

CHAPTER 4

Overview of Community Involvement

4.1 Introduction to Community Involvement

Superfund community involvement is the term that EPA uses to describe the process of engaging with communities affected by Superfund sites (U.S. EPA 2020a). Requirements for involving the public in the Superfund cleanup decision-making process were established under CERCLA and further strengthened in the Superfund Amendments and Reauthorization Act (SARA) of 1986. Furthermore, the NCP describes EPA's process for conducting Superfund community involvement activities (see 40 CFR 300.430).

Superfund community involvement should raise awareness of EPA's activities early in the process, provide meaningful and timely opportunities to influence site cleanup and reuse decisions, and provide information about how the Agency considers their concerns in the site decision-making process.³¹ Providing information and engaging communities in the Superfund process can improve upon the success of the overall response. Additionally, community acceptance is one of the nine criteria identified in the NCP that EPA must evaluate before selecting a final cleanup plan for Superfund sites (U.S. EPA 2020a).

Key decision points for engaging community involvement are the following:

- Anticipated timing and level of community involvement;
- Acknowledgement that the EPA will consider all public input; and
- EPA must meet the legal requirements of the Superfund law (U.S. EPA 1999a).

EPA's 2020 *Superfund Community Involvement Handbook* (U.S. EPA 2020a) addresses the community involvement activities (both required and suggested additional activities) that should take place throughout the Superfund process. Additional community involvement activities may be appropriate at a site depending on the complexity of the site, the level of community interest and concern regarding the release, and the level of media interest at the site. Other considerations may include whether environmental justice or tribal concerns are present at the site.³² In keeping with Superfund program community involvement policy objectives, this Handbook supports, on a site-specific basis:

³¹ <https://www.epa.gov/system/files/documents/2023-11/achieving-health-and-environmental-protection-through-epas-meaningful-involvement-policy.pdf>.

³² <https://www.epa.gov/superfund/supporting-environmental-justice-superfund-sites>.

- Conducting early, frequent, and meaningful community involvement;
- Keeping the public well-informed of ongoing and planned activities;
- Setting clear expectations with the community about how they can influence site activities and what limitations may be;
- Encouraging and enabling the public to get involved;
- Listening carefully to what the public is saying;
- Considering public comments in the decision-making process; and
- Explaining to community members how EPA considered their comments, what the Agency plans to do, and why this decision was made.

A firm foundation for successful community involvement is built on trust, transparency, responsiveness, professionalism, regular engagement, and a commitment to addressing community concerns and facilitating the community's participation in the decision-making process at Superfund sites. Although stakeholders may disagree with specific Agency decisions, they are more likely to understand and accept decisions if they trust EPA and think that the decision-making process is fair and that their input is considered, and if EPA communicates effectively about why the decision was made.

A successful approach to community involvement at Superfund sites usually involves:

- Interacting with the community in ways that promote trust and constructive dialogue;
- Modeling exceptional teamwork;
- Knowing the audience and carefully planning community involvement activities based on knowledge of the site and the needs of the affected community; and
- Addressing several overarching issues and considerations such as:
 - (1) communicating risk effectively so that the community may understand risk exposures;
 - (2) providing timely and accurate information in plain language;
 - (3) assessing and addressing environmental justice concerns;
 - (4) assessing and responding to technical assistance needs;
 - (5) coordinating and collaborating with other EPA programs and federal, state, tribal, and local agencies to address non-CERCLA sources of lead;

- (6) involving the community in considering reasonably anticipated future land use options;
- (7) using media effectively;
- (8) planning for community involvement when resources are limited; and
- (9) evaluating community involvement efforts.

