Overcoming barriers to effective public participation

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Abstract

Barriers to effective public participation often hamper community decision-making processes in the United States. While some present-day government decision-making processes are inclusive and creatively engage stakeholders, others by the nature of their design, process and implementation are exclusionary. What are the political, socio-economic, psychological and economic aspects and impacts of these processes? How do existing systems -- or the lack thereof -- affect a government's ability to arrive at high quality, meaningful decisions on land use proposals?
Keywords: public participation, public involvement, community involvement, stakeholders, community decision making.

1 Introduction

This abstract will explore barriers to public participation (or P2, as it is sometimes known) in existing systems or processes and review possible effective conceptual and practical approaches. [Examples of entities that have developed successful brownfields public participation policies and programs will be cited during the oral presentation of this paper in Siena, Italy.] The intent is to provide the reader with a brief overview of the necessary steps for successfully developing and implementing inclusive, participatory processes that inform, involve and empower stakeholders.

2 Context of public participation

Multiple legal and regulatory frameworks have been developed over the past 35 years that prescribe consultation with stakeholders. A partial list of

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legislation/regulations that relate to brownfields redevelopment is shown at Table 1.

Table 1: Partial List of U.S. Statutes/Regulations Prescribing P2 [1], [2], [3], [4].

National Environmental Policy Act of 1969, as amended **(NEPA)** (Pub. Law 91-190, 42 U.S.C. 4321-4347, January 1, 1970, as amended by Public Law 94-52, July 3, 1975, Public Law 94-83, August 9, 1975, and Public Law 97-258, 4(b); 1982)
The Federal Advisory Committee Act (FACA) (Public Law 92-463; 1972)
Safe Water Drinking Act (SWDA) (Public Law 42 U.S.C. 300f et seq.; 1974)
Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6901 et seq.; 1976)
Clean Water Act (CWA) (Public Law 33 U.S.C. 1251 et seq.; 1977)
Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA, or "Superfund"), Public Law 96-510, as amended by **Superfund Amendments and Reauthorization Act** of 1986 (SARA), Public Law 99-499, October 17, 1986, and others, 42 U.S.C. Chap 103.
Federal Actions to Address Environmental Justice in Minority and Low-Income Populations (Executive Order 12898, February 11, 1994)
Consultation and Coordination with Indian Tribal Governments (Executive Order 13175, November 6, 2000)

In addition, many state or local laws and regulations exist that require or define the public participation processes for land use matters including brownfields.

With or without these legislative or regulatory frameworks to guide community-based processes, real challenges exist to carrying out effective P2. Bettini [5] particularly notes how difficult it is to arrive at “consensus” as a result of stakeholder consultation.

Among the other P2 challenges Bettini cites in her work include:

- Power inequities arise and coercion becomes a problem
- Processes become overbureaucratized and people lose interest
- Loss of political support and subject to consequences of short political terms
- Hostility toward government
- How to decide who should be involved in the process
- Overcoming government fear of delayed decisions, costs and the need to maintain control
- Defining “community” is a problem
- Waning confidence in government, loss of social capital and the public ability to engage in politics
- Community cynicism due to past experience

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3 Stakeholder perspectives

Stakeholder concerns about brownfields present particularly thorny challenges to public officials and private industry.

Apart from risk communications issues, which can sometimes be formidable, growth-management expert Doug Porter notes that many stakeholders may perceive rapid growth and community change as "the sources of traffic congestion, overcrowded schools, water quality and environmental degradation and other ills." He states "there is a common perception that change threatens the essential character and quality of life of communities and that local government officials are unable to respond satisfactorily to these threats" [6].

Why do land use proposals tend to cause conflict? Robert Jones of the Florida Growth Management Conflict Consortium identifies three characteristics that define land use conflicts in particular. Such conflicts are **distributional in nature**; they focus on identifiable places in the community and involve the distribution of benefits and costs to specific groups. Since public funds are limited, says Jones, it means one group receives priority while another must wait.

There is a **contrast in value systems** between stakeholders. And, such disputes represent projects that will bring about **physical, economic and social change to a community** [7].

In addition, environmental issues (such as brownfields) "are typically seen as 'public issues.'" "People believe they have a right to know about contamination, emissions, and other aspects of environmental performance," according to Mary A. Wenska in a July 2003 presentation at the U.S. EPA Community Involvement Conference [8].

