

CHAPTER 4

ADVISORY BOARDS

Introduction

As more information has become available to public stakeholders through community involvement programs as described in Chapter 3, some stakeholders have requested a greater role in the decisions that affect the health and environment of their communities. In its Interim Report, the Committee recommended that facilities establish advisory boards to meet this need. Since the publication of the Interim Report, the Committee estimates that over 200 advisory boards addressing federal facility cleanup have been established either at the initiative of the regulated or regulating agencies, or the request of public stakeholders. For example, DOE has established 11 site-specific advisory boards (SSABs) and DOD has established over 200 Restoration Advisory Boards (RABs). This overwhelming response to the Committee's recommendations has initiated a new way to approach community and federal agency partnerships at these facilities.

In this chapter, the Committee restates its recommendations for the establishment and operation of advisory boards. It also includes new recommendations that have emerged through the collective experience of the first two years of implementing the Committee's original recommendations.

Interim Report Recommendations

In the 1993 Interim Report, the Committee recommended that federal agencies establish advisory boards to provide independent policy and technical advice to the regulated and regulating agencies with respect to key cleanup decisions. The Interim Report proposed a model approach for implementing the boards and included recommendations for when boards should be established and how they should be formed, operated, and financed.

Box 10: Department of Energy

As of December, 1995, the DOE Environmental Management program (EM) has established eleven site-specific advisory boards at the Hanford, Idaho, Nevada, Monticello, Fernald, Los Alamos, Sandia, Savannah River, Pantex, Oak Ridge, and Rocky Flats sites. These boards were established by DOE in close cooperation with state environmental agencies and regional EPA offices.

The site-specific advisory boards (SSABs) were established to provide site specific advice. The board chairs, however, do meet several times a year on an "ad hoc" basis to discuss site-related and national issues and concerns.

EM also established a national EM advisory board (EMAB). This board provides broad national advice that complements the advice from our SSABs. Greater interaction between the SSABs and the EMAB is anticipated in the future.

In addition, the State and Tribal Government Working Group (STGWG), established in 1989, gives affected states and Indian nations a voice in the DOE decision-making process. For more information, contact Don Beck, Office of Public Accountability, DOE, (202) 586-7633.

Box 11: Department of Defense

DOD is establishing Restoration Advisory Boards (RABs) at all closing installations and at operating installations where there is sufficient, sustained interest on the part of the community. RABs are generally consistent with the concepts found in the Interim Report. Policy and implementing guidelines on RABs were published in 1994, and each of the Services has promulgated guidance. (See Appendix D)

As of January, 1996, approximately 200 RABs have been established. RABs bring together people who reflect the diverse interests within the local community, enabling the early and continued flow of information among the affected community, the DOD installation and the regulatory agencies. The RAB complements other community involvement efforts, but does not replace them. DOD's policy is that community members of RABs should reflect the diverse interests within the local community and should live or work in the affected community or be impacted by the restoration program. The member selection process is designed to be unbiased and open, and is conducted in cooperation with regulatory agencies and the community. Once the RAB has been formed, the installation selects a DOD co-chair and the community members select a community co-chair. The co-chairs serve as equal partners and establish meeting agendas. Both co-chairs are responsible for ensuring members have the opportunity to raise issues and concerns and that their representatives participate in an open and constructive manner.

Installations are charged with providing administrative support to the RABs such as meeting facilities, preparation of minutes, copying/printing of documents, mailings, public notices, outreach material and meeting facilitation. Citizen groups can apply for Technical Assistance Grants through the EPA. In addition, the National Defense Authorization Act for Fiscal Year 1995 provided new authority for DOD to provide up to \$7.5 million in technical assistance funding to members of RABs. DOD is in the process of identifying options for providing this assistance. For more information, contact Marcia Read, Environmental Security, DOD, (703) 697-9793.

A brief description of how agencies are implementing the boards can be found in Boxes 10-14. In institutionalizing the boards, most of the agencies have issued guidance documents for how these boards should be established and run. To obtain copies of these guidance documents refer to Appendix D which includes points of contacts for each agency.

The Committee applauds the massive effort undertaken by the regulated agencies to implement the advisory board recommendations. At the vast majority of facilities, community participants appreciate the opportunity to take part in the cleanup decision-making process. Similarly, agency officials are realizing the merits of stakeholder participation. Although it is too soon to evaluate the overall effect of the advisory boards in the cleanup process, it appears that the successful formation of advisory boards is fostering or supporting a more cooperative approach among regulators, regulated agencies, and communities.

Continuing Problems

—

In implementing any major new concept such as establishing advisory boards at hundreds of facilities of several different

agencies, challenging issues will arise. In implementing the Interim Report recommendations for advisory boards, agencies and public stakeholders have learned many lessons about establishing and operating advisory boards. Below is a list of concerns that the Committee has identified, as problems that have either continued despite the establishment of advisory boards, or arisen through implementation:

- Mistrust among some stakeholders persists at some facilities.
- Orientation to the advisory board process can be frustrating and time consuming.
- The amount of technical information necessary to understand cleanup options and their implications can be overwhelming.

Box 12: U. S. Environmental Protection Agency

Carrying out both its oversight and technical assistance responsibilities, EPA participates on advisory boards established by other federal agencies. EPA has worked with DOD and DOE to develop policy and guidance on the creation and functioning of advisory boards at their facilities. In addition, EPA has piloted advisory boards at 10 non-federal facility NPL sites. Through its Technical Assistance Grant (TAG) program, EPA provides funds to community groups to provide more effective community involvement. As of November 1995, TAGs have been awarded at 29 federal facilities. For more information, contact Sven-Erik Kaiser, OSWER/FFRO, EPA (202) 260-1606.

- There is, in many cases, a lack of sufficient representation from affected communities of color. The membership serving on advisory boards does not always reflect the diversity of communities in which the facilities are located.
- There is a lack of clarity regarding local governments' role in the advisory board process.
- Advisory boards are often considered the sole focus for agency outreach efforts to affected and surrounding communities.
- There is a lack of clarity with respect to the advisory board's role and expected interaction with other advisory groups addressing related issues such as reuse.
- There needs to be a process by which advisory boards can be evaluated.
- To date, some agencies have made little effort to share information among advisory boards. The wealth of information that has been gained at some sites with effective boards has not been readily shared with sites establishing new boards.
- Lack of clarity about who and what bodies the advisory board should advise.

Box 13: ATSDR

Community Assistance Panels (CAPS) - ATSDR has established CAPS operating at Otis Air Force Base (Massachusetts), the McClellan Air Force Base site (California), and the Cornhusker Army Ammunition Plant Site (Nebraska). These panels inform the public about site-specific scientific findings and provide a means for community participation in ATSDR activities. It is ATSDR policy to either convene a CAP meeting or provide a written update to the community on its activities at 90-day intervals. For more information, contact Mark Bashor, ATSDR (404) 639-0730.

Recommendations

Based upon the lessons learned during the past two years of establishing advisory boards and the recent concerns noted, the following recommendations build upon the proposed model for advisory boards found in the Interim Report. In many cases, the following recommendations duplicate the 1993 model. However, some ideas are new or are a revision of the old recommendations.

Box 14: Departments of the Interior, and Agriculture, and National Oceanic and Atmospheric Administration

USDA, DOI, and NOAA have not yet established advisory boards. At this point, there has not been sufficient interest at these agencies' facilities. However, if and when advisory boards are established by one of these agencies in the future, they will benefit from the lessons learned and information provided by DOE and DOD from their experiences with the role, authority, membership, and evaluation of advisory boards.

In many cases, these agencies have participated in the advisory board process. They have served as interested stakeholders on advisory boards established by other agencies and have worked with the advisory boards at others to provide input and expertise on natural resource management and other technical issues involving the work of their agencies.