Specific community involvement practices that inspire public participation include:

- Listening to valuable information the public might provide that could help with site characterization and the risk assessment, including pathways of exposure, historical activity, and potential future use of each site;
- Identifying and dealing responsibly and in a timely fashion with public concerns;
- Creating a mailing list, email list, or listserv of concerned community members and using it to distribute site information;
- Establishing a toll-free telephone hotline and publicizing its availability;
- Modifying proposed actions based on public comments;
- Being responsive to community members by explaining EPA's review of comments and modifications to the plan, and why EPA reached its decision;
- Identifying communication and information needs and providing materials in formats that are accessible to individuals with disabilities and individuals with limited English proficiency (LEP), as appropriate;
- Offering technical assistance so communities can better understand the science and comment on EPA's work;
- Identifying environmental justice concerns;
- Identifying health issues, high risk subpopulations, exposure factors, and high soil levels;
- Developing educational programs;
- Coordinating sustainable education with local health organizations, schools, community organizations and health care providers; and
- Holding "hybrid" public meetings, listening sessions, open houses, and workshops that are accessible to all (in-person and virtual participation), including individuals with disabilities and individuals with LEP.

The following links provide overviews of required activities and additional community involvement activities that may become part of a site-specific Community Involvement Plan (CIP; see Section 4.3 for additional information about CIPs):

- <https://www.epa.gov/superfund/superfund-community-involvement>
- <https://semspub.epa.gov/src/document/HQ/100002223>
- <https://semspub.epa.gov/src/document/HQ/100002222>

4.2 Environmental Justice

Environmental Justice (EJ) is an integral component of the Superfund program. EPA defines environmental justice as the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.³³ **Fair treatment** means no group of people should bear a disproportionate share of the negative environmental consequences resulting from industrial, governmental, and commercial operations or policies.

³³ Environmental justice is defined in Executive Order 14096 Section 2(b) as, “the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.”

Despite substantial progress in reducing lead exposures nationwide, significant disparities remain along racial, ethnic, and socioeconomic lines (Laidlaw et al. 2023, Egan et al. 2021, Aelion and Davis 2019). Children living in communities overburdened by pollution and other health and social stressors, which are often communities of color and lower socioeconomic status, are at greater risk. For example, LBP, lead service lines, and plumbing fixtures containing lead are more likely to be found in older houses in lower-income areas. Communities of color can also face

Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program

The Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program provides financial assistance to eligible organizations and assists recipients in building collaborative partnerships with other stakeholders (e.g., local businesses and industry, local government, medical service providers, academia, etc.) to develop solutions that will significantly address environmental and/or public health issue(s) at the local level.

More information on the program including requirements and eligibility is available at: <https://www.epa.gov/environmentaljustice/environmental-justice-collaborative-problem-solving-cooperative-agreement-5>.

greater risk due to redlining, historic racial segregation in housing, and reduced access to environmentally safe and affordable housing.³⁴ Industrial sources of lead are more likely to be closer to lower income neighborhoods and communities of color where soils in residential and public places can be contaminated (U.S. EPA 2022a). There are limitations on the actions EPA can take under CERCLA to address different sources of lead contamination. While the risks associated with anthropogenic or background lead sources may be documented in the risk assessment, cleanup levels are generally not set at concentrations below natural or anthropogenic background levels (U.S. EPA 2002a).

The Superfund program's approach to engaging communities with environmental justice concerns is primarily done through its robust community involvement program. The community involvement program enables EPA to understand, elevate, and address the concerns of affected community members. Approximately 21 million people live within 1 mile of a Superfund site. Compared to the general public, communities located near Superfund sites are more likely to

³⁴ <https://www.epa.gov/newsreleases/biden-harris-administration-proposes-strengthen-lead-paint-standards-protect-against>.

have people and populations within those communities that are communities of color, lower income, linguistically isolated, and less likely to have a high school education.³⁵

Communities with environmental justice concerns commonly face challenges and barriers to meaningful participation in the Superfund process. The National Environmental Justice Advisory Council (NEJAC) model plan for public participation outlines some of the common issues faced by these communities. The model plan identifies the following issues:

- Lack of availability and access to resources (specifically funding and staff) to conduct meaningful participation over the long term;
- Poor or little coordination among and between various federal, state, tribal, local government agencies, and other entities;
- Language and cultural differences;
- Identification of and coalition-building among local leadership within a community;
- Lack of cultural competency among agencies trying to cultivate community involvement;
- Lack of recognition among communities and individuals of their stakeholder status in environmental justice concerns; and
- Lack of trust between community members, regulatory agencies, and regulated industries.