In the early 1990s, it was a growing concerns that minority populations and/or low-income populations were bearing "a disproportionate amount of adverse health and environmental effects" within older urban areas undergoing change that led President Clinton to issue Federal Actions to Address Environmental Justice in Minority and Low-Income Populations, Executive Order 12898, in 1994. This order formally focused federal agency attention on environmental justice issues for the first time [9].

Today, this concern is reflected in stakeholder perspectives and their wishes to be active participants in brownfields discussions. According to a report issued in 1999 by the National Brownfields Environmental Justice/Community Caucus, "Brownfields revitalization is an environmental justice issue, and all stakeholders should work to overcome the barriers to public involvement normally found in communities of color . . . ." The report also recommends "that communities be viewed as asset-partners in, not obstacles to, revitalization" [10].

Public and private entities have embraced this perspective over the last decade. In its 2003 report, "Local Government and Community Engagement in Brownfields Redevelopment," the International City/County Management Association acknowledges the importance of stakeholder participation, stating that it provides local governments with "a unique source of insight, information, knowledge, and experience that contributes to the soundness of community solutions" [11].

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4 Three types of barriers

P2 processes and strategies must be intentionally, specifically and thoughtfully designed *and* implemented in order to engage a full complement of stakeholders in important community dialogues – regardless of race, income and culture.

The barriers to effective public participation on brownfields proposals fall into three categories: perceptual, political and logistical.

Perceptual barriers are barriers that may be overcome through the personal efforts of stakeholders, or through changes in the "cultural" climate of a community. **Political** barriers are those that necessitate larger societal change in order to be overcome. **Logistical** barriers may be overcome through a well-conceived and well-implemented public participation strategy.

4.1 Perceptual barriers

Perceptual barriers are barriers that may be overcome through the personal efforts of stakeholders, or through changes in the "cultural" climate of a community.

Personal values can be a barrier; some stakeholders may value community participation while others may not.

There also is a tendency of some stakeholders to bring negative experiences or attitudes to such dialogues when they do participate, which can alienate or frustrate other participants. Herzig's theory of Patterns of Polarization defines such individuals as polarized partisans. Polarized partisans express absolute certainty about their own views, denigrate or dismiss the view of others and scan for moral or logical flaws. As we note below, the media in turn can reinforce these "old conversations."

Nonpolarized individuals as a result fear speaking up, being concerned about being seen as "muddle-headed, apathetic or traitors." Herzig notes that these individuals may see themselves as not having anything to offer, and may even see themselves as disengaging from "a tiresome and draining battle" [12].

It is important to find ways to move past previous experiences with polarizing individuals, and to provide them with what Covello terms "perceptions of control." These controls include knowledge, voluntary participation, voice/input, trust and participatory actions. Of all of these, perceived trust is among the factors that matter most [13].

In addition, Ulrich's Critical Systems Heuristics suggests an approach for polarized individuals. CSH considers the stakeholders' roles in planning and problem solving for a particular proposal. In it, Ulrich describes a process that engages polarized individuals in a dialogue that contrasts current stakeholders' roles with what the stakeholders' roles ought to be [14].

Social values can be a barrier, if the prevailing climate within a community does not encourage civic involvement and open dialogue on critical issues that affect stakeholders. While the P2 process itself is defined by regulation in most

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instances, communities themselves play an important reinforcing role by setting the tone and encouraging active, meaningful stakeholder participation.

In the instance of brownfields, fostering legislation promotes this climate and this value permeates the language of EPA P2 efforts; in fact, the agency states that its primary public involvement goal is to "foster a spirit of mutual trust, confidence and openness between the Agency and the public" [15].

As part of the broader culture of involvement, communities should consider developing social networks to underpin public involvement, in P2 processes and in order to serve other community needs. In fact, Scheufele et al. note the role that interpersonal networks play in increasing public participation in political issues [16]. For some; according to Scheufele et al. "the lack of social networks and ties to the community make participation undesirable and difficult" [17].

Interestingly, the work of Verba, Schlozman and Brady showed that there are people who are unable or unwilling to participate in government or political processes, while others are simply not aware of the importance and contribution of this involvement [18].

Media coverage can discourage public involvement. By creating and perpetuating stereotypes and conflict through print, online or broadcast media, the subtext of a community dialogue can become an "us vs. them" discussion, versus a productive and thoughtful process.

