Facilitator Network.

The Facilitator Network provided regular opportunities to build skills and capacity among the facilitators and, to some extent, raised visibility about the services that the Network offers. Region 2 offered six training classes in ECCR in FY 2018 on ECCR. For Conflict Resolution Week, Region 2 webcast CPRC's hosted "Understanding Your Conflict Style." Due to the popularity of this training, Region 2's ECCR Specialist used Skype to moderate a presentation of a conflict style self-assessment tool. Region 2's ECCR Specialist partnered with CPRC's counsel to develop and present a full-day program, "Using Mediation to Maximize your Effectiveness as an Advocate" for Region 2 ORC lawyers. The ECCR Specialist provided training on the topic of cross-jurisdictional collaboration on climate adaptation at a Region 2 CLE program. The ECCR Specialist collaborated with the Public Affairs Division and the Emergency and Remedial Response Division to bring a community involvement contractor to Region 2 and co-present "Community Interactions that Feel Like Dental Work: How to Get Out of the Chair." CPRC provided funding for the contractor. The training officer brought an expert facilitator to deliver a 3-day Advanced Facilitator Training that was delivered with support from the ECCR Specialist. Additional relevant courses including Emotional Intelligence and Conflict Management "Building Cultural Competence" and "Mastering the Message: EPA Spokesperson Training" were provided to regional staff.

Region 3 (Philadelphia, PA) In FY 2018, Region 3 had two ECCR Specialists, both within the Region's Office of Regional Counsel, and an additional ECCR contact from Region 3's Community Involvement Office. ECCR Specialists were available to consult with Region 3 employees for information about ECCR and support with using this approach; serve as liaisons between Region 3 and EPA's Conflict Prevention Resolution Center (CPRC); help identify and obtain third-party neutrals; and provide ECCR-related training to Region 3 employees. There were no designated FTE for ECCR Specialists in the Region; Specialists serve in their roles as ECCR Specialists in an ancillary role beyond performance of their official duties.

In addition to the regional ECCR Specialists, facilitation services were also available from individual Region 3 employees who were trained as facilitators and were available to facilitate matters within the Region. Most of these employees were trained in previous years, but one additional regional employee attended a facilitation training and joined the cadre of regional facilitators in FY 2018.

Capacity for ECCR was implicit in Region 3's strategic planning implementation, which included the promotion of collaborative efforts to achieve environmental benefits. Region 3 used facilitators, conveners, mediators, judicial magistrates in a variety of cases, in addition to applying ECCR in

administrative law settings. Region 3 also provided ECCR training, coordinating with CPRC, in order to help enhance understanding by Region 3 of the benefits of ECCR and to build ECCR-related skills.

One of Region 3's ECCR Specialists teamed with the Regional Training Officer (RTO) to identify critical competencies, learning events and target audiences to further the goal of leading a diverse and collaborative workforce. Chief among the competencies identified in FY 2018 were managing conflict, improved negotiation skills, teamwork, communication, and self-awareness. The ECCR Specialist and the RTO then designed, developed, and presented learning events. The ECCR Specialists collaborated with CPRC staff in preparation for the Conflict Resolution Day (October 17, 2018) presentation of "Engaging Constructively in Difficult Conversations" to 33 employees.

During FY 2018, one of the ECCR Specialists facilitated the Region 3 Science Council's Retreat, the objective of which was to formulate the Council's Action Plan to guide its efforts though the year. Specifically, the Council was focused on building Region 3's capacity to: apply sound science and research to programs and projects; amplify scientific and technical communication; and leverage all available scientific resources to enhance the quality of regional decision-making to improve human health and environmental outcomes.

Region 4 (Atlanta, GA) – In FY 2018, the Region 4 ECCR Specialist team was comprised of two attorneys in the Region 4 Office of Regional Counsel (R4 ORC ADR Lead and an attorney with ADR collateral duties) and an employee from the Region 4 Office of the Regional Administrator. The Region 4 ORC ADR Lead, as well as others in the Region disseminated information on the ECCR process and types of case support provided by the Agency in such efforts (e.g., contracting/funding support, mediator services and training); provided training opportunities to the legal and regional staff; and provided support to Regional Programs, management and staff on ECCR activities, as well as to Headquarters' ECCR efforts.

Region 4 continued to support or sponsor topical training to promote the use of ECCR and other collaborative activities in the Region. Region 4 worked with Centers for Disease Control and the Federal Executive Board (FEB) to provide training for Federal Shared Neutrals. The FEB training allows EPA staff to join and work with the FEB Mediation Corps in the Southeast. Region 4 has several personnel who are active in the FEB Mediation Corps. This allows Region 4 to build and maintain their skill in mediation.

In FY 2018, the ECCR specialists team proposed to management a Regional ADR Workgroup to broaden ECCR services throughout the Region. The workgroup would serve as the regional environmental collaboration and conflict resolution group that enhances communications and problem-solving among internal programs, offices and divisions, and external stakeholders. The ECCR Specialists team proposed that the workgroup would:

- Assist the region in meeting and exceeding Agency strategic goals. For example, meeting statutory public involvement requirements through the assistance of facilities;

- Enhance oversight and collaboration opportunities for regional outreach and community programs by assigning Workgroup members to serve as liaisons/resources when mediation and facilitation services are employed;
- Create communication protocols for all programs/divisions/offices within Region 4, under the direction of the Regional Administrator (RA);
- Provide independent, impartial, confidential and informal assistance in matters related to environmental and community conflict;
- Serve as independent and neutral facilitators and/or mediators where needed.

Region 5 (Chicago, IL) – In FY 2018, there were two ECCR Specialists who were attorneys located in the Office of Regional Counsel in Region 5. They provided services as collateral duty. Two ECCR-related trainings were provided to staff in Region 5 in FY2018:

- Several Region 5 staff members took a 40-hour Mediator Training presented by the Federal Executive Board in Chicago.
- The Region 5 ADR specialists taught a 2-day "Interest-Based Negotiation" course to 18 Region 5 staff members.

Region 6 (Dallas, TX) - One attorney in Region 6's Office of Regional Counsel was assigned to ECCR as a collateral duty assignment. Region 6 offered ECCR training on an as-needed basis, often with the use of headquarters ECCR staff as trainers.

ECCR and/or ADR was routinely offered as part of the enforcement program, in both administrative and judicial cases. In FY 2018, one case was resolved using formal ADR under the enforcement program. When administrative cases were not resolved prior to the filing of a complaint, the Administrative Law Judges routinely asked whether parties wished to use ADR. When ADR was accepted an ALJ would act as a neutral mediator. Federal Court judges generally required the use of third-party neutrals in attempt to resolve judicial matters. Region 6 made use of these services as needed, however informal negotiation typically resolved the matter without the need for a neutral. Region 6 also heavily promoted the annual Environmental Conflict Resolution Week and reported that many individuals joined sessions remotely throughout the multi-day event.

In FY 2018, the ECCR Specialist met with most regional division directors regarding ECCR services and, with the assistance of the visiting ECCR specialist from headquarters, gave a presentation to Region 6 senior staff to review and update them regarding how and when to access ECCR services. Additionally, the ECCR specialist and the visiting headquarters ECCR specialist hosted an ECCR brown bag on the basics of Conflict Resolution which was attended by 15 people.

Region 7 (Lenexa, KS) - Region 7 had a full-time ECCR Specialist who retired at the start of FY 2018. ECCR duties are currently being handled by one Region 7 employee on a collateral-duty basis; the employee attends ECCR calls and shares information about the CPRC with management in Region 7. To further ECCR use in daily business during FY 2018, Region 7 hosted two days of in-person training provided by CPRC in July 2018: *Engaging Constructively in Difficult Conversations*; and *Negotiate Better: An Interest-Based Approach.* The region continued to broadly encourage and support the use of ECCR to address an array of agency matters by partnering with the CPRC when requested to help with mediation training or assistance on the ground with differing stakeholders. Region 7 continued to participate in alternative dispute resolution opportunities offered by EPA's Office of Administrative Law Judges in contested administrative cases, such as the C&S Enterprise, Inc. case in FY 2018. Region 7 also continued its general promotion of ECCR through LAN Bulletin Board notices, informational e-mails targeted at regional managers, and facilitation and monitoring of key ECCR cases, including the Hinkson Creek TMDL Collaborative Adaptive Management Stakeholder meetings in Columbia, Missouri. The result has been continued building of regional expertise through an increasing body of matters that successfully used ECCR.

Region 8 (Denver, CO) – In FY 2018, Region 8 continued to be a robust user of ECCR and dedicated part of one staff person's time to serve as coordinator and clearinghouse for use of, and information regarding, all manner of alternative dispute resolution processes in the Region's six-state domain. Region 8 staff and managers had quick and easy access to information about ECCR right on their desktops using a tab on 8Net, the region's intranet homepage. Resources outlined on the 8Net included a definition of what ECCR is, steps to take in assessing a variety of situations to determine if ECCR might be beneficial and contact information for further support. The region also hosted a high-quality conflict resolution training program. The region further hosted Effective Advocacy in Mediation, a course custom designed and delivered by CPRC and the Region 2 ECCR specialist, both with deep experience in ECCR. This day long course trained staff attorneys in Region 8 on the nuts and bolts of how to prepare for and be fully engaged on behalf of the Agency when involved in alternative dispute resolution processes.

Region 9 (San Francisco, CA) –Several individuals in Region 9 supported ECCR as a collateral duty during FY 2018. These individuals included one person who was on the National ECCR Workgroup and served as a point of contact for ECCR matters in the Region, and 16 members of the Regional Facilitation Cadre who were available on a voluntary, as-needed basis, primarily for meeting and process facilitation. Some of the regional facilitation cadre have taken formal mediation training. The total amount of time spent by all Region 9 staff on ECCR matters was approximately 0.1 FTE.