The following model approach to the formation of advisory boards is intended to serve as an example for how to establish advisory boards at facilities where they do not currently exist and as guiding principles for improving existing advisory boards. The Committee believes that its recommendations are sufficiently broad to permit flexibility for each agency and the affected communities to adapt them to their own circumstances.

I. Overview and Scope

The Committee recommends that federal agencies establish advisory boards to provide independent policy and technical advice to the regulated and regulating agencies with respect to key cleanup decisions.

The Committee believes such boards can improve the decision-making process by:

- Providing a setting for direct, regular contact between agencies and a diverse set of public stakeholders;
- Providing a forum for public stakeholders, local governments, and agencies to understand the competing needs and requirements of the government and affected communities;
- Providing a forum for discussing citizen issues and concerns, thus enabling the development of a more complete and satisfactory plan or decision;
- Enabling citizen review and the evaluation of plans and their technical adequacy in more depth than is possible in single opportunity public participation efforts;
- Permitting a more detailed consideration of issues than is possible as a result of the minimal legal requirements identified in various state and federal laws; and

- Allowing cleanup decisions to consider values as well as technical data.

There have been some instructive examples of how advisory boards have served to improve the decision-making process at their respective facilities dramatically. The information in Boxes 15-17 provides examples of such efforts at Moffett Naval Air Station, Charleston Naval Base, and Fernald.

The Committee wishes to make clear that advisory boards should be used to complement rather than duplicate or supplant broader site level cleanup public involvement initiatives. Current guidance documents by DOE and the Department of the Navy, for example, mirror this Committee recommendation. DOE's guidance notes that "advisory boards comprise only one facet of a total public participation program at a site."¹ The Navy's guidance document states that "Restoration Advisory Boards will not take the place of community outreach and participation activities required by law, regulation, or policy."² Not every public stakeholder will have the time or inclination to participate in advisory boards and the Committee believes it is vitally important that all members of the public be afforded their full rights and privileges with respect to public involvement. Agencies should ensure opportunities exist for individuals who are not members of advisory boards to participate in discussions regarding cleanup.

Box 15: The Fernald Advisory Board

Thus far, one of the more successful public involvement initiatives in the DOE's nationwide network of nuclear materials facilities has occurred at DOE's Fernald site near Cincinnati, OH. A decade ago, relations between Fernald and its neighbors were so strained that 14,000 area residents filed a class action lawsuit against the agency and its prime contractor seeking damages for exposures to off-site pollution and loss of property values. After the lawsuit was settled in late 1988, the dialogue between plant operators and neighbors continued to be an uneasy one even as the mission at Fernald changed from uranium processing to environmental cleanup in 1990. Still, the public involvement initiatives that coincided with the Fernald site's change in mission have already gathered strong support from both agency officials and citizens. A Fernald Citizens Task Force, formed in 1993, was the first formally organized site specific advisory board in the DOE system and is cited by both citizens and agency officials as an important success story. Among the innovative public involvement approaches at Fernald is a so-called "partnering" experiment where individual members of the citizens task force are matched with individual site officers and managers to improve communication and expedite problem solving.

The recommendations contained in this section are intended to apply broadly to all federal facility cleanup activities, regardless of the statute under which they are conducted.

II. When Advisory Boards Should be Established

The Committee recommends that agencies form advisory boards at facilities where no advisory committee currently exists and where there is a need evidenced by:

¹ DOE, Site-Specific Advisory Board Guidance, November 14, 1994, page 2.

² Department of the Navy, Implementing Guidance for the Establishment of Restoration Advisory Boards, February 9, 1994, page 2.

- an affected local, state, tribal, or federal government entity requesting the establishment of an advisory board; or
- at least fifty residents of the community or region in which a facility is located signing a petition requesting an advisory board. Petitions should be submitted to the facility manager, installation commander, or other lead official at the facility. Copies of the petition should also be provided to state, tribal, and regulatory agencies.

Box 16: The Moffett Field Advisory Board

Moffett Field, former Pacific headquarters for the Navy's subchasing P-3C "Orion" aircraft, sits in the heart of Silicon Valley, at the southern edge of the San Francisco Bay. Its 26 Installation Restoration Program sites include a massive plume of shallow groundwater contaminated with TCE and other volatile organic compounds. The plume, shared with electronics industry Superfund sites just to the south, threatens local drinking water supplies as well as the Bay and its wetlands.

In early 1990, the base commander, Captain Tim Quigley, established a Technical Review Committee (TRC), composed of Navy personnel, regulators, and representatives of the local community, including the Silicon Valley Toxics Coalition (SVTC). Quigley established an active community relations program, disseminated fact sheets, and shared more detailed technical information upon request.

Through the TRC and other community relations activities, local residents and their representatives gained respect for the Moffett cleanup program, but the SVTC and others remained critical of the remediation schedule. They took their case to the press, elected representatives, and Defense Department officials. Informed by participation in the TRC, they focused on the so-called "regional" TCE plume.

In 1994, the Navy turned over responsibility for the Naval Air Station to other federal agencies, but it continues to operate the facility's restoration program. Also in 1994, the Navy began the process of converting the TRC into a restoration advisory board.

The RAB meets monthly. At meetings and informally between meetings, public stakeholders and local government representatives on the RAB discuss proposed cleanup remedies with the Navy, other responsible parties, and the regulatory agencies. As a result of the RAB's discussions, the Navy has more than once revisited its proposals. For more information, contact Lenny Siegel, Pacific Studies Center (415) 969-1545.

Prior to initiating the establishment of a board, state and federal agencies should evaluate existing public involvement programs to determine the community's need and desire for a new board. Such an assessment process should solicit the input of local governments, community groups, local citizens, workers, and other stakeholders. If an assessment is made that an advisory board is not requested or required, the regulated agency should consider ways to inform the public of cleanup activities through other available fora periodically, as discussed in the more general community involvement sections of Chapter 3.

III. Existing Advisory Boards

Where advisory boards already exist, the Committee intends for its recommendations to build upon existing groups and not to supplant them, particularly where they have proven successful. For example, where an advisory board, committee, or group currently exists for addressing cleanup issues, agencies may need to increase the scope of issues to be addressed by the group, add members to ensure representation of a wider constituency, or change the way in which the group interacts with the general public in order to be

consistent with these recommendations.

When more than one advisory board exists, agencies should consider consolidating their activities, or establishing clear communication between the groups to determine if and how

their scope of issues overlaps. For example, DOD guidance specifically directs installations to expand or modify existing Technical Review Committees to become Restoration Advisory Boards, which allow for greater community representation.³

Federal agencies must also consider that some advisory board-type organizations were established as features of federal facility oversight agreements signed between some states and federal agencies. When there is a lack of consensus regarding the need/desirability of additional boards or groups, the development of Memoranda of Understanding should be considered in order to clarify the roles of existing and proposed entities.

IV. Advisory Board Mission Statement

A statement outlining the mission and duties of the advisory board should be developed. At a minimum, it should provide for the advisory board to advise both the regulated and regulating agencies on key policy and technical issues and decisions related to cleanup at the facility. If an advisory board is not yet formed, a regulated or regulating agency may solicit the assistance of a small, diverse group to assist with the initial drafting of the mission statement.

Any such draft should later be approved by the full board. Advisory boards should also develop comprehensive by-laws and groundrules that establish common understanding about advisory board procedures.