Tribes affected by a Superfund site may identify environmental justice concerns, and EPA's policy is to seek to be responsive to the environmental justice concerns of federally recognized tribes, Indigenous peoples throughout the United States, and others living in Indian country.³⁶ In addition to community involvement, working to address tribal environmental justice concerns may require additional actions such as consultation and coordination with the tribe (see discussion in Section 3.2.1).

4.3 Community Involvement Plan (CIP)

The CIP is a required site-specific strategy that outlines how EPA plans to engage the community throughout the Superfund process. The NCP (see Section 2.2) requires the lead agency to prepare a CIP "based on the community interviews and other relevant information, specifying the community relations activities that the lead agency expects to undertake during

³⁵ For more information, see <https://journalistsresource.org/environment/superfund-toxic-waste-race-research/> and <https://www.epa.gov/superfund/superfund-community-involvement-tools-and-resources>.

³⁶ <https://www.epa.gov/sites/default/files/2017-10/documents/ej-indigenous-policy.pdf>.

the remedial response.”³⁷ The CIP generally provides a road map for the site team’s use throughout the cleanup process by describing the outreach activities EPA plans to undertake to address community needs and concerns during the cleanup process. A well-written CIP should enable community members affected by a Superfund site to understand the ways in which they can participate in decision-making throughout the process. A CIP is a living document and may be updated as new information becomes available. CIPs should:

- Describe the site;
- Describe the community and, as part of this, describe any environmental justice issues that exist in the community;
- Identify key community needs, questions, and concerns as a result of interviews with community members;
- Discuss the need for technical assistance services;
- Include an Action Plan that specifies EPA’s planned outreach activities and community involvement mechanisms;
- Identify any additional special services or approaches that EPA may use to address unique needs of the community;
- List site contacts and their areas of expertise; and
- Discuss plans to evaluate accomplishments.

A communication strategy may be one component of a CIP that addresses a specific event, issue, or concern, such as a health education campaign to prevent children from being exposed to lead in their yards. Communication strategies outline the objectives/goals of the communication, identify stakeholders, define key messages, pinpoint potential methods and vehicles for communicating information for a specific purpose taking into account languages spoken/LEP, lay out a timeline for communications and points of contact/roles, and specify the mechanism that will be used to obtain feedback. Communications should inform residents of the risks associated with lead, exposure reduction activities, and the status of EPA’s activities. Social media tools and distribution of materials, such as fact sheets and mailings, are examples of vehicles for communicating information. The site team is encouraged to obtain feedback on communications from community members and CAGs and to adjust the communication strategy to suit the community needs.

³⁷ 40 CFR 400.430(c)(2)(ii); Note: The Community Relations Plan referenced in 40 CFR 400.430 is now commonly referred to as the Community Involvement Plan.

For more information on this topic, please reference the *Community Involvement Plans* tool and the *Communication Strategies* tool in the online *Superfund Community Involvement Toolkit*.³⁸

4.4 Community Advisory Group (CAG)

The site team may consider helping the community form a CAG if there is enough interest. A CAG is the term that EPA uses to define a committee, task force, or board composed of community members and the other stakeholders affected by a hazardous waste site (U.S. EPA 2020a). These community-based groups serve as a public forum for representatives of diverse community interests to present and discuss their needs and concerns related to the Superfund decision-making process (U.S. EPA 2020a, 1995b). CAGs can also help EPA's work at a site by facilitating community understanding, trust, and acceptance of the cleanup plan. CAG membership should represent the diverse segments of the community such as: residents; workers; business owners; planning, community, or economic development representatives; real estate and lending professionals; minority leaders; educators; health officials; elected officials; city public works staff; faith-based groups; and local environmental groups. The site team should coordinate with, and encourage, other federal, state, and tribal agencies to attend CAG meetings. Relevant agencies may include ATSDR, U.S. Department of Housing and Urban Development (HUD), and state health and environmental departments, including Pediatric Environmental Health Specialty Units (PEHSUs).