In FY 2018, because she attended a training for ECCR Specialists hosted by CPRC, the Region 9 ECCR Specialist restarted a dormant regional facilitation group. This Regional Facilitation Cadre began meeting regularly to strengthen the program, including identifying training to enhance skills and ways that ECCR processes, goals, and concepts could further Regional program and strategic goals. In FY 2019, Region 9 is planning to offer courses in Mediation for Advocates for their Office of Regional Counsel and is seeking

ways to provide training to further develop meeting facilitation skills. Although no training was offered in 2018, training is planned for FY 2019.

Region 10 (Seattle, WA) – In FY 2018, Region 10 had three active specialists, one in the regional counsel's office, one in the office of the regional administrator, and one in the Portland satellite office. ECCR is regularly employed in Region 10, and typically with CPRC's support. Region 10's ECCR program was implemented across a number of offices and programs and employed in both formal and informal contexts. In FY 2018, Region 10 staff regularly considered using ECCR in a variety of situations, including facilitation of meeting with stakeholders, enforcement, legal negotiations, and community involvement. Region 10 staff frequently reached out to CPRC for support when determining whether ECCR is appropriate for a variety of situations, either directly or through Region 10's ECCR Specialists. The Director of CPRC visited Region 10 in FY 2018 and met with management to discuss opportunities for increasing the use of ECCR within the Region.

Office of International and Tribal Affairs (OITA) - In FY 2018, OITA maintained EPA's capacity for improved environmental collaboration and conflict resolution with federally-recognized tribes, by updating the Agency's mandatory biennial on-line training course: "Working Effectively with Tribal Governments" (WETG). This new version of WETG will be released in FY 2019 and will be used FY 2018 - FY 2020. WETG provided EPA employees with the skills and knowledge to more effectively work with federally recognized tribal governments; supported the EPA's direct implementation work in Indian country for tribes; and enhanced EPA's cooperative federalism work to assist tribes to assume regulatory and program management responsibilities.

In April 2018, the American Indian Environmental Office (AIEO) coordinated with EPA's Conflict Prevention and Resolution Center to provide "Difficult Conversations" training for seven AIEO staff. This training improved ECCR capabilities within AIEO, particularly in relation to working with external partners on challenging national program matters. Building on skills developed during the training, AIEO partnered with a CPRC facilitator to plan and conduct an internal EPA workshop in October 2018 as part of an ongoing evaluation of existing guidance for the American Indian Environmental General Assistance Program (GAP). The facilitated workshop provided AIEO an important opportunity to work collaboratively with a representative of each EPA region to develop policy options around some long-standing challenges associated with administration of EPA's largest financial assistance program for tribal governments.

Office of Land and Emergency Management's (OLEM) - In FY 2018, OLEM's Office of Superfund Remediation and Technology Innovation (OSRTI), Community Involvement and Program Initiatives Branch (CIPIB) and CPRC continued to work closely to coordinate and assess third-party neutral services for Superfund sites through EPA's Conflict Prevention and Resolution Services (CPRS) contract. One CIPIB staff member served as the lead liaison with CPRC, coordinating and managing ECCR projects role. In FY 2018, OSRTI supported 10 ECCR projects, an increase of three projects from FY 2017, spending 5-20 hours per project depending on the complexity of the project and approximately $175k under CPRC's

Superfund Just-in-Time (JIT) Task Order (in addition to CPRC's support of Superfund projects). The task order provided regional and headquarters staff and parties involved in Superfund related activities with ADR assistance and facilitated communications and collaborative problem solving with stakeholders. This task order focused on situations that need immediate attention or are short term. Situations that started under the JIT Task Order and then required longer term support or longer-term conflict prevention and resolution were supported through site-specific task orders. Under the JIT Task Order, OSRTI, in consultation with CPRC, provided Superfund site teams with assistance in implementing consultation, collaboration, public engagement, dispute prevention, dispute resolution activities so that difficult issues and controversies can be avoided, where possible, and constructively discussed, addressed or resolved when they do occur.

OSRTI, CPRC and the regions worked together to determine the best approach to site-specific requests and situations. CIPIB consults with CPRC and considers ECCR for use in Technical Assistance Services for Communities (TASC) requests and other site-specific situations through a project vetting process and assessment of the best fit under the TASC and/or CPRS contracts. The project vetting process considers the degree of conflict; types of technical assistance needed; subject matter of the type of assistance; whether the support can be broken into separate discrete parts; and timing of the various assistance needs. This vetting process, coordination and communication continued to work well.

Over 50 OSRTI staff participated in ECCR related trainings in FY 2018, including *Office Incivility: Real or Perceived;* and *Negotiate Better: An Interest-Based Approach*.

Appendix E - Program Office and Regional Descriptions of ECCR Benefits

Region 1 (Boston, MA) - Region 1's use of ECCR in FY 2018 results in a variety of benefits.

In collaborative non-agreement-seeking processes, such as the Durham Meadows waterline facilitation and GE-Housatonic Citizens Coordinating Council, among others, professional facilitators helped participants clarify goals, be more aware attentive to other stakeholders' needs, make more thoughtful decisions, and maintain focus to reach resolution in a timely manner. In 2018, both in-house EPA neutrals and outside facilitators helped stakeholders frame and conduct dialogues addressing sustainability issues, especially in vulnerable coastal areas and other watersheds. Examples include the Scituate stakeholder assessment, Southeastern New England Program, and the Mystic River Watershed Partnership.

Region 1's in-house facilitators assisted with coordination and collaboration efforts between the Region and its state partners across New England. Facilitators have helped promote efficiency, creativity, and the sharing of lessons learned among the agencies. Examples in FY 2018 include the Resource Conservation and Recovery Act (RCRA) treatment, storage, and disposal facility compliance workshop and the Rhode Island Department of Environmental Management, environmental justice (EJ) workshop.

As in previous years, at the request of tribal and agency participants, Region 1 has continued to assist with negotiations and dialogues involving tribal matters. Region 1 participates in and supports the St. John River cross-boundary mediation. Region 1 facilitated the annual New England Tribes/EPA conference, including participating on the planning team led by the host tribe. The region also facilitates a dialogue on the implementation of the Tribal trust responsibility among a consortium of Federal agencies.

Furthermore, the use of OALJ-sponsored ADR helped to move administrative penalty negotiations towards resolution more efficiently in terms of both time and resources expended than might otherwise have been possible.

In most, if not all, of these examples, the neutrals assisted with meeting design and agenda development to give form to meetings and make them goal-oriented and realistic in their scope. Whether in the context of mediated settlement negotiations or facilitated collaborative processes, the unifying theme is that these neutrals continue to help parties make more productive use of their time to achieve their purposes.

Region 2 (New York, NY) - ECCR has provided important benefits to Region 2 and its stakeholders. Staff and managers have reported both resource-related and substantive benefits.

Engaging third-party neutrals in Region 2 saved staff time in several ways. Mediators in enforcement cases provided focus and organization to negotiations, which reduced wasteful gamesmanship and

posturing as well as delays between counter-offers. Enforcement cases were less likely to end up in costly trials and hearings, and discovery time and costs were reduced. Even where cases do not settle, parties reported that ECCR benefited them in that issues were clarified during the mediation. In the full-day training, "Using Mediation to Maximize your Effectiveness as an Advocate," one of the attendees reported that her Superfund cost-recovery negotiations, which had been stalled, were concluded in one day because the mediator told the parties that the case had to be resolved that evening and he would stay as late as necessary to resolve the issues.

Region 2 users of facilitators for non-litigation "upstream" matters (e.g., matters that arise *before* a clear conflict emerges) also reported significant benefits including improved working relationships with other stakeholders, more productive conversations, better designed processes, better agendas, more efficient use of the participants' time, and better outcomes. They indicated that facilitated processes led to better environmental results and built capacity within established groups, such as partnerships and workgroups, for more productive conversations post-facilitation. The growth in upstream ECCR matters has led to adoption of ECCR strategies in non-neutral contexts by individuals who have experienced ECCR. For example, in Region 2 during FY 2018, facilitation techniques were used by non-neutral participants running meetings of the Community Driven Solutions program, disaster preparedness and response efforts, and in the region's sustainability work.

Region 3 (Philadelphia, PA) - The use of ECCR in Region 3 provided numerous benefits. For example, in the Hidden Lane Superfund Site case, ECCR allowed EPA to avoid litigation and save costs. Using neutral facilitation also resulted in enhanced relationships between EPA and stakeholders and significant improvement in communication of interests, concerns, and desired goals of parties, while furthering the Agency's mission and producing positive environmental results. ECCR was used to promote consensus building and help identify potential reuse of the site, which will help implementation of institutional controls necessary to protect the integrity of a remedy (see Appendix F p.43).

Region 4 (Atlanta, GA) - Several Region 4 matters were still in progress at the end of FY 2018. However, simply having the ECCR process in place has benefitted the Region through cost savings and reduced litigation costs. The region has found that when cases have issues addressed or resolved through ADR, the time and expense the Regional attorneys and staff have to expend on the case has been reduced. Additionally, application of ECCR to community outreach activities has helped facilitate a greater understanding of the issues and concerns involved (by the Agency, communities, and other stakeholders.

Region 6 (Dallas, TX) - During FY 2018, facilitators successfully led a discussion of current site activities related to remediation and updated the site's community involvement plan for the San Jacinto River Waste Pits Superfund site in Region 6, to address highly toxic dioxin contamination. The facilitators helped keep order and ensured that the environment at public meetings remained calm. Public meetings related to Superfund sites can be emotionally charged, and the presence of a neutral facilitator helped

by providing a fair and unbiased forum. Facilitators also helped the parties maintain focus on the objectives of meetings, leading questions and answers toward resolution, rather than further conflict.

Region 6 used ECCR in a Clean Water Act Section 404 enforcement case against the Lafourche Parish in Louisiana in FY 2018. In this case, ECCR saved the Region time, money, and resources through the avoidance of litigation. Additionally, ECCR yielded a result that was mutually agreeable to the parties. This result also helped the parties avoid the unpredictability of litigation (see Appendix F, pages 43-44 for more information on this case).