V. Federal Advisory Committee Act⁴ Charter

FACA is a public law that was enacted to outline operational guidelines for boards, committees or similar groups that are established by federal agencies to provide advice to the federal government. FACA requires agencies to follow certain formalized procedures including chartering, maintaining balanced memberships, providing public notice of meetings, and holding meetings open to the public. In addition to the statutory requirements, agencies

Box 17: The Charleston, SC Station and Shipyard Restoration Advisory Board

The Charleston Naval Station and Shipyard has served as an economic cornerstone in the Charleston, SC area for nearly one hundred years. Notice of the base closure generated a great deal of concern about the impact closure would have on the community. The establishment of the Restoration Advisory Board (RAB) provided a critically important communications link between the installation, the community and those state and federal agencies involved in with the closure process. Recognizing that base reuse was dependent upon base cleanup, the RAB immediately focused its efforts on moving the cleanup forward as quickly and smoothly as possible. This has been accomplished by working with each of the various agencies toward the end of ensuring that the needs of the community are consistently a primary consideration in the decision-making process.

One of the strengths of the RAB is that the membership reflects the diversity which exists within the greater Charleston community. This strength in turn ensures that those with an interest in the base closure will have the opportunity to be heard. The Navy and the several state and federal agencies do their work competently but their goals are different from that of the RAB. The mission of the RAB is to focus the competence found in the other agencies for maximum benefit to the community. The Charleston RAB has consistently, functioned as a cohesive group with shared common interests without acrimony. For more information, contact Arthur Pinckney, Grassroots Conversion Coalition (803) 884-2646.

³DOD and EPA, Restoration Advisory Board Implementation Guidelines, September 27, 1994, page 2.

⁴FACA, Public Law No. 92-463, 5 U.S. Code Appendix 2.

establishing advisory boards must comply with their own implementing regulations, the administrative guidelines of the U.S. General Services Administration (GSA), and the approval of OMB.

In the Interim Report, the Committee stated that it "does not believe it is necessary or prudent to charter all SSABs as federal advisory committees." The Committee supported its recommendation by pointing out that the recommended approach to the establishment and operation of boards is consistent with the spirit of FACA to create advisory committees that are balanced and subject to an open process. Furthermore, the Committee wished to avoid unnecessary burdens that may hamper the creation of such boards.

Since the release of the Interim Report, the Clinton Administration has placed limits on the creation of new FACA committees. Partly in response, agencies have approached FACA charters for their advisory boards in at least two different ways. DOD, building on the approach it had taken with its Technical Review Committees (TRCs), which were a precursor to RABs, has not chartered their RABs as federal advisory committees. DOE has established a single FACA charter for all of its SSABs. Regardless of whether agencies charter their advisory boards, the Committee recommends that boards and agencies comply with the spirit of FACA regarding maintaining balanced membership, holding open meetings, and providing public notice for meetings in manners that are appropriate for the facilities' community.

The Committee notes that many of the administrative provisions in both the FACA statutory language and its implementing regulations are burdensome at best and intrusive in many cases. FACA includes several provisions that are not always helpful when applied to community advisory boards. For example, FACA requires agencies with advisory boards to provide public notice of meetings in the Federal Register; for local advisory boards, mechanisms such as publication in local papers or notice by mail may be more effective. It also empowers the chartering agency with the authority to adjourn meetings and approve agendas—powers which some communities believe could be abused. The Committee encourages agencies that charter boards to make very judicious use of FACA authorities and to do so in consultation with board members. Finally, chartering agencies should also seek to reduce the bureaucratic burden of the law on board members to the greatest extent possible.

VI. Scope of Advisory Boards

The Committee believes the boards should focus on protection of human health, cleanup, waste management, and technology development issues that are clearly relevant to the cleanup of the facility. In focusing on cleanup, these boards may provide independent advice on issues identified in their mission statements such as:

- ensuring that appropriate measures (both interim and permanent) to protect human health and the environment against substantial and imminent risks are implemented as early as possible;
- identifying cleanup activities and projects;

- tracking progress on those activities/projects;
- providing information and perspectives on cleanup priorities;
- tracking possible implications for other communities along transportation corridors and in areas of waste storage facilities when discussing final waste disposition possibilities;
- evaluating possible employment opportunities and associated risks, local economic benefits provided by the cleanup process, and appropriate vehicles for providing this information to the public;
- addressing important issues related to cleanup, such as land use, level of cleanup, risk management strategies, waste management, technology and economic development issues related to cleanup; and
- developing cleanup strategies.

The advisory boards should have the discretion to hear presentations on the social, economic, cultural, aesthetic, public health, and worker health and safety effects of cleanup and waste management and technology development issues related to cleanup. In addition, the Committee agrees that advisory boards should hear presentations on other environmental management decisions that advisory board members regard as relevant and appropriate.

At many facilities there are separate boards or groups whose primary mission is to address re-use issues at the facility. In addition, there may be other community groups addressing similar cleanup issues at the same, or another nearby facility. If there is more than one advisory board addressing similar federal facility issues, the Committee recommends that the boards should make all efforts to communicate with one another.

The Committee believes advisory boards should remain separate from redevelopment authorities, but they should work together wherever possible. Issues relating to redevelopment, such as determining future land uses, may require involvement and representation of different public stakeholders and agency personnel from those involved with boards established to provide advice regarding cleanup decisions. The Committee suggests advisory boards as described in this report should only address anticipated future land uses when it relates to cleanup decisions. When future land use is addressed, efforts should be made to sufficiently involve stakeholders with key interests in land use, such as local governments, in the board's discussions.

VII. Role of Regulated and Regulating Agencies

As stated above, the advisory board is intended to be a forum through which advice can be given to both regulated and regulating agencies on cleanup and waste management and technology development related to cleanup. The regulated agency should serve as the host of the advisory board and should provide administrative assistance, meeting facilities, and other logistical support as necessary. The Interim Report recommended that senior representatives of both regulated and regulating agencies should serve as "ex-officio" participants of the advisory board. The term ex-officio was used to imply that representatives of these agencies should attend advisory board meetings and participate actively in advisory board discussions by making their views known. However, because the advice from the advisory boards will be directed at their agencies, the Interim Report recommended that agency representatives should not take part in final decisions about what recommendations are made.

Since the publication of the Interim Report, DOE and DOD have established advisory boards that involve regulated and regulating agencies in different ways. DOE's SSABs essentially follow the model outlined in the Interim Report. DOD has directed RABs to include regulated and regulating agency representatives as regular board members and for the installation commander or his or her designee to serve as co-chair along with a community representative. (For copies of DOD and DOE guidance documents on this issue see the points of contact in Appendix D).

Because both models seem to be working, the Committee remains silent in this report regarding whether regulated and regulating agencies should serve as ex-officio or full members. Nonetheless, experience from RABs, SSABs, and advisory boards in the private sector proves that community members may stop participating actively in boards because senior managers do not come and actively participate in board meetings, or senior managers ignore the advice of board members without providing an explanation. Regardless of their title, the Committee strongly recommends that regulated and regulating agencies' role be defined in three ways. First, the most senior level person available with site-specific cleanup responsibility from the regulated and regulating agency should participate in board meetings. Second, the participants from the regulated and regulating agencies should be responsive to the concerns and advice of the advisory board or provide a reasonable explanation for not adhering to the advice. Third, representatives from regulating and regulated agencies should serve as information sources for the board, providing updates and background as needed.

VIII. Advisory Board Membership

The Committee recommends that advisory boards should reflect the full diversity of views in the affected community and region and be composed primarily of people who are directly affected by facility cleanup activities. Boards should also attempt to maximize participation from public stakeholders in a manner that reflects the ethnicity, race, and distribution of income within the affected communities. The Committee recommends the following public stakeholders, where they exist, be given the opportunity to be included as board members:

- individual residents that live in or own property around the communities or regions in which a facility is located;

- representatives of citizen, environmental, and public interest groups whose members live in the communities or regions affected by the environmental contamination and related cleanup efforts at a facility;
- workers or representatives of workers involved in or affected by cleanup operations at the facility, with a priority for cleanup and production workers who are currently employed at the facility;
- representatives of Tribes and other indigenous peoples that have treaty or statutory rights that are affected by environmental contamination and related cleanup activities at the facility; and
- representatives of local government.