Generally, the earlier in the process a CAG is formed, the more the community will be able to help inform the decision-making for the site. Therefore, communities interested in organizing should be encouraged to form CAGs prior to the beginning of the remedial investigation/feasibility study (RI/FS), if possible. However, not every community will desire or support a CAG, and a CAG may not be suitable at every Superfund site. As such, the site team should assess whether formation of the CAG is appropriate. For example, CAGs have been most beneficial at remedial and removal sites that are not time-critical. Work at time-critical removal sites often occurs too fast to form a CAG but outreach to the community as outlined in the CIP is important.

³⁸ <https://www.epa.gov/superfund/community-involvement-tools-and-resources>.

CAGs can help facilitate the long-term success of the remedy. Examples of successful programs and activities accomplished by community groups at different sites have included: facilitating general education and awareness among the segments of the community that they individually represent; creating site-specific education material such as coloring/story books; hosting health fairs; supporting Soil Screening, Health, Outreach, and Partnership (SoilSHOP);³⁹ creating health education programs for local school districts; establishing lead poisoning prevention merit badges for girl and boy scout organizations; developing instructional videos; and establishing pre- and post-natal education programs at local hospitals.⁴⁰

How to Host a SoilSHOP

Hosting a soilSHOP is a positive, interactive, and informative activity. The name soilSHOP stands for Soil Screening, Health, Outreach, and Partnership. ATSDR developed a toolkit to help communities and other groups plan their own soilSHOP events.

At soilSHOP events, people can receive:

- Free soil screening for lead;
- Information on safe gardening practices;
- Ways to protect children from lead exposure; and
- One-on-one health education about the hazards of lead.

For more information about how to plan and host a soilSHOP, visit:

<https://www.atsdr.cdc.gov/soilshop/index.html>

4.5 Technical Assistance

Technical assistance refers to the provision of funding (EPA grant) and/or services (EPA contract) focused on increasing a community's understanding of the science, regulations, and policy related to environmental issues and EPA actions at Superfund sites. To support healthy communities and strengthen environmental protection, EPA staff can work closely with communities and provide technical assistance to make sure they have the technical help to fully understand local environmental issues and participate in a meaningful way in decision-making at Superfund sites. Additional information on technical assistance can be found on EPA's

³⁹ Disclaimer: The soilSHOP is a health education event where community members are offered free lead screenings to raise awareness of potential lead in their soil sample, and information about how to avoid exposure to lead while gardening or playing in yards. SoilSHOP staff will help explain soil screening results and share information on ways to reduce potential exposures to lead in soils. If the residents are within the Superfund cleanup area, they are directed to the Superfund site team for a full assessment.

⁴⁰ For more information about CAGs, see: <https://www.epa.gov/superfund/superfund-community-advisory-groups>.

Superfund community involvement webpage under *Technical Assistance and Tools and Resources*.⁴¹

Depending on the community and site circumstances, a Technical Assistance Needs Assessment (TANA) may be helpful in identifying community assistance needs and ways in which those needs can be met. A TANA is a site-specific process that identifies how the community is receiving site-related information; what types of information are being received; whether the community needs additional assistance; what types of assistance would benefit the community; and whether there are local organizations interested or involved in site-related issues and capable of acting as an appropriate conduit for technical assistance services. The TANA process produces a blueprint for a coordinated effort to meet a community's needs for additional technical assistance while minimizing the overlap of services provided by EPA site staff, external partners, and EPA grants and contracts.⁴²

4.5.1 Technical Assistance Grants (TAGs)

EPA provides technical assistance grants (TAGs) to communities to help community members understand site-related information (U.S. EPA 2003d). The NCP (40 CFR §300.430(c)(2)(iv)) requires EPA to inform communities about the availability of TAGs. TAGs are only available for sites on the NPL or proposed for the NPL where a response action under CERCLA is underway.⁴³