Region 7 (Lenexa, KS) - Use of ECCR methods generated substantial benefit for Region 7 in 2018. The Region realized the usual benefits of furthering the agency's mission to protect human health and the environment through mediation of two judicial enforcement cases. ECCR enabled timely project progression through resolution of ongoing litigation, conserving EPA and DOJ resources. In the collaborative cases noted this year, benefits include better environmental and natural resource results, furtherance of agency mission, improved working relationships with stakeholders, and timely project progression.

Region 8 (Denver, CO) – In FY 2018, Region 8 primarily used ECCR for facilitation of stakeholder involvement events. These events were sometimes one-time meetings on specific topics (ex. Smart Sectors), short term events that address complex environmental cleanup issues (ex. Richardson Flat Technical Team) and long-term commitments the Agency made to engage and be accessible to stakeholders (ex. Colorado Smelter, Lincoln Park, Lowry Landfill, and Peru Creek).

The benefits of using ECCR in Region 8 are many, from planning and executing well organized and executed meetings to discovering previously unknown stakeholder groups to being able to hear the concerns of stakeholders more deeply and finding ways to address those needs more collaboratively (see the example of Lincoln Park Superfund site in Appendix F on page 44-45).

Region 9 (San Francisco, CA) - In FY 2018, mediation allowed the parties to save time and cost by helping them have more realistic expectations and speed resolution. Specifically, in the Syngenta Seeds matter, the neutral Administrative Law Judge acted as a mediator and provided the parties with important feedback during and after the in-person ADR session on key issues about which the parties had not been able to reach agreement. With the help of that feedback from the ALJ mediator, the parties were able to adjust their expectations about the outcome of the litigation and resolve complex issues in a mediated settlement.

Region 10 (Seattle, WA) - All of Region 10's reported FY 2018 ECCR cases provided significant benefits associated with the use of ECCR. Similar to previous years, the primary benefit reported in the majority of Region 10's FY 2018 ECCR cases was increased meaningful stakeholder participation. EPA significantly improved its facilitation and coordination efforts by using ECCR, which allowed stakeholders to engage more meaningfully in multiple cases. Other reported benefits included increased cost savings; increased

efficiency; avoidance of conflicts; and improved relationships. Region 10 staff described ECCR as a tremendous resource for Region 10 to use in furtherance of EPA's mission.

Office of International and Tribal Affairs (OITA) - OITA improved the collaboration between the EPA and tribes by using ECCR to facilitate meetings on issues of high importance that EPA and Tribes have historically approached differently. For example, ECCR was successfully used to facilitate an EPA National Tribal Caucus meeting to bring clarity to the purposes of the EPA-tribal interaction and to further each side's understanding of each other's respective goals and priorities. OITA also used ECCR to assist in the evaluation of the Indian Environmental General Assistance Program (GAP) guidance to identify opportunities to improve the guidance and its implementation. Benefits include support for EPA's mission by improving relationships with internal and external partners and advancing important efforts to strengthen existing programs.

Office of Land and Emergency Management (OLEM) - OLEM used neutral alternative dispute resolution services in FY 2018 to support 10 projects including meeting facilitation, conflict coaching, situation assessments, Community Advisory Group (CAG) assessments, CAG formation, and facilitation services. These uses of ECCR saved or shifted time spent on conflict or difficult situations to constructive dialogue, improved working relationships and more meaningful community involvement. The skilled meeting facilitation for a variety of Superfund sites enabled conversations to occur that otherwise would not have made headway due to conflict. This led to more time spent on discussing constructive solutions, which led to greater progress during the cleanup process. The situation assessments provided EPA with an understanding of existing conflict and challenges in the communities. This in turn led to recommendations that will involve community members in collaborative dialogue about the Superfund process and cleanup activities.

ECCR practitioners provided conflict coaching to EPA site staff for the Velsicol Superfund Site to improve communication between EPA and community groups. Using ECCR made conversations more productive and focused on the cleanup activities at the site.

OLEM also used ECCR to support the Lowry Landfill site and establish a functional CAG that represented the broader community, while ensuring the CAG still represents affected communities. ECCR has helped with two other CAG projects that have similar goals. Well-represented and functional CAGs provide benefits of meaningful dialogue, increased understanding of the Superfund process, and a forum to receive technical assistance.

Office of Research and Development (ORD) - - Building on local efforts to preserve Ouachita River's natural features and infrastructure, In FY 2018, EPA scientists continued to pursue a holistic approach that incorporates community's goals to achieve sustainability for Ouachita River. With a facilitator, the community and EPA identified the resources needed to improve river conditions and to maintain the Parish's economic wellbeing, increase resilience to future flooding, and sustain the river's water infrastructure for public health and recreation.

Engaging Stakeholders on Nutrients - Expert facilitation skills led to an efficiently and effectively run Nutrients workshop led by EPA's Office of Research and Development in FY 2018. A professional facilitator's leadership enhanced stakeholder engagement due to their positive reputation and history of working on the nutrients issue with local stakeholders.

Resolving Allegations of Loss of Scientific Integrity (SI) to Increase Public Trust in EPA Science – EPA's Scientific Integrity program used ECCR to obtain timely and cost-effective resolution of disagreements involving appropriate authorship designation, to evaluate differing scientific opinions, and to improve stakeholder acceptance of a decision by a neutral facilitator. Effective use of ECCR assured EPA staff and the public that EPA's science remains robust by protecting the integrity of EPA's development and use of science.

Office of Water (OW) - Office of Water programs such as Wetlands, Oceans and Watersheds have benefited from ECCR for many years. OW used third-party neutrals in a variety of settings, including for a federal advisory subcommittee on Clean Water Act 404 assumption, gathering stakeholder input to help identify drivers and barriers for greater environmental protection, and discussions on controversial permit actions (with oil, mining companies and others). Developing and enhancing partnerships to accomplish OW's mission was and remains critical to the work which spans developing actions to reduce trash in our waterways, developing capacity for tribes to monitor wetland conditions and developing regulatory programs (ex. the St. John River and the Kootenai-Koocanusa Watershed), breaking down barriers between EPA Regions and their Corps District counterparts, and more.

Appendix F - Additional Notable ECCR Cases

EPA regions and program offices highlighted the following cases from FY 2018 which show how the EPA involved stakeholders and used ECCR to help overcome conflict to help achieve better protections for human health and the environment.

Region 1 (Boston, MA) – During 2018, Region 1 had two mediations that arose at a single Superfund site in which EPA needed access to the site to implement the remedy, yet neighboring property owners objected to allowing access. In both instances, a skilled neutral helped the parties negotiate more effectively and efficiently with each other and make more informed choices about how best to achieve their objectives.

The first case involved residential property owners, a husband and wife, whose home was adjacent to a Superfund site. The couple was unwilling to provide access on the terms offered by the parties performing the remedy, and negotiations were at an impasse. The Region reached out to the homeowners to explore the mediation option and, with their consent, engaged them in selection of an acceptable neutral. The CPRC funded this one-day mediation, which otherwise would not have been able to take place. After a mutually agreeable mediator was selected, the parties agreed to an all-day meeting at a location convenient to the couple and acceptable to the others. The mediator facilitated discussions among the couple, the parties performing the Superfund cleanup, and the EPA case team, in both joint and private sessions. An agreement in principle was reached and the terms were finalized in subsequent phone and written communications. Because of this process, the property owners allowed access to the site and the clean-up was able to proceed.

The second case involved a commercial property owner, actively represented by counsel, who refused to provide access for reasons related to his ongoing business concerns. CPRC's funding allowed the mediation to occur when it otherwise would not have. The process involved a one-day session, including preparation and limited follow up. The parties decided to use the same mediator who had conducted the first access mediation, in part based on her familiarity with the situation. Several individual and joint teleconferences followed the in-person mediation session. However, despite their best efforts, the parties were unable to come to agreement and EPA obtained access through litigation. Yet, the Region regards this mediation as a success because it allowed all the parties to reach the conclusion that, short of litigation, there was no easy, mutually-acceptable option that might have been more economical, time-efficient, or otherwise preferable to the court-ordered outcome. Harder to quantify, but also beneficial were the ways in which the parties became more educated about each other's concerns, the statutory requirements, and the practical needs of the cleanup.

Region 2 (New York, NY) – Newark and Camden Idle Free Subcommittee Facilitation - Region 2 contracted professional facilitators for a series of meetings to support the City of Newark Environmental Commission's Idle-Free Subcommittee in its efforts to enforce and implement its idling regulations and conduct idling reduction outreach. Key parties and stakeholders included Newark Public Schools, Newark

Thrives!, Newark City Fleet, Newark Traffic and Signals, the Newark Environmental Commission's Idle-Free Subcommittee, the City of Newark Sustainability Officer, EPA's Office of Air Quality Planning and Standards, and EPA Region 2.

The neutral facilitator helped the parties to: (1) determine idling hot spot locations throughout the City of Newark, where idling regulations should be enforced and locations for idle-free signs; (2) establish idling reduction priority sectors including city fleets, schools, event centers, bus transit, and local non-profits; (3) identify local stakeholders and decision-makers related to the six priority sectors; (4) analyze lessons-learned and best-practices; (5) develop messaging handouts; and (6) convene a series of in-person meetings with stakeholders in the priority sectors. The outcomes also included an action plan to support the idle-free campaign. The facilitator provided both communities with recommended next steps.

The Newark Environmental Commission was grateful for the planning assistance and help organizing meetings with various stakeholders. Because of the facilitation, a plan is being implemented to reduce air pollution in key locations by reducing idling of diesel engines, thereby reducing exposures to sensitive populations including school children and low-income neighborhoods, and to increase efforts to improve parent and student awareness of the importance of reducing idling. The success of this process, and the lessons-learned from it, led EPA Region 2 to use the same facilitators in a similar process with the City of Camden, New Jersey and it's Camden Collaborative Initiative Air Quality Working Group.