Appropriate qualities for an advisory board member include an ability to focus on cleanup issues and a willingness to devote the time over an extended period necessary to serve effectively on a board. Public stakeholders should not be disqualified because they are critics of activities at the facility. Every effort should be made to include divergent interests and viewpoints, regardless of technical expertise.

In addition, representatives of other federal, state, and local government agencies should be included on the board, as appropriate, to represent their interests as natural resource trustees, managers of adjacent or impacted public lands or recipients of lands. In some cases, potentially responsible parties (PRPs) from the private sector directly involved in or affected by facility cleanup activities could participate at the discretion of the advisory board. Advisory boards, in conjunction with their host agency, should clarify the specific role that each of these entities play, particularly in the board's decision-making process.

The Committee recommends that in order to address environmental equity concerns, special efforts should be made to provide notice and opportunity to participate for people who are or have historically been disproportionately impacted by site contamination.

The Committee recommends that the size of the boards should be limited to promote efficiency and encourage participation, while also ensuring that the major public stakeholders or groups of public stakeholders are adequately represented. The Committee recommends that the size of the advisory board should be determined by the community in collaboration with the agencies.

IX. Membership Selection Processes for Advisory Boards

Box 18: FFERDC Interim Report Member Selection Process

The Committee's Interim Report provided the following guidelines for the membership selection process:

Regulating agencies shall actively and publicly solicit nominations for advisory board membership from interested individuals and organizations, ensuring that ample notification is given to those with an active interest or obvious stake in cleanup activities at the site. Such notification should also be given to national organizations that have expressed an interest in that agency's cleanup program and by publication of a notice in the Federal Register. Interested organizations and individuals, including those whose nomination has not been solicited by the regulating agencies, should submit nominations for advisory board membership to the regulating agencies. Furthermore, the regulating agencies shall solicit nominations from the governor, local congressional representative(s), state legislators, and affected county, city, and tribal governments. In addition, the regulating agencies have a responsibility to inform and solicit the interest of potentially affected community members who initially appear uninterested or unaware.

Based on the above criteria, the regulating agencies should review all nominations, submit a proposed list of advisory board members to the regulated agency, and make this list publicly available. This list should be mailed to all who were nominated or submitted nominations and published in the Federal Register.

The regulated agency shall accept the recommended list of advisory board participants unless it determines that the list does not ensure a sufficient diversity of viewpoints or an appropriate balance of affected interests. Decisions of the regulated agency to accept or reject the proposed list must be made and explained openly and publicly. Once again, all who have been nominated or submitted nominations in the first step should be notified of the decision of the regulated agency.

If the regulated agency rejects the proposed list, the regulating agencies, with the advice of federal, state, tribal, and local government representatives, shall propose, and make publicly available, an alternative list that addresses the specified imbalance or lack of diversity.

If advisory board membership selections issues have not been resolved after step 4, the regulating and regulated agencies will refer the matter to higher levels of authority within their agencies for final resolution. For more information, contact The Keystone Center (970) 468-5822.

In its Interim Report, the Committee recommended very specific procedures for choosing members to serve on the advisory board. A description of this process can be found in Box

18. Since this time, some communities have followed this exact set of procedures with success. However, other communities have chosen very different methods that have typically been equally successful. An example of one of these processes can be found in Box 19. In addition, several agencies, and military services have established specific guidance documents for choosing board members that differs from the Committee's recommendations. Examples of this language can be found in Appendix E. Although these guidance documents provide general direction to field staff, specific implementation of advisory boards is intended to be adapted to the needs of the individual facilities. Given the above, the Committee recognizes that there are many ways to effectively select individuals to serve on advisory boards. Regardless of the specific process used, the Committee stresses the importance of using an open and fair process that leads to the creation of a diverse and balanced board.

Advisory boards, once established, should develop procedures for adding, replacing, or removing board members. In doing so, the advisory board should consider carefully the need to assure that the board does not become too large so as to be unmanageable and that the full diversity of views in the community/region are fairly represented. Procedures for adding new members should

give special emphasis to:

- interests that, in the view of the advisory board, are not adequately represented at the time of the initial formation of the advisory board; and

- expressions of new interests that may not have existed or were not considered at the time of the initial formation of the advisory board.

Although the process by which board members are initially chosen is extremely important in regard to the credibility of the board, allowing established boards to add, replace, and remove board members should help provide an effective safety valve for correcting unfair selection processes. Notwithstanding the recommended role of the advisory board on these matters, it remains the obligation of all participants—including the regulated and regulating agencies—to ensure that the membership of the advisory board is composed of a manageable number of people, is properly balanced, and adequately represents the diversity of views within the affected community.

X. Role of Contractors

Agencies should consider including contractor representatives as a part of their team because of the important role contractors often play in actually planning and conducting cleanup activities on behalf of regulated agencies. However, because contractors support the regulated agency, the Committee agrees that contractor participation in advisory board discussions should never serve as a substitute for the participation of senior representatives of the regulated agency. Contractor employees in decision-making capacities should not serve as regular members of advisory boards.

XI. Role of Local Government Officials

Because of the diverse services local governments provide, ranging from land use planning to managing water and sewer systems, it is essential that local government officials be consulted and given the opportunity to be closely involved in the advisory board process from the beginning. Local governments have traditionally filled a broad set of responsibilities that are relevant to federal facility cleanups in their jurisdiction, including: 1) protecting public health

Box 19: Selection Process for DOE Pantex Plant

In the Spring of 1993, community members requested that DOE establish a citizens' advisory board for the Pantex Plant in the Panhandle of Texas, near Amarillo. In response, DOE, EPA Region 6, and the Texas Governor's Office sponsored two public meetings to discuss procedures for setting up an advisory board, and DOE hired a neutral third party facilitator to assist with the process. In addition to putting advertisements in the local media, organizational lists from groups such as the Chamber of Commerce, The Peace Farm, NAACP, and unions at the plant were obtained and individuals were sent invitations. Approximately 200 community members attended.

During the two workshops, full consensus was reached by all parties in attendance (including DOE, EPA, the Texas Attorney General Office, and other state regulatory agencies in addition to a multitude of community members and plant workers) regarding the scope of issues the advisory board should address, the accountability of agencies to the board and the board to the public, the size of the board, and the membership selection process. In brief, the selection process included a group of six representatives (a representative from the Governor's Office and the Office of the Attorney General, plus four local residents) chose a 16 person selection committee, including two from each of the following categories: area resident, regional resident, labor, Pantex worker, agricultural sector, business community, environmental organization, and local government). The selection committee then sorted through more than 80 applications, conducted interviews, and selected the first eight nominees for the advisory board. This core group then selected 12 more names and submitted the slate of 20 names to the Secretary of Energy. Secretary of Energy Hazel O'Leary reviewed the list to ensure balance and diversity and approved it.

Although the process was cumbersome and slow, it involved the full diversity of community members and helped to establish trust between DOE and the community and between the widely varying groups within the community. It also produced an advisory board that looks like the community in regard to race, ethnicity, sex, income levels, and perspectives regarding the Pantex Plant. For more information, contact The Keystone Center, (970) 468-5822.

and safety through services, education, and regulations; 2) protecting or enhancing the community's quality of life through community comprehensive planning; and 3) securing a viable economic future. Therefore, they may provide advisory boards with information regarding local comprehensive plans, laws and regulations, history, culture and demographics, and may assist in community involvement activities. In many cases, local government is the institutional authority that will address the effects of cleanup decisions long after federal decision makers have withdrawn from the community.

As part of the formation of an advisory board, federal agencies should meet with and sponsor workshops for local government officials to explain the advisory board process. Recognizing that facility cleanups often affect the jurisdictions of several counties and towns, federal conveners should focus their primary efforts on consulting with local governments most directly affected by the federal facility cleanup.