Under the TAG program, initial grants of up to \$50,000 are available to qualified groups affected by a response action. Additional funding may be available if the initial award was effectively managed, if the site meets 3 out of 10 factors listed in the TAG regulations (40 CFR §34.4065(a)(2)), and if the group can identify a need for additional funding. Only one TAG at a time may be awarded per NPL site, so EPA encourages competing groups to form coalitions. Applicant groups must be willing to incorporate as a state non-profit organization for the purpose of participating in the decision-making at the site. If awarded a TAG, the group must provide proof of state non-profit status before receiving any TAG funds. A 20% match of the total project costs is required, unless fully or partially waived by EPA. This requirement can be met with cash, donated supplies, and/or volunteered services.

⁴¹ <https://www.epa.gov/superfund/superfund-community-involvement>.

⁴² For more information on TANAs, see <https://www.epa.gov/superfund/technical-assistance-needs-assessments-tanas>.

⁴³ A technical assistance plan (TAP) may be available at non-NPL sites if negotiated with the potentially responsible party (PRP) to fund. TAPs are also available at NPL sites if the PRPs agree in the enforcement document. For Superfund Alternative Approach sites, PRPs are required to agree to fund a TAP if the community requests one.

In their TAG application, groups must prepare a project budget and work plan showing how they will use their TAG funds and meet the matching share. A small portion of TAG funds may be used for administrative costs (*e.g.*, developing newsletters, general supplies). All or most of the TAG funds must be used to procure and pay a technical advisor. The technical advisor is an independent expert who can review and interpret site-related documents and explain technical or health-related information to community members. A TAG advisor may make site visits to gain a better understanding of the cleanup activities, and can also assist the community in communicating their concerns to EPA. A portion of the TAG funds may also be used to procure a grant administrator to assist with grant management. However, TAG funds may not be used for group members' travel or training, political activities or lobbying, social activities, fundraising, lawsuits or other legal actions, or to generate new data (*e.g.*, to conduct sampling or testing).⁴⁴

4.5.2 Technical Assistance Services for Communities (TASC)

EPA's national technical assistance services for communities (TASC) program provides non-advocacy technical assistance services through an EPA contract to help communities better understand the science, regulations, and policies of environmental issues and EPA actions. Through the TASC contract, a contractor provides scientists, engineers, and other professionals who can review and explain technical information to communities. EPA's Conflict Prevention and Resolution Center (CPRC) is available to provide facilitators and mediators as needed.⁴⁵ The services are determined on a project-specific basis and are provided at no cost to communities. This assistance supports community efforts to get more involved and work productively with EPA to address environmental issues.

TASC services can include information assistance and expertise, community education, information assistance needs evaluation and plan development, and assistance to help community members work together to participate effectively in environmental decision-making. The TASC program benefits communities by providing contractors who explain technical findings and answer community questions, help community members understand complex environmental issues, and support active roles in protecting healthy communities and advancing environmental protection. The TASC program can also provide opportunities for

⁴⁴ For further information on TAGs, see: <https://www.epa.gov/superfund/technical-assistance-grant-tag-program>.

⁴⁵ For further information, see: <https://www.epa.gov/system/files/documents/2023-03/FY%202022%20EPA%20ECCR%20Annual%20Report%20-%20Final.pdf>.

environmental education, bring diverse groups together and help them get more involved, and offer environmental training.⁴⁶

4.6 Risk Communication: Engaging Stakeholders and Organizing Informational Meetings

Risk communication is a dialogue between the site team and the community to characterize the risks at a site and the actions that people can take to reduce their exposure to the risks, if necessary. An effective risk communication strategy considers the level of understanding people have about the site, what their perceptions are about health and safety, and what they can do to have some level of control in the situation. Communicating site risks early and often also helps build trust and promotes transparency. The Superfund program has developed a 40-minute video, *Superfund Risk Assessment and How You Can Help*, to explain, in plain terms, the Superfund Human Health Risk Assessment (HHRA) process and how communities can be involved.⁴⁷

In addition, to promote public involvement, EPA developed the *Seven Cardinal Rules of Risk Communication* (see text box) (U.S. EPA 1988b).