Long Island Smart Growth Resiliency Partnership - In response to Hurricane Sandy, EPA, Federal Emergency Management Agency (FEMA), New York State Department of State, Suffolk County, Nassau County, and the Metropolitan Transit Authority formed the Long Island Smart Growth Resiliency Partnership. Stony Brook University and The Nature Conservancy later joined the Partnership. The Partnership was formed to encourage economically, environmentally, and socially sustainable development in low risk areas away from flood zones and along transit corridors in Nassau and Suffolk Counties on Long Island. EPA and FEMA collaborated to hire skilled neutral practitioner to facilitate the Partnership's work.

Over a period of several years, the facilitator helped the Partnership to clarify its goals and develop projects in low flood risk zone and transit corridors. This included organizing and running a ground-breaking conference, *Accepting the Tide: A Roundtable on Integrating Resilience and Smart Growth on a Post-Sandy Long Island*. The goal of the Roundtable was to identify potential projects that the Partnership could undertake. The facilitator also provided essential expertise and advise to train local government employees in community outreach and stakeholder engagement and create an on-line scenario planning tool called *Community Viz* as well other planning tools that incorporate green infrastructure and other resilience strategies.

The Partnership implemented many of the project ideas generated during the Roundtable. In FY 2018, the Partnership, with the guidance of the facilitator, developed methods to conduct Health Impact

Assessments and Ecosystems Services Assessments. The Partnership implemented the new methods in communities on Long Island. The facilitator helped the group navigate through differences in institutional cultures, changes in political leadership and political parties of the governmental stakeholders over time, address challenging personality issues, and keep the group on track.

Without the facilitator and the effective decision-making process that the Partnership created and led, the parties would not have been able to move forward with most of the groundbreaking work they performed. Any of the projects they were able to successfully complete would have taken much longer to conclude and would have drained individual and collective resources without the efficiency gained by using a facilitator.

Region 3 (Philadelphia, PA) - Hidden Lane Charrette - This matter involves a Superfund site that includes a property that was once a construction debris landfill. There are also wetlands on a portion of the property. The landfill had been capped but the surface has remained vacant. EPA issued a Record of Decision for the site to provide, among other things, for installation of an effluent control pipeline to address groundwater contamination concerns. The property owner entered into a Consent Decree with EPA which required the property owner to sell the property, with a portion of the sale proceeds to be paid to EPA and the Commonwealth of Virginia in order to reimburse EPA and Virginia for response costs incurred in connection with the site.

There were a variety of parties that had differing views and interests about the sale and potential reuse of the property, including interests in keeping the property undeveloped or limiting development and/or providing for public use and trails on the property. The parties included the property owner, EPA, the state, the county, property developers, the National Historic Scenic Trail Organization, local nature groups, and neighboring property owners.

The goal of the charrette process was to seek consensus among parties regarding potential sale or reuse of the property. The third-party neutral conducted a stakeholder analysis, which was helpful in identifying those parties with interests related to the sale/reuse of the property. The third-party neutral facilitated an initial visioning session involving EPA, Virginia, representatives of stakeholder groups and interested parties to help identify potential re-uses of the property. EPA believes the process thus far has been successful in promoting communication and the sharing of ideas among disparate groups and parties. EPA anticipates that additional visioning sessions will be held during FY 2019, with a goal of obtaining consensus regarding the future of the property.

Region 6 (Dallas, TX) - During FY 2018, Region 6 used ECCR to resolve a longstanding wetlands enforcement case at the Choctaw Levee with the Lafourche municipality in Louisiana. EPA alleged that the municipality had filled ten acres of wetlands, impacting an additional twenty, and failed to apply for a Clean Water Act (CWA) 404 permit. Citizens who had purchased land within the impacted area faced uncertainty about how they could use their properties due to the unpermitted fill, which had led to enforcement measures.

After EPA filed a complaint, the parties entered alternative dispute resolution, with an administrative law judge (ALJ) as mediator. After lengthy and vigorous participation on all sides, the parties entered agreements requiring the municipality to pay a penalty and complete all CWA 404 permitting requirements. The primary value of using mediation allowed the parties to create an injunctive relief resolution beyond merely paying a penalty.

Region 7 (Lenexa, KS) - Region 7 successfully used neutral facilitation for several public meetings involving high-profile Superfund sites in FY 2018. The West Lake Landfill Site in Bridgeton, Missouri, contains radioactive byproducts resulting from defense-related uranium processing in downtown St. Louis. The EPA held a public meeting in March 2018 to receive public comment on the agency's proposed Record of Decision amendment. Due to the high level of community interest in the site, the region requested that EPA's CPRC contract a facilitator to conduct the meeting. The neutral facilitator was particularly effective during the public comment portion of the meeting, which became emotional as many community members shared their perspectives on EPA's remedy proposal. The meeting proceeded smoothly, enabling the agency to successful receive more than 100 oral comments over a three-hour period.

Region 7 employed a facilitator for two public meetings related to the Agency for Toxic Substances and Disease Registry's (ATSDR) release of a public health assessment for historical contamination at Coldwater Creek near St. Louis, Missouri. Like West Lake Landfill, certain areas in suburban St. Louis were contaminated by radioactive byproducts resulting from uranium processing activities. These sites, including Coldwater Creek, are being remediated through the U.S. Army Corps of Engineers' Formerly Utilized Sites Remedial Action Program. EPA's CPRC engaged the services of a professional facilitator due to the high level of attendance and emotion expected at the meetings. Many audience questions could not be answered because the agencies leading the cleanup were not represented at the meeting. Nevertheless, the neutral facilitator ensured that ATSDR was able to constructively communicate necessary information to the public concerning the health assessment.

Region 8 (Denver, CO) – In FY 2018, the EPA, in cooperation with the Colorado Department of Health and Environment (CDPHE), was conducting a Remedial Investigation/Feasibility Study at Operating Unit 1 of the Lincoln Park Superfund site located south of Cañon City in Fremont County, Colorado. The purpose of this investigation was to find effective ways to address radioactive materials and heavy metals that were released into the environment by the Cotter Corporation. This work was conducted pursuant to a 2014 Administrative Order on Consent with Cotter Corporation and Colorado Legacy Land, LLC. Cotter Corporation operated the Cañon City facility from 1958 through 1979, when they milled vanadium and molybdenum, and produced yellowcake, the solid form of mixed uranium oxide which is a by-product of the uranium milling process. The site was listed on the National Priorities List in 1984.

The community surrounding the Lincoln Park site has long been concerned about the slow pace and ultimate effectiveness of cleanup at the Lincoln Park site. Over the years many efforts have been made by the EPA and CDPHE to address community concerns and stay focused on remediation of the site.

Sensing that it was time for a change in the way the agencies were addressing community concerns, the Region 8 ECCR Specialist suggested that a facilitator be brought in to find out what the community needed that it was not getting and how the Agencies could better address those needs.

Under the leadership of the facilitator, the community was able to articulate what it needed to better understand the complex science and engineering that goes into a cleanup of this magnitude as well as ways in which the agencies could work and communicate better with the community. The community advisory group at the Lincoln Park site is now a more effective team that is focused on the future and how this site can be returned to the inventory of lands in Freemont county that are safe and ready for redevelopment. Without the federal and state agencies recognizing the need to do something differently, and their willingness to bring in the expertise of a highly skilled facilitator, this community and the agencies that serve it would still be struggling to communicate and understand each other.

Region 9 (San Francisco, CA) - Syngenta Seeds Mediation - EPA Region 9 and Syngenta Seeds participated in the EPA Office of Administrative Law Judges' ADR program after Syngenta Seeds filed an Answer to EPA's Complaint in a Part 22 administrative penalty action. In the Complaint, EPA sought civil penalties for alleged Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) violations on a Syngenta Seeds research farm in Kekaha, Hawaii, based on alleged noncompliance with the FIFRA Worker Protection Standard. A neutral ALJ was appointed to serve as the mediator.

The key issues concerned the correct interpretation of FIFRA's Worker Protection Standard and the calculation of the penalty. These issues were discussed in ADR with the neutral ALJ, both in group sessions and break-out sessions. Settlement negotiations were protracted due to the incorporation of a complex supplemental environmental project. The neutral ALJ provided the parties with important feedback during and after the in-person ADR session on certain key issues about which the parties were not in agreement. With that feedback, the parties were able to adjust their expectations about the outcome of the litigation. Based on their revised expectations, the parties eventually reached agreement and settled while still in the ADR program by signing a Consent Agreement in December 2017, which was ratified by a Final Order issued by the Region 9 Regional Judicial Officer in February 2018. Because negotiations were successful, further litigation was avoided, saving the Agency and the other party significant resources. The outcome included significant human health and environmental benefits in rural parts of the U.S. and strengthened the EPA's program for farmworker safety - to which all the parties agreed, without the external imposition of conditions that either party would not have preferred.

Region 10 (Seattle, WA) - City of Nampa, ID Stormwater Outreach Program – ECCR facilitation and public involvement has been used since 2012 to support the City of Nampa's work efforts to engage the Hispanic community in stormwater and watershed outreach. Key stakeholders include the City of Nampa, Boys and Girls Club, Nampa School District, Hispanic business owners, local irrigation district, and elected officials. The collaboration has developed activities and educational materials to engage Nampa's Hispanic community in positive stormwater and watershed management behaviors. Many benefits have come from that work related to core EPA programs. In particular, in FY 2018, neutral

facilitation provided a direct benefit in EPA's negotiations with the City on National Pollution Discharge Elimination System permit compliance and the subsequent issuance of the MS4 permit. A neutral facilitator assisted in the work with the City in leading the collaboration and the development of Spanish language materials, which enhanced the public outreach component of the City of Nampa's MS-4 permit since with over 25% of the community is Hispanic.