However, the media can likewise play a positive role in engaging stakeholders. As Rothenbuhler, Mullen, Delaurell and Ryu state, "media use may direct people's attention from matters of purely individual concern to those of the larger community." In fact, as Scheufele *et al* go on to note, media research shows that newspapers are markedly more effective in mobilizing stakeholders than television, which has no measurable effect on community involvement and attachment [19].

4.2 Political barriers

Political barriers are those that necessitate larger societal change in order to be overcome.

Of these, political and electoral cycles present perhaps the greatest challenge to effective community processes, often constraining public dialogue and limiting decision-making effectiveness. Grandstanding, pandering and reluctance to make difficult decisions on the part of elected officials often affect proposals – especially controversial ones--that are being considered near or during election cycles.

Public dispute resolution experts Lawrence Susskind and Jeffrey Cruikshank note, "Policy making is too often controlled by the size of the majority instead of legitimate policy debate." They cite short political tenures and "an eagerness" to arrive at short-term solutions by public officials as factors that have contributed to systemic or structural problems, and in turn, increased community disputes [20].

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4.3 Logistical barriers

Logistical barriers may be overcome through a well-conceived and well-implemented public participation strategy. While the legal/regulatory and political intent may be widespread participation, this area presents the greatest difficulty to implement.

Practitioners who design and implement the P2 process must thoughtfully design the process in order to involve as many stakeholders and to make the process as representative as possible.

Lenny Siegal of the Center for Public Environmental Oversight cites four traditional shortcomings in P2 processes as they relate to brownfields:

1. The overwhelming nature of the cleanup process, environmental technology and the government in general serve as deterrents to participation.
2. Public involvement or comment is sought too late in the decision-making process, presenting a dilemma to site neighbors about whether to "throw a wrench in the works" or "accede to plan" already developed by the process owners.
3. Public meetings offer "little opportunity for genuine feedback," particularly in locales "where officials consider at least some community members to be 'troublemakers.'"
4. Public health concerns are often considered and discussed independent of planning and economic development issues, which community members view as "part and parcel" of the same proposal [21].

Other logistical barriers reflect lifestyle trends or compression of life issues, which decision makers state have led to no significant input into P2 processes. They include:

- Trends in single parent households
- Involvement in PTA/PTO or other educational support organizations
- Disability and trends toward in-home care
- Citizen migration and relocation
- Trends in general literacy
- Commuting for employment
- Urban vs. suburban/rural demographics
- Scientific literacy
- Voting trends
- Business and leisure travel
- Trends in hourly labor and shift changes [22]

Burby recommends five key approaches that planners can employ to overcome these challenges and increase stakeholder participation. They include choices of **objectives** (provide information and listen to stakeholders, "empower citizens by providing opportunities to influence planning decisions"); **timing** ("involve the public early and continuously"); **whom to target** ("seek participation from a broad range of stakeholders"); **technique** ("use a number of techniques to give and receive information from citizens and, in particular, provide opportunities for dialogue") and **information** ("provide more

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information in a clearly understood form, free of distortion and technical jargon") [23].

In light of these logistical barriers, among the contributing factors that must be considered when designing an effective P2 process include:

- Define the stakeholders. What geographic, social, economic and other attributes define this community? What is their ongoing experience living adjacent to or near the brownfield site?
- History. What is the history of the proposed site and its relationship to stakeholders? What history exists between the affected community and the body sponsoring the P2 process? What issues must be addressed up front to ensure productive P2?
- Communication styles. What cultural perspectives do stakeholders bring to the process? What are stakeholders' interpersonal communications styles? How should these be accounted for in the P2 process?
- Languages. Which languages are spoken? Is translation, written and oral, needed?
- Meeting location. What is a safe and neutral meeting place that is centrally located for the most stakeholders? Should there be multiple meetings at varying locations? How can stakeholder participation be maximized given time and budget constraints?
- Meeting times. What are working or commuting patterns in the community? To what degree is childcare a barrier to greater participation?
- Meeting structure. What meeting types are most appropriate for each stage of the process? Open houses, informational meetings, charrettes?
- Timeline. What is the project timeline? What is the P2 timeline?
- Technical knowledge. To what degree are stakeholders familiar with or knowledgeable about technical, engineering or health terminology concerning the project? What experts, if necessary, are available to provide background information about subject areas?
- Information consumption habits: How do stakeholders traditionally obtain valuable information? What media do they regularly consume? What community organizations do they belong to? Is literacy an issue?