In practice, local government involvement in federal facility decision making varies from facility to facility. Local government officials should have the opportunity to decide, taking into account local laws and community preference, if and how they will participate in a federal agency-sponsored advisory board. Local government options for participation may include: 1) full member; 2) ex-officio participant; or 3) advisory board convener. In addition, the local government may decide not to participate in the advisory board.

Box 20: Moffett Field Restoration Advisory Board Decision-Making Process

Most Defense Department-sponsored Restoration Advisory Boards conduct much of their business without formal votes. Many, however, have written their own charters establishing voting procedures to fall back upon should the normal give-and-take prove insufficient. For example, the "voting table" of the Moffett Field Restoration Advisory Board includes the following rules among sixteen separate contingencies:

Issue	Who Votes	Required Number of Votes
Set Agenda	Whole RAB	Majority
Elect Community Co-Chair	Community members only	Majority
Form Committee	Community members only	Two thirds

For more information, contact Lenny Siegel, Pacific Studies Center, (415) 969-1545.

XII. Decision-Making Process

At the outset of the advisory process, the board should determine explicitly how it will make decisions about what advice and recommendations it should give, who should give the advice, and in particular, how to ensure that dissenting views are addressed. In general, DOE boards tend to operate by consensus with regulating and regulated agencies not taking part in the decision making. In general, DOD boards tend to provide individual advice with all parties participating in the discussion. Box 20 shows an example of how one advisory board makes decisions.

XIII. Operating Procedures

At the establishment of each advisory board, advisory board members as a group should develop appropriate groundrules and

operating procedures to allow for the efficient and productive operation of the group. Each advisory board should consider establishing procedures regarding the following:

- Naming a chairperson, hiring a coordinator, or appointing an independent facilitator, as deemed necessary by the advisory board, whose principal role would be to ensure:
 - advisory board meetings are run effectively and in a manner that is consistent with the advisory board's agreed upon groundrules;
 - the board maintains its focus on cleanup issues and waste management and technology development issues related to cleanup; and
 - whatever logistical and administrative tasks that the advisory board determines are necessary to play its advisory role effectively are accomplished.
- Forming subcommittees where and when it is appropriate;
- Determining what type of public record is kept of meetings (video, minutes, general summary, etc.);
- Establishing procedures for adding, replacing, and removing advisory board members;
- Determining how to provide advance public notice for meetings effectively;
- Deciding what, if any, terms, rotational schedule, term limits, or use of alternates are appropriate to help ensure a balance of interests and continuing opportunity for access to advisory board participation; and
- Determining when the work of the advisory board is complete or the overall interest in participating has diminished to such a level that the advisory board should be dissolved.

Box 21: Department of Defense RAB Training

DOD has provided orientation training for RAB community members to help them prepare for the technical and operational issues addressed by the RAB. The training also provides skills for acting as communications conduits for the community. Topics in the training sessions have included: the purpose and responsibilities of the RAB; regulatory background information; facility status and tour; the base mission; and communication skills. Typically, RAB members have received 10-15 hours of training. These efforts have proven to be most effective when accomplished early on in the process of establishing a RAB. For more information, contact Marcia Read, Environmental Security/Cleanup, DOD, (703) 697-9793.

The regulated and regulating agencies should also establish and make public operating procedures that, to the extent possible, attempt to ensure continuity in the availability of the staff who are principally responsible for interacting with the advisory board.

IV. Education and Training

A comprehensive orientation at the outset of the advisory board's work followed by a continuing education program tailored to the needs of both citizen and agency participants can considerably aid in the formation and growth of advisory boards. Examples of some training efforts are included in Boxes 21-22. Particular attention should be given to education for board members from communities or other stakeholder groups that have traditionally not been engaged in discussions regarding environmental issues at the facility. Although at the outset agencies have a vital, participatory role in the education process, it is the board members themselves who should ultimately decide on the process and direction of education efforts. Contained in this section is an extensive listing of topics that should be considered in the educational needs assessment of the advisory board. Advisory boards are cautioned that it will likely not be practical to obtain in-depth education on all of these topics, especially in a short period of time; topics should be prioritized based on the needs of the board members.

Because the technical issues and level of public understanding of these issues can vary dramatically from facility to facility, the Committee recommends that an advisory board training needs assessment be conducted for each advisory board. Among other factors, the needs assessment should elicit input on training topics, the incorporation of training into the broader mission of the advisory board, and ideas and preferences for finding and enlisting qualified trainers or instructors.

A. Technical Assistance Notification

Immediately upon forming an advisory board, members should be notified with regard to the options available for receiving technical assistance in the review of environmental issues at the facility. The options should include those offered by the U.S. Environmental Protection Agency, the facility operator, and any other relevant program offered by federal, state, or private entities. The notification should include the opportunities and procedures for utilizing independent experts in addressing relevant problems and issues.

Box 22: Training Workshops

Many organizations are undertaking efforts to educate community members about the issues surrounding federal facilities cleanups. The following are a few examples of efforts that have occurred to date. For more information on these efforts, please contact the people listed.

Xavier University's Deep South Center for Environmental Justice has spearheaded an effort of community leaders to strengthen citizen's right to know and encourage the participation of community persons in military cleanup activities. Specifically, the project is aimed at preparing community members to serve on DOD advisory boards and continues through October, 1996. Bev Wright (504) 483-7340.

San Francisco State University has held workshops to provide members of advisory boards with the background information necessary to effectively serve as advisors on their boards. Aimee Houghton (415) 904-7750.

Council of Energy Resource Tribes has conducted workshops for affected tribes on both the local and national level about DOD cleanup issues. The workshops provide information on the regulatory framework, community involvement, remediation, and the federal grant process. Merv Tano (303) 296-2378.

The League of Women Voters Education Fund assists its local chapters with many on-going education efforts about DOE cleanup issues. For information on these efforts contact their national office. Division of Natural Resources (202) 429-1965.

The Department of Defense has held seven regional workshops designed to familiarize DOD, EPA, states, tribes, and community members with DOD's RAB policy. Topics in the workshops included: RAB purpose, RAB establishment, member selection process, and agency roles. Marcia Read (703) 697-9793.

B. Orientation

Creating a successful advisory board involves building a new relationship between facility managers and the people affected by environmental issues at the facility. Based on experiences at federal facilities that have created or are in the process of creating advisory boards, it is clear that a well-crafted and thorough initial orientation for prospective board members and agency participants can provide a valuable foundation for this relationship. Member orientation, which may take several meetings to complete, should help provide a better and more common understanding of the facility and its environmental needs, and the communities and their environmental needs. It should also help ensure that advisory board members have the knowledge and tools they need to begin the process.

Although the structure and pace of orientations should be arranged to fit the particular needs and circumstances at each facility, the process may include but not be limited to such elements as:

- team building;
- facility tour and orientation to current mission(s);
- facility history, including agency and public perspectives;
- natural resources overview;
- cultural history and sensitivity to cultural issues;
- overview of federal operations, past and present;
- overview of past and present agency environmental policies and practices;
- overview of applicable state and federal environmental regulations, including federal facility agreements;
- the relationship between policies, regulations and agreements and the current environmental management agenda at the facility.
- responsibilities of agencies to the public and to the advisory board;
- expected role of the advisory board in facility environmental decision making, including scope of issues to be addressed by the board;
- present and future land use issues and their effect on cleanup decision making;
- the impact of the facility upon public health and the environment;
- the agencies' budget process;
- the agencies' procurement process;
- the role and interests of local government in land-use planning and other relevant issues; and
- citizen right-to-know laws.