Making a Visible Difference (MVD) Portland, OR - The use of ECCR provided significant benefits to the MVD Portland project which concluded in FY 2018. MVD Portland was a cooperative federalism collaboration among numerous local entities and citizens that focused on environmental justice issues in the Portland, Oregon metropolitan area. Key stakeholders included EPA, state agencies, local conservation districts, non-profit organizations, and a local university. The collaboration sought to achieve increased green infrastructure in underserved areas, promotion of equitable development, increased availability of green jobs, and support for Oregon's Department of Environmental Quality (DEQ) Clean Air Oregon rulemaking.

Using neutral facilitators supported by CPRC, MVD Portland achieved successful outcomes on all the issues it sought to address. Specific successful outcomes include: a final green infrastructure design plan, developed with EPA technical support; an equitable development plan; an alliance that received substantial grant funding for a green workforce academy focused on underserved communities; and an EPA-facilitated workshop focused on the environmental justice community that supported Oregon DEQ's Rulemaking. A neutral facilitator helped the partners learn to facilitate their own meetings to make the process sustainable. Another professional facilitator helped the parties plan and carry out the environmental justice workshop, which led to the successful outcomes listed above.

The Astoria Marine Construction Company Superfund Site is an active shipyard and boat repair facility located near the mouth of the Columbia River in Astoria, Oregon. Site soils, groundwater, and sediments are contaminated with heavy metals, dioxins, PCBs, and petroleum hydrocarbons. After completing site investigations and proposing the site for the National Priorities List, EPA agreed to defer the site to the State of Oregon so that the state could oversee cleanup under its cleanup statute. Although the cleanup process has been successful, attempts to recover EPA's past costs stalled due to insurer intransigence, and a prolonged dispute between the Yakama Nation and the potentially responsible party, Astoria Marine Construction Co. (AMCCO), over the Yakama Nation's oversight costs. To settle the various disputes in 2018, EPA Region 10 participated in a successful mediation of insurance issues with four insurance companies, the State of Oregon DEQ, and the Yakama Nation.

The primary dispute between EPA and AMCCO involved how EPA's costs are characterized under the state insurance law. Recent Oregon case law supports EPA's position that investigatory costs (up to and including a Remedial Investigation) should be considered "defense" costs under an insurance policy, and therefore not subject to policy limits. In contrast, costs incurred after the Remedial Investigation (Feasibility Study, Record of Decision, Remedial Action) should be considered "indemnity" and, thus, subject to policy limits. The insurance companies objected to this view and wished to limit their financial

exposure. With no agreement in sight, AMCCO invoked an Oregon insurance law that requires insurance companies to participate (and pay for) non-binding mediation when a dispute over an environmental claim is at issue. Oregon DEQ also had past costs they sought to recover, while the Yakama Nation sought oversight costs and reimbursement for natural resource damages. All regulatory agency claims had been rejected or met with very low offers from the insurance companies. The primary sticking point was that there was only about $6 million available for indemnification in the insurance policies. To adequately clean up the site would require about $3.5 million, leaving very little potentially for the regulatory agencies and Yakama Nation.

The parties participated in a two-day mediation, during which the regulatory agencies and Yakama Nation initially seemed pitted against each other. However, EPA, the State of Oregon, and Yakama Nation quickly decided to join forces and cooperate, in part by choosing to share a room in the mediation space and to jointly brief the mediator. The mediation was mostly done through shuttle diplomacy and was based on comparisons of cost. While EPA's insurance law claims were arguably very solid, the mediator chose not to dive into arguments about law. Rather, he appeared to see an opening to find a mutually agreeable settlement amount and focused his efforts there. After spending a day dealing with more low-end offers from the insurance companies which were inadequate to pay for the cleanup, the parties arrived at an agreeable settlement amount that (1) fully funded the cleanup at the Site, (2) provided the Yakama Nation with ample funds for oversight and natural resource damages, and (3) recovered much of EPA and Oregon DEQ's costs.

Office of Enforcement and Compliance Assurance (OECA) - A mediator enabled parties to work through disputed issues in the civil administrative case, with Syngenta Seeds, LLC. The ECCR process required the parties to more fully articulate their arguments and legal theories, it enabled the case team to determine and evaluate any factual and legal strengths and weaknesses in the case. Because the mediator had a good understanding of EPA's enforcement process, and of the environmental law at issue, he was able to assist the parties to assess the degree of litigation risk involved in the case. With that essential feedback, the parties adjusted their expectations about the likely outcome of the litigation. The ECCR process required time to prepare for negotiations, but ultimately, because negotiations were successful, further litigation was avoided thereby saving a significant amount of Agency resources. Because the parties created their own solution via mediation, they made a resolution which they can adhere to which will lead to significant human health and environmental benefits in rural parts of the U.S. and this precedent will strengthen the EPA's program for farmworker safety.

Office of International and Tribal Affairs (OITA) - OITA is the national program manager for the Indian Environmental General Assistance Program (GAP). Through GAP, EPA provides technical and financial assistance to more than 500 federally recognized tribes across all ten EPA regions. Congress has appropriated more than $64 million each year for non-competitive grants and cooperative agreements to eligible recipients. OITA issues and works with EPA regions to implement national guidance for administration of GAP financial assistance. The current guidance was issued in 2013. Several tribes, including members of the National Tribal Caucus, an EPA tribal partnership group that advises OITA on

national program matters raised concerns with OITA about various aspects of the 2013 guidance. Concerns included flexibility in how funds are used and administrative burden associated with work plans and progress reports.

By having meetings led by neutral facilitators provided by CPRC during FY 2018, OITA successfully launched and completed the first phase of a robust evaluation of the 2013 guidance in close collaboration with the National Tribal Caucus. The facilitators set the stage for productive dialogue about the GAP guidance with internal and external partners. The tribes which use the guidance reported that they felt that their concerns were heard and expect them to be reflected in the upcoming guidance.

Office of Land and Emergency Management (OLEM) - Coeur d'Alene Basin/Bunker Hill Superfund Site: The Conflict Prevention and Resolution Services contract provided neutral facilitation services to support interagency meetings among EPA, the Coeur d'Alene Trust, and the Idaho Department of Environmental Quality (IDEQ). The support was particularly helpful because the site, one of the largest and most complex Superfund cleanups in the nation, was in the midst of a challenging transition. Sensitivities associated with declining state funding and a reduced role for the state partner created a particularly sensitive landscape in which to negotiate roles, responsibilities, and inter-relationships.

The neutral facilitator provided skilled facilitation, expert planning, consultation, and meeting facilitation. These services helped the EPA site team have constructive and fruitful discussions with our partners despite the difficult issues at hand. With help from the neutral facilitator, EPA and IDEQ cooperatively completed a Memorandum of Agreement. The neutral facilitation services also enabled EPA and IDEQ to collectively identify, prioritize, and plan next steps in the cleanup process, while transitioning into a productive new working relationship.

Office of Research and Development (ORD) – As evidenced by ORD's ECCR portfolio, ORD is committed to dynamic engagement for its internal and external stakeholders. For example, in FY 2018, ORD's National Health and Environmental Effects Research Lab (NHEERL) Gulf Ecology Division and Region 6 began a collaborative project in at the Three Bays Watershed in Ouchita Parish, Louisiana. The project goals are to assist the community in exploring alternatives for flood mitigation actions and engage stakeholders in defining a long-term vision and sustainable strategic plan. Planned workshop outcomes include stakeholder derived fundamental objectives, evaluation criteria, decision alternatives, final recommendations on flood mitigation actions, and development of the community's sustainability plan.

The Ouchita Parish project was funded through Regional Sustainability and Environmental Sciences Research Program consisted of two workshops, a final webinar and associated reports. ORD used the CPRS contract to secure workshop facilitation and structured decision-making expertise. Three ORD staff and three EPA Region 6 staff are involved in this collaborative planning effort which will make the community more resilient during future severe-weather incidents.

Second, EPA's Scientific Integrity (SI) Program, within the Office of the Science Advisor resolved allegations of a loss of scientific integrity using ECCR. To date, two cases have been resolved by working with the CPRC staff and contract mediators. The SI Program has used ECCR for two types of SI issues: differing scientific opinions and authorship disputes. The SI Program anticipates evaluating additional differing scientific opinion disputes in FY 2019 using ECCR and has maintained funds on the CPRS contract to do so.

Authorship Dispute Settlement - An EPA employee submitted an allegation of a loss of scientific integrity when he was not included as an author on a journal article. ORD engaged a mediator through CPRC's contract, following a request from the EPA employee's management to the EPA Scientific Integrity Program to assist with resolution of the dispute. Through the mediation process, the original authors initially agreed to add the EPA employee who submitted the allegation, along with an additional employee who wanted authorship credits, to the author list. However, the journal editors were reluctant to add authors to the article and required that descriptions of the contributions from any additional authors be sent to the journal before the request would be approved. The mediator helped the parties come to a final decision, which was that no additional contributors met the criteria for authorship specified by the journal and that there would be no change to the author list. The mediator's report includes recommendations for preventing this type of authorship dispute in the future.

Office of Water (OW) – In response to an executive order, EPA, along with the Department of the Army, was charged with considering whether and, if so, how, to modify the definition of the "waters of the United States" under the Clean Water Act. EPA's Office of Water, brought in a neutral facilitator using CPRC's contract, to help EPA engage with states and tribes in a face-to-face meeting in the development of a proposed rule. As a rulemaking with stakeholders representing a diverse set of perspectives, the facilitators successfully helped EPA manage the conversations so that the Agency could gain feedback on how we might address categories of waters in the proposed revised definition. With support from this facilitation and the constructive input provided by stakeholders, on December 11, 2018, the EPA and Department of the Army proposed a definition of "waters of the United States" that clarifies federal authority under the Clean Water Act.