⁴⁶ For more information, see: <https://www.epa.gov/superfund/technical-assistance-services-communities-tasc-program>.

⁴⁷ See <http://www.clu-in.org/search/t.focus/id/948/>.

Risk communication (1) provides an opportunity for EPA and the community to exchange information regarding the site and activities, (2) facilitates community participation in the decision-making process, (3) helps the site team understand and appreciate the community's perception of risk, and (4) helps establish mutual trust and a productive relationship between EPA and the community. Trust between the community and EPA helps prevent conflicts and facilitates resolution of conflicts that may arise. If the staff follow the Seven Cardinal Rules and the **Strategy, Action, and Learning** and supported by **Tools** (SALT framework) guidelines in the *Risk Communication* tool of the online *Superfund Community Involvement Toolkit*, it is anticipated that trust and credibility in the community have a better chance to develop.⁴⁸

The public should be involved as early as possible in decisions affecting a Superfund site. The site team should consider holding frequent community involvement events to inform the community of current and planned EPA activities and to hear the

community's concerns and suggestions about the Agency's approach. If a CAG has been formed at the site, meetings with the group should be frequent and open to the public. In addition to

Seven Cardinal Rules of Risk Communication

- 1. Accept and involve the public as a legitimate partner** through early involvement of the community and all other parties that have an interest in the issue.
- 2. Plan carefully and evaluate your efforts.** Successful risk communication planning involves having clear objectives, being attentive to the needs and interests of various groups, training staff in communication skills, rehearsing and testing your message, and assessing efforts and lessons learned.
- 3. Listen to the public's concerns** by taking the time to find out what people know, think, or want, and recognizing their feelings.
- 4. Be honest, frank, and open.** Try to share more information with the community, not less; otherwise, people may think you are hiding something.
- 5. Coordinate and collaborate with other credible sources.** Take the time to coordinate with other organizations and credible sources, and jointly communicate the issue.
- 6. Meet the needs of the media** by being open with, and accessible to, reporters. Establish long-term relationships of trust with specific editors and reporters.
- 7. Speak clearly and with compassion.** Communicate on a personal level by using vivid, concrete images or examples and anecdotes that make technical risk data come alive. Acknowledge and respond with the words and emotions that people express—anxiety, fear, anger, outrage, and helplessness.

Covello and Allen (1988)

⁴⁸ <https://www.epa.gov/risk-communication/salt-framework>.

CAG meetings, site teams should consider holding availability sessions, open houses, and other types of meetings on a regular basis to share progress and promote understanding of potential risks. Having frequent meetings can help the public stay informed of site progress and can also permit their timely input to the process.

In addition to public meetings held pursuant to CERCLA (*e.g.*, Proposed Plan public meeting), site teams should also consider having availability sessions or open houses at the following points in the process:

- (1) Before sampling is conducted—to explain why lead contamination is suspected; describe the overall goals of the project; obtain community input on sampling plans; discuss consent to access; explain how EPA or contractors will conduct sampling; describe protection of privacy and results; and describe how residents can reduce exposure while awaiting sampling results.
- (2) After sampling is conducted—to explain results and the risk assessment process; describe whether the results require remedial action or not and how this decision was made; reiterate how residents can reduce exposure; and explain plans and the schedule for conducting remediation.
- (3) After remediation is completed—to explain what was done; provide documentation of the results of the remediation; and discuss any landscaping concerns with the resident and plans for care and maintenance of the area to reduce potential exposures.

More information about this topic can be found in the *Risk Communication* tool in the online *Superfund Community Involvement Toolkit*.⁴⁹

⁴⁹ <https://www.epa.gov/risk-communication>.