C. Team Building

Since it is important for advisory boards to function as effectively as possible, the orientation ought not to focus purely on the exchange of information. It should also encourage an element of team building for advisory board members. This is based on the premise that all

advisory board members will need to expend some time and effort toward forming a cohesive unit, identifying common goals and expectations and laying mutually accepted ground rules for conducting advisory board's activities. This process might include voluntary participation in facilitated team-building exercises and/or workshops involving all board members, including regulated and regulating agency participants.

D. Ongoing Education

The preparation and continuing education of advisory board members is vital to the quality and substance of their advisory role. Likewise, the ability of agency personnel to communicate intelligibly and responsively with advisory board members is vital to both the health and efficiency of the advisory process. For these reasons, the Committee recommends that agencies work with advisory boards to develop a slate of options for technical training for advisory board members, while at the same time pursuing communication and other such training that can enable agency personnel to interact more effectively with advisory board members and the public at large.

In determining who should conduct training for advisory board members, agencies should consider:

- the expressed preferences of advisory board members;
- the history of the relationships between the community and the agency, and the resultant trust level between the two;
- the ability of agency or contractor personnel to express concepts in an understandable manner to advisory board members; and
- the ability of presenters to exercise cultural sensitivity.

Technical education options might include such things as:

- Periodic technical workshops for advisory board members and alternates on specific technical issues affecting the facility's environmental management.
- The development of specific educational materials (i.e., maps, toxicity profiles, risk assessment processes, cultural and archaeological histories, applicable laws and regulations) that assist board members as they move toward recommendations on key issues. Included in these materials should be any reports, summaries, issue papers, etc., developed by the board or board subcommittees on specific issues.
- One-on-one tutorials where board members could have direct access to agency specialists who would be assigned to cooperate in such a manner.

Boards should make a special effort to consider training programs that could be provided by advisory board members or local community members. Particularly in instances where mistrust between the agency(ies) and community is an obstacle, consideration should also be given to involving advisory board members in the training of other members as part of a mentoring program. Another approach to consider in such circumstances is the development of a partnering program involving advisory board members and agency personnel in which trust and communication building activities are incorporated into the work and function of the advisory board.

To the extent practicable, training and education opportunities should be open to members of the community who are not members of advisory boards. Options include registration for workshops and sessions by interested individuals with the sponsoring agency, and video-taping sessions for viewing by interested individuals and groups. By doing so, agencies make better use of limited resources and provide training materials for new members of advisory boards.

XV. Accountability

First and foremost, all advisory board members have a responsibility to work in a manner that promotes efficient and effective cleanup that protects human health and the environment. Federal agencies and regulators have a responsibility to respond to recommendations and advice from advisory board members by providing information on:

- recommendations or advice that can or will be implemented;
- recommendations that need to be modified in order to be implemented; and
- recommendations that cannot be or will not be implemented and why.

The advisory boards may request a written response to any recommendation or advice made by its members. Advisory boards and agencies should maintain a record of recommendations or advice made by the board and the status and substance of all responses. Advisory boards also have the responsibility to respond to issues raised by the regulated agencies. A log of such issues and responses should be kept.

Members have an obligation to attend all advisory board meetings to the extent possible. Members also have a responsibility to portray data accurately or information provided to them as members of the advisory board. If members distribute draft documents to others outside of the advisory board, they must indicate the preliminary or draft nature of the document.

Advisory board members representing an organized interest have a responsibility to share information with and provide feedback from the constituencies they represent. Members of the advisory board also have a responsibility for bringing community issues and values to the discussion, particularly from the constituency they are representing.

VI. Interaction with the Public

Members of the public, who may not have the time, resources or inclination to participate on an advisory board, must nonetheless be given opportunities to be kept adequately informed of and involved in cleanup decisions affecting their lives and their communities. As such, advisory boards should conduct their activities in a manner that complements rather than duplicates or supplants broader public involvement efforts, some of which are legally required. To this end, members of the advisory board, along with the participating regulated and regulating agencies, should make every effort to coordinate the timing and focus of advisory board activities with the need for broader public involvement activities as identified in the comprehensive community involvement plan for the facility. The Committee encourages regulated and regulating agencies to use the advisory board as one of many methods to obtain information to be included in the comprehensive community involvement plan about how and when such broader public involvement activities should be conducted. In addition, in order to maintain trust and accountability, interested members of the public should be notified of advisory board meetings, advisory board meetings should be open to the public, and some type of record documenting the meetings should be made available to the public. Finally, advisory boards should provide opportunity for public comment at their meetings and should make every effort to respond to both written and oral comments that are submitted in a timely manner.

XVII. Advisory Board Input on Negotiated Cleanup Agreements

The Committee believes the public should be informed of any efforts to negotiate formal cleanup agreements between regulated and regulating agencies (e.g., Interagency Agreements as per Section 120 of CERCLA). In addition, the agencies conducting the negotiations should make an effort to ensure that their negotiators are kept informed of community concerns and issues. In many cases, advisory boards offer regulated and regulating agencies a good opportunity for focused and meaningful input into the negotiations because of their background knowledge of issues at the facility, and their ability to respond quickly to negotiator's concerns and questions. Appropriate information exchange includes any risk assessments having bearing on the negotiated cleanup, schedules for cleanup activities and their associated costs, priorities for cleanup that should be considered for enforceable milestones, and provisions for interaction with the public and the advisory board in future decisions.

Under ideal circumstances, the advisory board may develop priorities and timeframes related to cleanup efforts at the facility that can be used as input into the cleanup agreement negotiations. Agency negotiators should communicate directly with advisory boards on issues of mutual concern. For example, the Rocky Flats Citizens Advisory Board co-sponsored public workshops on the draft Rocky Flats Cleanup Agreement. In addition, the agencies conducting the negotiations have used an information liaison as well as an on-line bulletin board system to keep the public informed.

XVIII. Administrative and Technical Assistance Funding

The Committee recommends that the regulated agency should provide advisory board funding for both administrative support and technical assistance in order to ensure meaningful public involvement. The first two sections that follow outline the general principles the Committee agrees to regarding each type of funding. The last section discusses a number of funding implementation issues.

A. Administrative Funding

The Committee recommends that regulated agencies serving as "hosts" of the advisory board should provide funding to cover the routine administrative needs of advisory boards that will allow them to operate efficiently and effectively, such as meeting space, document duplication, and mailings. The Committee agrees that funds should be provided for food, lodging, and travel expenses of local advisory board members who must travel overnight to attend meetings, hiring a coordinator or independent facilitator (where deemed necessary by the advisory board), and other similar expenses necessary for advisory board business.

The Committee recommends that regulated agencies should work with advisory boards to establish a limit or ceiling on administrative costs for each advisory board. Advisory boards should be responsible for establishing priorities and allocating the administrative funding provided.

B. Technical Assistance Funding

The Committee supports providing advisory boards with technical assistance funding in cases where there is a clear need. In many instances, citizen members serving on advisory boards lack the technical resources to monitor and comment effectively on the technical aspects of investigation and cleanup at these facilities. Also, some advisory members lack trust and confidence in the governments' technical advisors due to past environmental and health problems in their communities. Investing such funds in developing the knowledge and the expertise of the community can lead to more cooperative efforts and improved cleanups.

Therefore, to help ensure more effective and meaningful participation, the Committee recommends that advisory boards receive technical funding support in cases where there is a clear need. Specific examples of uses of such funding include: providing travel, per diem, and compensation for an outside expert to make a presentation to the board, hiring a consultant to assist board members in reviewing documents, and providing local training courses to educate advisory board members regarding relevant regulatory processes.