Appendix G - Examples of Non-Third Party Assisted Cases

Region 1 (Boston, MA) – In FY 2018, Region 1 continued to recognize the necessity of fostering and sustaining collaborative approaches with key stakeholders and partners to address New England's most significant environmental issues. At all levels of the organization, Region 1 employees have embraced collaborations with stakeholders because they produce creative solutions, better outcomes, and the promise of longer-term gains.

Southeast New England Program (SNEP) - SNEP was established by the federal FY12 Omnibus appropriations bill with a very broad charge but no funding was provided by Congress. Duties assigned to EPA included: facilitating development of strategies to restore and protect southern New England estuaries; convening and leading a comprehensive regional policy coordination and outreach effort; establishing goals for a regional effort emphasizing water quality and habitat restoration; developing and implementing innovative technologies; providing for streamlined interagency communication and an inclusive stakeholder process; collaborating with state agencies and other federal partners; and including local governments and agencies, non-governmental organizations (NGOs), and academic institutions as stakeholders.

Although funding has been provided since 2014, it arrives only as a specific line item in the annual appropriations with a one-sentence authorization for the Agency to award grants to implement the program. This leaves EPA bringing skeptical partners from organizations with various priorities and agendas together without certainty of funding from the top or grassroots support from the bottom.

This environmental collaboration has helped the group develop a commitment to creating regional scale solutions to environmental issues. As a result, during FY 2018, the program completed a successful Request for Proposals based on information from SNEP partners regarding priorities. More than $4 million was awarded for projects in Rhode Island and Massachusetts to support the program's goals.

E-Enterprise is a process to facilitate sharing of environmental data and information. In FY 2018, Region 1 continued to be significantly engaged in the E-Enterprise for the Environment initiative, which modernizes the business of environmental protection through collaboration with the Environmental Council of States and the region's state and tribal partners. The Deputy Regional Administrator for EPA Region 1 played an active role and is one of two regional representatives on the E-Enterprise Executive Leadership Council. The Region's emphasis on collaborating with our state and tribal partners has been the cornerstone of this effort. As part of its commitment to E-Enterprise, Region 1 served as co-chair of the E-Enterprise Regional Coordinators, which links all ten regions through a communications networking group. Each of the ten regional representatives shared information regarding its region's modernization and efficiency projects. Region 1 developed its own state/tribal regional network called the "New England E-Enterprise State/Tribal Network." Network members from each state and one tribe shared stories and information about modernization and efficiency projects. Since most states and tribes are working to reduce technological and regulatory inefficiencies and have plans for a multitude

of long-term improvement projects, the states and tribes have saved time and money by sharing information about these projects.

The E-Enterprise endeavor has supported many modernization projects that are now being shared with states and tribes. The group developed an inventory platform so that states and tribes can share stories and collaborate with one another about various issues with long-term projects. The E-Enterprise Community Inventory Platform is an online community and living project inventory for E-Enterprise State and Tribal participant members across the US. The inventory has a broad focus, including IT, process improvement, and advanced monitoring, along with traditional topics such as the Exchange Network which facilitates the routine exchange of environmental data.

E-Enterprise and the regional networks among EPA, states and tribes that have been established to foster collaboration have been touted as one of the most innovative and successful efforts to share knowledge, improve efficiencies and develop better environmental protection strategies. Through the mantra of, "build once, use many," states, tribes, and EPA programs can reuse systems, platforms, and technologies without the need to start from scratch. Measuring the true benefits of this collaborative approach is challenging, but members of this initiative are developing metrics for success for E-Enterprise.

Region 2 (New York, NY) - Community Driven Solutions – In 2018, Region 2 incorporated collaboration into much of its Community Driven Solutions work. A key principle of the Community Driven Solutions approach is to convene partners who can help address barriers and gaps that EPA alone cannot address. Guided by this approach, the Region signed a memorandum of understanding (MOU) to improve drinking water and wastewater systems in Puerto Rico's 240 registered independent community public water systems in remote, rural areas of the Island. EPA entered into the MOU with seven non-governmental entities in Puerto Rico including Por Los Nuestros, Water Mission International, the Puerto Rico Science, Technology and Research Trust, the Puerto Rico Community Foundation, the American Red Cross, Oxfam, and Polytechnic University of Puerto Rico. The group's goal is to work together to strengthen the development and operation of independent public water systems and unregulated community water systems. The MOU leverages more than $10 million pledged by the nonprofit groups as well as resources and expertise of the signatories to build capacity and make the independent systems more sustainable and resilient to future extreme weather events.

The Community Driven Solutions approach was also used to address concerns about the livelihood of small business owners near three Superfund sites in New York City (NYC) including Wolff-Alport Chemical Co., Newtown Creek, and Gowanus Canal. Region 2 brought together the NYC Small Business Service, NYC Economic Development Corporation, Brooklyn Chamber of Commerce, U.S. Army Corps of Engineers (USACE), City College, Small Business Development Center, Business Outreach Center Network, and the New York-Empire State Development, for a small business resource event with Congresswoman Nydia Velazquez in Bushwick, Brooklyn to promote and protect small businesses impacted by the Superfund sites.

Hurricane Recovery - Region 2 continued its post-Hurricane Sandy recovery partnerships in FY 2018, as its innovative interagency collaboration made progress under the leadership of the NY/NJ Federal Leadership Resilience Collaborative. The Collaborative met quarterly to share information and synchronize projects across the federal community to lead, promote, and realize increased regional resilience in a sustainable manner. The agencies involved include: U.S. EPA, U.S. Department of Energy (DOE), U.S. Department of Transportation, U.S. Department of Housing and Urban Development, U.S. Federal Emergency Management Agency (FEMA), U.S. Army Corps of Engineers (USACE), U.S. Department of Interior (DOI), U.S. National Oceanic and Atmospheric Administration, U.S. Department of Agriculture (USDA), New Jersey, Connecticut, New York State, New York City, and the Port Authority of NY and NJ. The Collaborative affords project applicants an opportunity to discuss project plans and permitting requirements with members of the Collaborative to avoid inconsistency among the agencies on the Collaborative, eliminate potential duplication of efforts, reconcile complex regulatory challenges, increase coordinated planning among neighboring communities, and eliminate delays through concurrent versus sequential permit processing.

In FY 2018, Region 2 worked with FEMA to bring this collaborative model to support the Hurricane Irma and Maria recovery efforts in Puerto Rico and the US Virgin Islands (USVI). In both Puerto Rico and the USVI, Region 2 collaborated with other federal partners to help the Islands find solutions to their ongoing solid waste issues that were exacerbated during the storm. In Puerto Rico, the Region collaborated with FEMA, DOE, National Renewable Energy Laboratory, and USDA to help several municipalities develop capacity around potential options to consider for rebuilding a sustainable and resilient energy infrastructure that could include a stand-alone grid.

Region 3 (Philadelphia, PA) – In FY 2018, Region 3 engaged in facilitative and collaborative activities involving EPA, states, local communities, NGO's, and other federal agencies where appropriate within this Region. Region 3 also sought opportunities to minimize potential disputes with responsible parties in matters, when possible, through negotiation.

For example, during FY 2018, EPA sponsored health workshops in communities where residents had concerns about the health effects from lead contamination caused by historic smelting and refining operations in urban areas. The workshops were offered in Philadelphia and Portsmouth VA and intended to provide information to residents about lead exposure and to identify health resources to community members. These workshops not only provided helpful information to residents, but also enhanced communication between EPA and affected communities.

Region 4 (Atlanta, GA) - In 2018, the EPA, the Tennessee Department of Environment and Conservation, the Virginia Department of Environmental Quality, and the Virginia Department of Mines, Minerals, and Energy extended a MOU in a collaborative effort to protect and restore the Clinch and Powell rivers in Virginia and Tennessee. These rivers contain some of the most diverse aquatic life in North America, including 20 federally listed endangered freshwater mussel species. In the MOU, the agencies agreed to partner in the Clinch-Powell Clean Rivers Initiative (CPCRI), over the next ten years to accelerate

restoration efforts in the watershed. CPCRI is a collaborative river restoration effort, facilitated by The Nature Conservancy, and comprised of federal and state agencies, universities, industry partners, and non-profit conservation organizations. The agencies will continue to work together with other partners, through the CPCRI to increase their focus and coordination on protecting these nationally significant waterways.

Region 5 (Chicago, IL) - The Federated Metals Corporation site is a former metal smelting and refining facility, encompassing approximately 19 acres, in Hammond, Indiana. The site consists of two land parcels, a 9-acre former smelter and a 10-acre landfill near the shore of Lake George. The primary stakeholders at this site are federal, state, local governments and residents.

Region 5 hosted a public meeting in May 2018 to update the community on residential soil sampling and cleanup activities in Hammond and Whiting near the Federated Metals site. The meeting began with a presentation and was followed by a general questions and answers session. Residents also had an opportunity to speak with EPA staff one-on-one. By going "above and beyond" the requirements of CERCLA and the National Contingency Plan, Region 5 was able to provide information to residents regarding upcoming soils sampling in their neighborhood and calm some of the fears of residents.

Region 6 (Dallas, TX) - In FY 2018 the Region entered into a Partnering Agreement with USACE to examine the review process for large water supply projects in Texas and to identify actions that will make the process clearer and more predictable for permit applicants and stakeholders. The Texas Water Development Board (a state entity) is not a signatory but is heavily engaged as a contributor. The main areas of coordination are CWA 404 permitting and National Environmental Policy Act compliance. The agreement addresses major water supply projects where predictable impacts are significant enough to require an environmental impact statement. Under this agreement, the partnership will develop materials to assist water suppliers to calculate population growth, water use, water conservation, reuse measures, industrial water demands, water supply reserves, and impacts. The work of this group is ongoing, as it is planned as a multiyear project.

The Region has also been working closely with a state environmental agency on creating approaches to beneficially reuse millions of scrap tires in the state. Through this ongoing collaboration, the state and federal agencies are working with industry stakeholders to exploring ways, under the law, to eliminate legacy tire piles that can serve as disease vectors.