Finally, feedback on how the public's input into the P2 process was considered and how it is reflected in the process outcome is critical for public accountability and on-going efforts to build trust between the process sponsors and stakeholders. Types and degrees of feedback may depend on the level of P2 selected for implementation as defined by the International Association for Public Participation's (IAP2) Public Participation Spectrum [24].

5 Conclusion

Each of these barriers can be overcome with modifications to the culture of P2 as it exists within local governments, and with attention paid to developing and

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implementing thoughtful processes and strategies that value and encourage the stakeholder role. By doing so, many of the perceptual, political and logistical barriers identified earlier in this abstract may be resolved or mitigated.

According to Verba, Schlozman and Brady, "When inputs of time and money are coupled to civic skills, citizens become not only more likely to participate but also more likely to be effective when they do" [25].

References

[1] Public Involvement Policy of the U.S. Environmental Protection Agency, Office of Policy, Economics and Innovation, EPA 233-B-03-002, May 2003.

[2] The Federal Advisory Committee Act: An Overview, U.S. General Services Administration, GSA Office of Governmentwide Policy.

[3] U.S. Environmental Protection Agency website, Washington, D.C., www.epa.gov.

[4] Legal research by Paul J. Coelus, Esquire, February 11, 2004.

[5] Bettini, Yvette, Public Participation or Public Consultation: Assessing Community Participation in Estuary Management on the NSW South Coast, Independent Research Project, 2002.

[6] Godschalk, David R., Parham, David W., Porter, Douglas R., Potapchuk, William R., Schukraft, Steven W. *Pulling Together: A Planning and Development Consensus-Building Manual,* Urban Land Institute with Program for Community Problem-Solving, Washington, D.C., 1994.

[7] *Ibid*, Urban Land Institute, pp 14-15.

[8] Wenska, Mary A., Fair Process and Empowerment: What to Do If We Really Want Community Involvement in Site Cleanups, handout provided at presentation given at the U.S. Environmental Protection Agency Community Involvement Conference, Philadelphia, PA, July 2003.

[9] *Op cit*, U.S. Environmental Protection Agency website.

[10] Recommendations for Responsive Brownfields Revitalization, Center For Public Environmental Oversight, Washington, D.C., October 1999.

[11] Local Government and Community Engagement in Brownfields Development, International City/County Management Association, Washington, D.C., 2003.

[12] Herzig, Margaret, Moving from Polarized Polemic to Constructive Conversation, Public Conversations Project website, (www.publicconversations.org) and as published in *Interact: The Journal of Public Participation*, July 2001.

[13] *Op Cit*, Wenska, p. 1.

[14] Steven Piet, Sc.D., Idaho National Engineering and Environmental Laboratory, handout for presentation at the International Association for Public Participation Conference and Annual Meeting, Ottawa, Canada, May 2003.

[15] *Op Cit*, Wenska, page 3.

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[16] Scheufele, Dietram A., Shanahan, James and Kim, Sie-Hill, Who cares about local politics? Media influences on local political involvement, issue awareness and attitude strength, *Journalism and Mass Communication Quarterly,* Columbia, Summer 2002, **79(3)**, pp 427-444.
[17] *Ibid*.
[18] Vigoda, Eran, From responsiveness to collaboration: Governance, citizens, and the next generation of public administration. *Public Administration Review*, Washington; Sept/Oct 2002, **62(5)**, pp 527-540.
[19] *Op Cit*, Scheufele*, et al*.
[20] *Op Cit*, Urban Land Institute, p. 15.
[21] Siegal, Lenny, Community Advice: A Constructive Approach to Brownfields, Center for Public Environmental Oversight website, Washington, D.C., www.cpeo.org.
[22] National Center for Environmental Decision-making Research Annual Progress Report, National Center for Environmental Decision-making Research, Oak Ridge National Laboratory, Tennessee Valley Authority and the University of Tennessee, Technical Report, NCEDR/96-04, June 1, 1996.
[23] Making plans that matter: Citizen involvement and government action. Raymond J. Burby. American Planning Association. *Journal of the American Planning Association*, Chicago; Winter 2003, **69(1)**, pp 33-49.
[24] Website of the International Association for Public Participation (IAP2), www.iap2.org.
[25] *Op Cit*, Scheufele, *et al.*

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