The Committee agrees that technical assistance funding should be used to complement, rather than duplicate, the technical programs of both the regulated and regulating agencies. Therefore, regulated and regulating agencies first have the responsibility to produce technical documents that are clear and concise, to the extent feasible. Further, to avoid duplication, advisory board technical assistance funds should not be used for performing additional sampling. In addition, the Committee agrees that technical assistance should not be used to underwrite legal actions in any way, including the preparation of testimony or the hiring of

expert witnesses. The work of any advisory board technical consultant should occur concurrently with the on-going efforts of the regulated and regulating agencies so as not to slow down or impede the process. It is the responsibility of the regulated agency to help coordinate this review process and to provide information to expedite the ability of the board to provide timely input.

C. Implementation of Administrative and Technical Assistance Funding

The following section includes recommendations on who should be eligible for the funding, determining the appropriate amount of funding, and finding potential mechanisms for channeling funding to advisory boards.

Potential Recipients

The Committee recommends that advisory boards should demonstrate a clear need to be eligible for assistance. The Committee recommends that regulated agencies with advisory boards, such as DOD, DOE, NOAA, and ATSDR, in consultation with other stakeholders, develop specific national criteria for demonstrating need. To accelerate the implementation of this program, the Committee urges the regulated agencies to begin this process of consultation as soon as possible.

In addition to establishing need, the Committee recommends three other criteria in regards to who should receive funding. First, the Committee intends for the technical assistance funding to be used primarily for the education and support of community members, in particular those who serve on advisory boards. Although some activities may be directed at the entire board, such as group training sessions or presentations to the board, the Committee agrees that the intended audience of these funds is not the regulated or regulating agencies, private sector responsible parties, or contractors who may be participating in the advisory board. Recipients of such funds, however, should ensure that any funded activities are open to other interested members of the community, where possible and appropriate.

Second, the Committee recommends that such funding should be available to advisory boards at both NPL and non-NPL facilities.

Third, the Committee recommends that technical assistance funding provided to advisory boards under this program should be coordinated with any future grants at these sites provided by EPA under the Technical Assistance Grants (TAG) program. EPA and regulated agencies should work together to ensure that recipients of technical assistance through an advisory board do not duplicate or compete with TAG recipients. Overall, the Committee recommends that EPA give strongest consideration to providing technical assistance funding to an advisory board that represents the diverse community. In cases where a community seeks both a TAG grant and advisory board technical assistance at the single facility, the burden should be upon the group requesting the TAG grant to demonstrate unique and special circumstances justifying a second grant to a community.

Amount of Funding

In conjunction with the above effort by regulated agencies to establish criteria for demonstrating need for technical assistance, the Committee recommends that regulated agencies work with other stakeholders to establish guidelines for targeted amounts of funding. Although circumstances differ widely between the regulated agencies that have advisory boards, including DOD, DOE, NOAA, and ATSDR, the Committee recommends the following factors be considered in determining the appropriate amounts of administrative and technical funding:

- The Committee anticipates that advisory board technical assistance funding needs will be proportional to the level of cleanup assessment activities occurring at a facility in a given year, assuming no significant new technical challenges emerge.
- Greater amounts of funding should be provided in the early phases of the federal facility cleanup process in recognition of the fact that technical assistance needs will be greater during these early phases of the decision-making process. Funding levels should be reassessed after site remedies have been selected.
- Funding levels should fall as advisory board members become more knowledgeable about the cleanup activities of the regulated and regulating agencies.

Potential Funding Mechanisms

A number of federal statutes and regulations tightly control methods for regulated agencies to provide funding to advisory boards. At a minimum, the rules require monies be carefully tracked and accounted for through an established legal entity. The Committee recommends that individual advisory boards and the regulated agency providing the funds should work together to determine an appropriate mechanism for making administrative and technical assistance funds available to the advisory board. Possible mechanisms identified by the Committee include:

- Channeling the funds through a member of the advisory board that represents a public interest and/or citizen-based organization that has nonprofit legal status who would administer the funds in a timely and accountable manner;
- Channeling the funds through a nonprofit organization that is or has been created for the explicit purpose of serving as a legally responsible fiduciary and administrator of the funds;

- Channeling the funds through an independent entity, such as a university or accounting firm, that is mutually agreed upon by the citizen members of the advisory board and the regulated agency that is providing the funds;
- Channeling the funds through a state or local government agency that is both capable and willing to administer the funds in a timely and accountable manner; and
- Using a regulated or regulating agency, or their contractor to oversee the direct disbursement of administrative and technical funds.

Under each of these options, the participating, newly created, independent, or local, state, federal governmental entity would serve in a legally responsible fiduciary capacity, administering the funds in a manner to be decided by the advisory board in collaboration with the regulated agency.

XIX. Evaluating Advisory Boards

As advisory boards become more established, there is a need on the part of all those involved in the advisory board process to evaluate the boards' effectiveness in enhancing the decision-making process at federal facilities. An example of DOE's advisory board evaluation process can be found in Box 23. The Committee encourages boards and those interacting with the boards to first set realistic expectations during the early stages of their development. Some boards have expressed a concern that before they are effectively able to participate in the decision-making process at their facility, they must go through an education period and trust-building process. This is similar to the

Box 23: Evaluation of DOE's Site-Specific Advisory Boards

DOE's Office of Environmental Restoration and Waste Management (EM) is currently finalizing its design for evaluating the Site-Specific Advisory Board (SSAB) Initiative. The purpose of this early evaluation is to enable the SSABs, facilities and DOE to capitalize on the processes that are working well and to identify for improvement the processes that are not working well. The evaluation will be conducted at the eleven facilities where SSABs have been established: Fernald, Hanford, Idaho, Los Alamos, Monticello, Nevada, Oak Ridge, Pantex, Rocky Flats, Sandia, and Savannah River.

The technical team responsible for the evaluation includes three social researchers from Pacific Northwest Laboratories and three independent consultants with expertise in public involvement and evaluation. In keeping with the spirit of public participation, the team has worked in close consultation with the SSAB Evaluation Steering Committee that includes the Federal Coordinator and a SSAB representative from each facility.

The Committee has worked to develop agreement on a consolidated list of goals, on which the evaluation will be based, and on the measures that will be used to assess performance.

The proposed evaluation will include two components: 1) A survey of board members, DOE Site Area/Field Office representatives, representatives from other regulatory agencies involved with site activities, and some members of the public; and 2) A self-evaluation of SSAB Initiative activities and accomplishments (i.e., performance) specific to each site.

DOE envisages both components of the evaluation—the survey and the self-evaluation—as an iterative process to be linked to the boards' annual planning process. The survey, conducted by DOE/HQ in the near term, will use a mail-out questionnaire to gather information on the perspectives of the various participants on SSAB processes, relationships, and outcomes and provides an independent assessment of the initiative across all sites. The self-evaluation, conducted by each SSAB, provides a means for each board to tailor the evaluation to its own site context and needs through assessment of its previous year's achievements and identification of issues and goals for the upcoming year. Each component of the evaluation is intended to contribute to the board's planning process so that information from both can be used to identify problems and successes and enable the boards to benefit from their experience. For more information, contact Don Beck, Office of Public Accountability, DOE, (202) 586-7633.

contentious and difficult start-up processes of advisory boards that advise private sector companies on cleanup issues. It should be noted that some of those boards have been productive and valuable to the community and companies, after having gone through a similar learning period.

Once a board is up and functioning, the Committee suggests that it establish a self evaluation process to address the goals of the board at the various stages of its development.

The Committee acknowledges that facility level federal staff have strong incentives for demonstrating the success of their advisory boards to headquarters and Congress. Setting aside this need, however, or in addition to it, advisory boards should conduct their own honest evaluation. The Committee suggests some general guidelines for developing an evaluation process, recognizing that the advisory boards have varying specific goals that they and the agencies they advise have set out for them, depending on what stage they are in the development process.

In designing a specific evaluation process, it should be recognized that there are several parties interested in the advisory board's work: the regulated and regulating agencies; the board members themselves; and public stakeholders. Each interested party should be represented in formulating the evaluation exercise.