Region 7 (Lenexa, KS) - In 2018, Region 7 continued its practice of using pre-filing negotiations in most administrative enforcement actions seeking a monetary penalty. As a result of this practice, many actions are successfully resolved prior to the filing of an administrative or judicial complaint, minimizing resources necessary to ensure compliance. In addition, Region 7 continued to realize the benefits and efficiencies of integrating community involvement specialists into the Enforcement Coordination Office, which also houses environmental justice and similar programs. This organization allows community

relations expertise to be applied to sites and matters involving active or impending EPA enforcement actions that may generate community concerns, enabling timely application of ECCR approaches.

Region 10 (Seattle, WA) - In January 2017, EPA entered into a cooperative agreement with Public Health Seattle-King County to establish a community-based Healthy Seafood Consumption Institutional Control Program for the Lower Duwamish Waterway Superfund Site in Washington State. The five-year agreement established a community-based participatory process to develop culturally-appropriate institutional control tools that can be implemented throughout the cleanup of the Site. The program promotes healthy seafood consumption before, during, and after the cleanup. Key stakeholders include EPA, Public Health Seattle-King County, and local fishing communities.

In FY 2018, EPA, Public Health Seattle-King County, and the local fishing communities continued to implement a cooperative agreement to collaboratively identify culturally-appropriate ways to encourage people to make safe fish consumption decisions and to encourage a behavioral shift in fish consumption. This collaborative approach has empowered and increased confidence in impacted communities by giving them increased ownership over their health, future, and decision-making.

Office of Air and Radiation (OAR) - Through a cooperative agreement with the Indoor Environments Division, the American Lung Association leads the National Radon Action Plan (NRAP), a national effort aimed at reducing lung cancer from exposure to indoor radon by incorporating radon testing, radon mitigation, and radon-resistant construction into systems that govern purchasing, financing, constructing, and renovating homes and other buildings. NRAP participants include government, non-government and industry organizations that are dedicated to reducing radon-induced lung cancer risks for millions of Americans. By working together as a collaborative public-private partnership, OAR with the NRAP identified shared interests between the Federal government, States, industry, and NGOs and coordinating and collaborating on policy and program initiatives to promote positive environmental health outcomes.

The NRAP initiative builds on federal action that generated baseline progress by incentivizing radon action, testing for and mitigating high radon levels, and increasing visibility of the radon issue. The NRAP Leadership has a goal to reduce radon risk in 5 million homes and save 3,200 lives annually by 2020. Progress on the strategies identified in the National Radon Plan can be tracked at [HYPERLINK "http://www.radonleaders.org"].

Office of Chemical Safety and Pollution Prevention (OCSPP) - OCSPP has engaged in several meetings with stakeholders, and opened dockets to obtain input on the implementation of miscellaneous Toxic Substances Control Act (TSCA) mandates and associated activities.

During FY 2018, for example, EPA held public meetings on both the new chemicals program and a pre-prioritization process for existing chemicals under TSCA. At the new chemicals meeting, EPA updated and engaged with the public on the Agency's progress in implementing changes to the New Chemicals

Review Program as a result of the 2016 amendments to TSCA, including discussion of EPA's New Chemicals Decision-Making Framework.

At the pre-prioritization process meeting, EPA discussed a potential pre-prioritization process for identifying potential candidate chemicals for EPA's prioritization process under TSCA. EPA described and took comment on a number of possible approaches that could guide the Agency in identification of potential candidate chemicals for prioritization. That meeting helped inform the development of general approaches EPA may consider for identifying existing chemicals as potential candidates for prioritization, which can be found in the Agency's "[HYPERLINK "https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/identifying-existing-chemicals-prioritization-under-tsca"]"

In addition, in June 2018, EPA held a public meeting to discuss and obtain input on technical issues on the formaldehyde emission standards for composite wood products rule that stakeholders have raised since issuance the December 12, 2016 final rule. This public meeting helped inform the development of a proposed rule to address certain of the technical issues.

These meetings were an invaluable means to obtain input from and further discussions with stakeholders, including industry and NGOs, which in turn informed the Office's assessment and regulatory-related efforts.

Office of International and Tribal Affairs (OITA) - Tribal Consultation Policy: The EPA's Policy on Consultation and Coordination with Indian Tribes is based on a Federal government to Tribal government relationship. The Agency defines its consultation as a process of meaningful communication and coordination between the EPA and tribal officials prior to the EPA taking actions or implementing decisions that may affect tribes.

EPA programs and regions conducted 55 tribal consultations in FY 2018. Under its Consultation Policy, the EPA identifies actions and/or decisions that may affect tribal interests. Tribal government officials are given an opportunity to provide input directly to the EPA prior to an EPA final decision. This consultation leads to more informed and implementable decisions by EPA.

EPA-Tribal Environmental Plans (ETEPs): ETEPs are planning documents developed collaboratively between the EPA and individual tribal governments. ETEPs define intermediate and long-range tribal environmental program priorities and inform funding decisions by linking ETEP goals to annual financial assistance agreement work plans. The ETEPs and resulting grant work plans also provide a mechanism for measuring tribal progress in meeting tribally-defined program development goals, consistent with EPA administered programs.

In part through GAP funding, by the end of FY 2018, 455 tribes (91% of those receiving funding) have an ETEP in place with their respective regional office. More than 40 plans were under development at the

end of FY 2018. ETEPs represent a shared understanding and commitment of intermediate and long-term environmental priorities and the associated roles and responsibilities of the EPA and the Tribe.

Local Environmental Observers (LEO): LEO networks recognize a broad spectrum of local knowledge, traditional ecological knowledge, and scientific knowledge to facilitate the sharing of information on changes in the arctic environment. In FY 2018, through the Arctic Council Arctic Contaminants Action Program and in support of the Finnish Chairmanship of the Arctic Council, OITA continued to work with ORD, Region 10, and the Alaska Native Tribal Health Consortium to expand the use of the LEO network. The Swedish EPA, the Finnish Ministry of Environment, and the Norwegian EPA are key partners involved in the Phase 2 activities of the Circumpolar LEO project to expand the LEO Network across the circumpolar Arctic.

In FY 2018, OITA and its international partners conducted workshops in Anchorage, Alaska and Rovaniemi, Finland to expand the network into the Sapmi region of northern Europe. These workshops have increased the community engagement of Sami communities in Finland, Sweden, and Norway and discussions are ongoing with the International Centre for Reindeer Husbandry and the Association of Swedish Sami on the establishment of a hub in the Sapmi region. The information gathered through LEO Observations not only allowed for more and better communication among Arctic communities, but also connected them with international experts, scientists, government officials, and academics who provide technical assistance or even use this data as part of Agency decision-making. Monthly webinars fostered consistent, long-term dialogues on a range of issues and, in FY 2018, included a session on chronic wasting disease in reindeer that saw participation from 4 Arctic countries. The Circumpolar LEO project continues to operate in a neutral space, where actors from across sectors and disciplines, representing multiple knowledge bases, can collaborate and cooperate to address changes to the Arctic environment.

Public Participation: In FY 2018, OITA provided capacity building and support on public participation to several international partners:

- In December 2017, OITA delivered training on public participation and crisis communications using the EPA Public Participation Guide to representatives from Morocco's national government, local government, and NGOs.
- In April 2018, through our cooperative work program with Peru, EPA delivered a seminar on Public Participation and Crisis Communication in Lima, Peru. EPA facilitators presented fundamentals and tools for both public participation and crisis communication, including tools for consensus building in communities where there is conflict, the importance of building trust and recognizing our personal stereotypes when going into a community and the importance of neutral facilitation.
- Through an interagency agreement with the State Department and at the request of in-country partners, EPA initiated a multi-stakeholder process to develop transparent and binding public participation guidelines for the environmental impact assessment (EIA) process in Guatemala, Honduras, El Salvador, Nicaragua, Costa Rica, Dominican Republic and Panama. Building on the "Guidelines on Public Participation in EIA in the Mekong Region" document that was developed

in collaboration with EPA and the Mekong Partnership for the Environment in FY 2017, EPA convened a series of consultations with key stakeholders to identify current best practices for and challenges to public participation in EIA. EPA also facilitated a multi-stakeholder process to tailor the guidelines to meet the needs of these countries. EPA expects the guidelines to be finalized by the end of September 2019.

This technical assistance has provided EPA's international partners with improved tools to engage their stakeholders in environmental decision-making.

Transboundary Cooperation with Canada: Potential and actual impacts from transboundary pollution from mining operations in British Columbia have been a matter of concern to U.S. citizens for many years. Since early 2014, EPA Regions 8 and 10, with encouragement and facilitation from OITA, the State Department, and the U.S. Consulate in Vancouver, have raised this issue to Canadian counterparts at the federal level, including to Global Affairs Canada and Environment and Climate Change Canada. In FY 2018, USDA and DOI joined the discussions. The main issues included the timely notification of environmental impact assessments for new or expanded projects for mining, pipelines for transmitting liquified gas or Canadian oil, and facilities and transportation mechanisms related to these projects. Understanding the Canadian process and timing allowed U.S. government agencies to prioritize their work for commenting on environmental assessments, to provide opportunities to raise concerns of tribes in the U.S. affected by these activities, and to help agencies to address mitigation of real and potential transboundary impacts.

In early 2018, at the request of the Canadian federal government, the U.S. conveyed to them a list of areas in which they wished to engage, in processes such as federal-to-federal collaboration and communication, decision-making processes, data collection, and transparency. Canada has been amenable to having more focused discussions on the issues outlined, and the initial results demonstrated the willingness of both parties to work through the issues cooperatively. This more collaborative model demonstrated that through frequent communication and sharing of information the countries may, in time, resolve the issues through improved decision-making processes that will mitigate pollution.

Office of Land and Emergency Management (OLEM) - The Federal Mining Dialogue (FMD) is a forum for federal agencies that manage abandoned mine lands to coordinate with EPA and share information amongst themselves. While DOI, USDA, and EPA are the key FMD partners, the Department of Justice, the Office of Management and Budget, and the Department of Energy are also FMD members. The cleanup of these abandoned mine sites can be challenging. The FMD focused on a variety of cross cutting issues to help identify the scope of the problems, address best practices, and share successful techniques.

The FMD provided a forum for constructive discussions. For example, it worked to combine information for the U.S. Geological Survey topographic maps with state databases on permitted mining sites. This approach provided a means to identify abandoned mining sites. The FMD partnered with the state of

Colorado and tested this model. The FMD is planning to expand this analysis to other states. This work is important so that federal agencies, states, and the public can get a better idea of the scope and magnitude of the problems and be able to prioritize and address them. Other work, such as sharing best practices, has helped to improve efficiency in this area.

The Superfund Redevelopment Initiative (SRI) directly supported communities to transform Superfund sites into productive reuse. Regional seed funds provided an initial investment to bring the right stakeholders to the table, clarify remedy constraints and outline suitable reuse options for the local communities to pursue. Communities can leverage the initial regional seed investment with resources from the local government, stakeholders, the State or an EPA region. The funds can also be used to create specific reports or documents based on reuse tools that support and encourage safe and beneficial reuse. In FY 2018, EPA supported 23 regional seed projects; the most regional seeds supported in a fiscal year in SRI history.

Technical Assistance Needs Assessment at the Hoosick Falls Superfund Site: The village of Hoosick Falls and town of Hoosick, New York have been impacted by groundwater PFAS contamination linked to past manufacturing sites in the area. The Saint Gobain Performance Plastics site in the village of Hoosick Falls was added to the National Priorities List (NPL) in 2017. Although the site is federally listed, New York State is the lead agency for this site and several other related sites in the area. Constructive community engagement has been an ongoing challenge since contamination was discovered. Shortly after NPL listing, EPA initiated a Technical Assistance Needs Assessment (TANA) through EPA's Technical Assistance Services for Communities (TASC) program, in coordination with New York State, to better understand, and be responsive to community needs and to support the state's future community engagement activities.

The TANA process helped support the collaborative relationship between EPA and the state at the site. The resulting TANA report and the insight that it provided into current public sentiment and community needs helped inform the state's development of a Community Participation Working Group Plan, which was recently made available for public comment. The approach of working together to solicit community feedback and being immediately responsive to those needs with proposed approaches for enhanced community involvement has been well received.

Office of Research and Development (ORD) - In FY 2018, the Scientific Integrity (SI) Program, within the Office of the Science Advisor, and the SI Committee (comprised of senior leaders from each of the Agency's programs, offices, and regions) continued to implement the SI Policy. The SI Program lead the effort to address and resolve allegations of a violation of the Scientific Integrity Policy. If an allegation was complex, the SI Program convened an internal Review Panel to evaluate the case and recommend a resolution. Circumstances that could warrant a Review Panel include evidence that is complex or that involves multiple offices, or an allegation that involves a senior official or political appointee. The Review Panel was comprised of three to four members of EPA's SI Committee, including at least one member from an office not affiliated with the subject of the allegation or the submitter. The Panel reviewed the

information provided by the submitter of the allegation, which usually included a statement of facts in support of the allegation at issue, a timeline, annotated documents, and other relevant materials. The Review Panel summarized its findings, determination, and recommendations. The Review Panels were comprised of respected leaders within the Agency. These members had technical expertise and years of experience, which lend credibility to their reviews and conclusions.

Ouachita Parish Support - Louisiana experienced historic flooding in 2016, resulting in 56 of 64 parishes being declared as federal disaster sites. Among these, the Ouachita River community was particularly impacted. Ouachita River provides significant economic, infrastructure, and natural benefits to a region that has historically struggled economically. Local officials observed impacts from the loss of ecosystem services (i.e., water supply, recreation, fishing, etc.), and were concerned that reduced maintenance and current sediment issues will further impede these benefits. Failure to dredge the river or control bank erosion could lead to poor streambank plant growth, which will degrade habitat for fish and wildlife, reduce use and possible closure of the river for recreation, and may reduce drinking water supplies. While the socio-economic consequences of flooding were clearly understood, communities sought to better understand how the benefits they are receiving from ecosystem services are impacted by reduced river maintenance, bank stabilization, and the resulting repetitive floods. The goals of the collaborative project were to assist stakeholders in exploring flood mitigation action alternatives, defining a long-term community vision, and developing a sustainable strategic plan. Reports and data will be available at the end of the project in June 2019.

Decision Support Tools - The ORD Sustainable and Healthy Communities National Research Program has built program capacity for environmental collaboration through the development of Decision Analysis for a Sustainable Environment, Economy, and Society (DASEES) and Health Impact Assessment (HIA) tools. These tools allow ORD scientists to work with community stakeholders to follow a structured decision-making process for environmental and infrastructure planning, explore the costs and tradeoffs, and create a record of how those planning decisions were made. In previous years, ORD scientists collaborated with EPA Regional staff on HIAs designed to make decisions on multiple scales including planning renovations to address environmental health in a school and community center, a multi-Agency and community-engaged infrastructure upgrade project and planning for recovery from Superstorm Sandy in New York and New Jersey. In FY 2018, DASEES was used by the community of Dania Beach, FL on resilient design. Also in FY 2018, EPA Region 6 addressed issues of environmental compliance associated with small dairy farms, and incorporated ecosystem services into Superfund remediation and site restoration planning with DASEES. The HIA tool helps EPA to identify how proposed decisions may impact human health and well-being.

Appendix H - Comments and Suggestions for OMB and CEQ on Reporting

In their questionnaire, OMB and CEQ requested comments on any difficulties encountered in collecting data and if so, how the agency overcame them. As is common in the field of alternative dispute resolution, EPA noted specific challenges related to collecting cost and particularly benefit information on ECCR. Otherwise, collecting data posed little difficulty as EPA has a history of tracking ECCR. EPA has a history of properly evaluating cases and producing quality reports. However, EPA's ability to collect data, evaluate cases and training, and produce reports is directly linked to the level of funding and staffing that CPRC receives. Adequate resources and a centralized ECCR program at the EPA are necessary to collect these data, provide extensive ECCR support, and assess the benefits described in this report.

Appendix I – Abbreviations

AIEO - EPA's American Indian Environmental Office

AMCCO - Astoria Marine Construction Co.

ADR - Alternative Dispute Resolution

ALJ - Administrative Law Judge

ATSDR - Agency for Toxic Substances and Disease Registry

CAA - Clean Air Act

CAFO - concentrated animal feeding operation

CAG - Community Advisory Group

CDPHE - Colorado Department of Health and Environment

CEQ - Council on Environmental Quality

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, also known as "Superfund"

CIPIB – EAS's Superfund Community Involvement and Program Initiatives Branch

CPCRI - Clinch-Powell Clean Rivers Initiative

CPRC - EPA's Conflict Prevention and Resolution Center

CPRS - Conflict Prevention and Resolution Services contract

CWA - Clean Water Act

CZMA - Coastal Zone Management Act

DASEES - Decision Analysis for a Sustainable Environment, Economy, and Society

DEQ - Department of Environmental Quality

DOE - U.S. Department of Energy

DOI - U.S. Department of the Interior

EAB – EPA's Environmental Appeals Board

ECCR - Environmental Collaboration and Conflict Resolution

ECRCO - EPA's External Civil Rights Compliance Office

EIA - environmental impact assessment

EJ - environmental justice

EPA - U.S. Environmental Protection Agency

ETEP - EPA-Tribal Environmental Plan

FEB - Federal Executive Board

FEMA - Federal Emergency Management Agency

FERC - U.S. Federal Energy Regulatory Commission

FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act

FMD - Federal Mining Dialogue

FTE - full-time employee

FY - fiscal year

GAP - American Indian Environmental General Assistance Program

HIA - Health Impact Assessment

IDEQ - Idaho Department of Environmental Quality

JIT - Just-In-Time, a type of task order on CPRC's contract designed to provide quick service

LEO - local environmental observer

MOU - memorandum of understanding

MVD - Making a Visible Difference

NEPA - National Environmental Policy Act

NGO - non-governmental organization

NHEERL - National Health and Environmental Effects Research Lab

NPL - National Priorities List

NRAP - National Radon Action Plan

NTC - National Tribal Caucus

NTOC - National Tribal Operations Committee

NYC - New York City

OALJ - EPA's Office of Administrative Law Judges

OAR - EPA's Office of Air and Radiation

OCSPP - EPA's Office of Chemical Safety and Pollution Prevention

OECA - EPA's Office of Enforcement and Compliance Assurance

OEI - EPA's Office of Environmental Information

OITA - EPA's Office of International and Tribal Affairs

OLEM - EPA's Office of Land and Emergency Management

OMB - Office of Management and Budget

OMS - EPA's Office of Mission Support

OPM - Office of Personnel Management

OPP - EPA's Office of Pesticide Programs, within OCSPP

OPPT - EPA's Office of Pollution Prevention and Toxics, within OCSPP

ORC - Office of Regional Counsel, within each EPA region

ORD - EPA's Office of Research and Development

OSCP - EPA's Office of Science Coordination and Policy, within OCSPP

OSRTI – EPA's Office of Superfund Remediation and Technology Innovation

OW - EPA's Office of Water

RCRA - Resource Conservation and Recovery Act

REACH - Rural Empowerment Association for Community Help

RTO - Regional Training Officer

SI - Scientific Integrity

SNEP - Southeast New England Program

SRI - Superfund Redevelopment Initiative

TANA - Technical Assistance Needs Assessment

TASK - Technical Assistance Services for Communities

TSCA - Toxic Substances Control Act

USACE - U.S. Army Corps of Engineers

USDA - U.S. Department of Agriculture

USVI - U.S. Virgin Islands

WETG - Working Effectively with Tribal Governments