Generally, the model approach outlined in the Interim Report put forth the following goals for the boards: to improve the quality of and public support for environmental decisions at the facility. The human and fiscal resources devoted to the establishment and functioning of an advisory board should be viewed as an investment in accomplishing these two basic goals. Beyond these two basic goals, it is important to evaluate the board's progress towards meeting the site-specific goals identified by the individual advisory board.

The Committee believes that a three-step process may be useful in evaluating the progress towards these goals. This process includes:

- Articulating the goals the boards and agencies have identified for themselves;
- Identifying the actions and associated milestones necessary to achieve those goals; and
- Assessing the board's progress in taking those actions and achieving its goals.

Beyond this basic process, the boards may individually decide to evaluate their work on a more substantive basis. This is a decision that should be made on a case-by-case basis, by those involved in designing the evaluation process. The following are types of specific questions that may be useful.

- Are members knowledgeable about major issues, community views, and the decision-making process? Is the community knowledgeable about and supportive of the actions of the board?

- Has the advisory board process contributed to agreement about the cleanup process? Were the recommendations useful in terms of resolving disputes between the public stakeholders? Or is the advisory board itself useful for resolving disputes?
- What major factors are impeding the progress of the advisory board? What can be done to address these impediments?
- Were the recommendations useful in terms of facilitating effective cleanups that ensure protection of public health and the environment?
- Can the advisory board point to cost reductions or other efficiencies resulting from their recommendations?
- Have agencies responded and adequately communicated actions to implement recommendations and/or reasons for not implementing recommendations?

Box 24: Communication Efforts Among DOE SSABs

Communication among EM SSAB members is encouraged and strengthened through three vehicles: EM Progress, Internet access and EM SSAB Chair meetings. On a quarterly basis various EM SSAB members submit stories to be published in the newsletter EM Progress. The stories are printed in a distinct SSAB section of the newsletter for distribution to over 6,500 internal and external EM customers, including SSAB members and chairpersons. Many SSABs choose to share information on obstacles met and overcome, Board operation, and Board recommendations that have influenced EM decisions and achieved significant cost savings. In an effort to encourage electronic communication, EM recently established an EM SSAB Home Page on the Internet's World Wide Web. Individuals with Internet access can use the page to find the latest information on SSAB activities. Lastly, the Chairpersons of each local board meet biannually with Headquarters and field representatives to share lessons learned, resolve potential conflicts, review upcoming actions, and plan for the future needs. For more information, contact Don Beck, Office of Public Accountability, DOE, (202) 586-7633.

- Does board membership continue to reflect adequate diversity among interested stakeholders?
- Are education and training opportunities for board members adequate for the number and type of issues that are coming before the board?
- Has the board accomplished its goals such that termination of the advisory board is appropriate?

- Has the advisory board interacted with other public stakeholders, and if so how?

In addition to considering the above evaluation process, the Committee recommends that boards pursuing an evaluation process consider the evaluation process developed by DOE, in conjunction with advisory board members from all of its facilities.

XX. Networking Advisory Boards

The Committee believes that linking public stakeholders and agencies across the country may allow public stakeholders to share the burden of extensive technical and legal research that currently overwhelms many public stakeholders. When advisory boards, agencies, and regulators share information, solutions can arise more quickly than when parties work in isolation. Often, this exchange of information can save time and money for all involved. A network may also be used as a resource for communities and site level agency personnel looking for new cleanup remedies and clarification on environmental laws and regulations, pending legislation and budget updates.

Some efforts are already underway to establish communications between facilities in regions of the nation, as well as across federal agency complexes. Examples of these efforts are included in Boxes 24-26.

Specifically, the Committee encourages federal agencies to support efforts that will assist communication between public stakeholders at a national level. For example, DOE guidance suggests that DOE headquarters may play a role in establishing communication among

Box 25: Bay Area Community RAB Caucus

With close to twenty federal facilities, there is a high density of advisory boards in the San Francisco Bay Area. Each RAB has its own individual challenges to address, however, all share common concerns and in some cases, problems.

In the Spring of 1994, Arc Ecology convened the San Francisco and Monterey Bay Area RAB Community Member Caucus to address shared concerns, provide support for one another, monitor the activities of RABs within the region and provide general information sharing. The Caucus is a voluntary network of cooperating community members from the Restoration Advisory Boards of NAS Alameda, Oakland Fleet Industrial Supply Center, Mare Island Shipyard, Hunters Point Shipyard, Treasure Island Naval Station, Moffett Field Naval Air Station and Fort Ord.

The Caucus is facilitated by Arc Ecology, a San Francisco headquartered nongovernmental organization with over a decade of experience in the area of defense cleanup and conversion. While meetings occur mostly in Arc's offices, they occasionally rotate among the participating RAB communities. The agenda is set by the RAB Caucus itself with technical support, legislative and budgetary analysis provided by local nongovernmental organizational resources like the San Francisco Bay Area Base Closures Environmental Network (reuse), CAREER/PRO (national policy), and Arc Ecology (technical & legal). Minutes are taken at each monthly meeting and mailed to Caucus members. Caucus members report back meeting discussions and decisions at their individual RAB meetings. Caucus members have begun to identify regionally shared RAB concerns and are developing projects to address them. The Bay Area RAB Community Member Caucus has formed a strong collaborative community spirit to address federal facility cleanup in the San Francisco and Monterey Bay region and in October, 1995 began to reach out to other RABs in the state to form a California-wide RAB Caucus. For more information contact Arc Ecology 415-495-1786.

advisory boards across facilities, through the use of an electronic bulletin board.⁵ Efforts to increase communication across facilities might include:

- Providing information to existing networks;

Box 26: "cpro.military" Conference on Military Base Closure, Cleanup and Conversion

This electronic clearinghouse was set up as a support system for advisory board members. The goal of the conference is to provide a "place" where people who work on the many issues of federal facilities cleanup can carry an ongoing dialogue, build alliances and discuss solutions to the complex problems that surround this procedure.

Since its inception in October of 1994, the cpro.military conference has developed a list of subscribers that include advisory board members, grassroots environmental organizations, educators, regulators, federal agencies and people involved in cleanup in Panama, Germany, and Canada. Conversation topics include the workings of advisory boards, military RAB guidance, environmental law, budget cuts, legislative process, toxic substances, and other general information sharing.

For example, in January of 1995 a conference participant posted his concerns about the apparent backsliding of the local base commander. The RAB and local base had worked hard at establishing a relationship where information was shared, concerns could be voiced and trust was beginning to build. Within hours of his posting he was contacted by a Navy official in Washington, also a subscriber to the cpro.military conference. The potential conflict was resolved within a day or two and what might have been an incident that could have brought everyone back to square one was averted. Both the RAB members and Navy personnel benefitted, saving time and money. For more information, contact Aimee Houghton, San Francisco State University Urban Institute, (415) 904-7750.

- A national electronic clearinghouse where information is posted almost as it is happening;
- A newsletter that addresses the vast array of issues in federal facility cleanup;
- Making effective use of the media, including the Internet, World Wide Web, local access television, local print media, and radio stations; and
- Other communication methods, such as networks formed at national meetings.

In creating any network, the network should develop a charter that articulates its scope and responsibilities. In addition, these networks should be publicly accessible.

Conclusion

The Committee is encouraged to see that its recommendations for the establishment of advisory boards have been successful to date. It is hoped that boards will continue to be established and operate in a manner consistent with the spirit of these recommendations.

Advisory boards provide an important forum for stakeholders and agencies to explore the complex problems associated with federal facility cleanups. In the next chapter, the Committee has updated its recommendations on one of the more complex issues facing federal facilities, that of setting priorities and allocating funding in a manner that is fair and consistent with public stakeholder values.

⁵DOE, Site-Specific Advisory Board Guidance, November 14, 1994, page 14.

