THE CLEAN AIR ACT OF 1990:

A PRIMER ON CONSENSUS-BUILDING

U.S. ENVIRONMENTAL PROTECTION AGENCY

ENDORSED BY THE CLEAN AIR ACT ADVISORY COMMITTEE

Clean Air Act Advisory Committee

Dear Colleague:

Enclosed is "The Clean Air Act of 1990: A Primer on Consensus-Building," a straightforward guide to assist individuals and groups of all kinds in developing collaborative techniques to implement the Clean Air Act. In creating this document, EPA was assisted by the Clean Air Act Advisory Committee whose role is to guide EPA toward successful implementation.

The Clean Air Act of 1990 offers tremendous opportunities for enhancing public health and protecting our environment for future generations. Today we are faced with the challenge of implementing this landmark legislation. To ensure our success, your state, your industry, your constituents and your environmental agencies will need to work closely together. To facilitate this cooperation, the U.S. Environmental Protection Agency (EPA) is promoting a collaborative rulemaking process open to all parties.

The Primer is a companion to the "Introductory Guide to Smart Implementation," published last spring by the Clean Air Act Advisory Committee. We encourage you to rely upon both of these publications in your own efforts to put these laws in place. With your help, we can successfully usher in a new era of clean air for all Americans.

Members Of The Clean Air Act Advisory Committee

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Mr. Martin Andreas
Senior Vice President
Archer Daniels Midland Corporation

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Dean, School of Public and Environmental Affairs
Indiana University

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Executive Director
State and Territorial Air Pollution Program Administrators and the Association of Local Air Pollution Control Officials

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Executive Vice President
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President and Chief Executive Officer
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Mr. Iwan Choronenko
Director
Environmental Protection Commission of Hillsbourogh County, FL

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Public Service Electric and Gas Company

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Senior Vice President for Government Affairs
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USX Corporation

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Natural Resources Defense Council

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Executive Director of Corporate Environmental Affairs
Eli Lilly and Company

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Partner
Baker and Botts
Houston, Texas

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Member
Denver City Council

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Past President
American Lung Association

Ms. Linda F. Golodner
President
National Consumers League

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Farmland Industries, Inc.

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Director
National Environmental Strategies

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California Energy Commission

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Legislative Director, Industrial Union Department
AFL/CIO

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President
American Methanol Institute

Mr. Charles D. Malloch
Director, Regulatory Management, Environmental Policy Staff
Monsanto Company

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Legal Counsel
Sheetmetal Occupational Health Institute

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Chemical Industry Institute of Toxicology

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Tenneco Gas Company

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Vice President, Environmental and Safety Engineering
Ford Motor Company

Dr. Walter Quanstrom
Vice President, Environmental Affairs
Amoco Corporation

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Director, Legislative and Regulation
Occidental Petroleum

Mr. William G. Rosenberg
Assistant Administrator for Air and Radiation
U.S. Environmental Protection Agency

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President and Chief Executive Officer
New England Electric System

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Professor and Director, Division of Pulmonary and Critical Care Medicine
Medical University of South Carolina

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Chairwoman, Air Resources Board
State of California

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Vice President for Corporate Strategy and Planning
Enron Corporation

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Partner
Pillsbury, Madison and Sutro
Washington, D.C.

Mr. Lee Thomas
Chief Executive Officer
Law Environmental Group

The Honorable
Tommy G. Thompson
Governor
State of Wisconsin

Dr. Susan F. Tierney
Secretary, Executive Office of Environmental Affairs
State of Massachusetts

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Senior Vice President, Manufacturing, Engineering and Technology
ARCO Products Company

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Board of Directors
National Corn Growers Association

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Director, Center for the Study of American Business
Washington University

Ms. Alma Williams
Director
Arizonans for Clean Air Now

Mr. Robert A. Wyman
Partner
Latham and Watkins
Los Angeles, California

Mr. Frank G. Zarb
Chairman, President and Chief Executive Officer
Smith Barney Harris Upham and Company, Inc.

Mr. Leo C. Zeferetti
Legislative Director, Building and Construction Trades Department
American Federation of Labor

Mr. Thomas Zosel
Manager, Pollution Prevention Programs
3M Corporation

Note: The Clean Air Act Advisory Committee and The Environmental Protection Agency wish to acknowledge the assistance of The Keystone Center and Energy and Environmental Analysis, Inc. in developing this document.

THE CLEAN AIR ACT OF 1990:

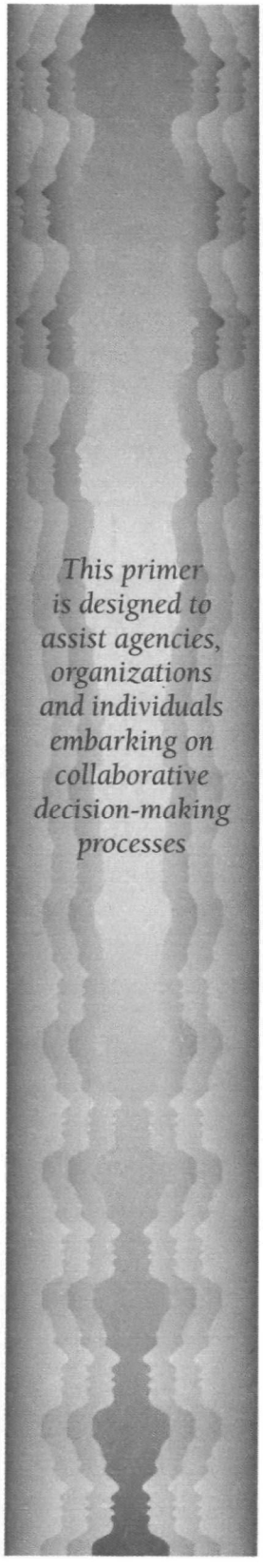
A Primer On Consensus-Building

"If a diverse group can even come close to consensus on as difficult an issue as clean air transportation measures in New Jersey, others ought to be able to come to consensus on a broad range of air issues."

Janet Lussenhop, Director of
Regional Plan Association - New Jersey.

"The process offered a unique opportunity to respond to growing concerns about the cost of environmental protection by providing a forum for the parties to share ideas and develop solutions which led to a more efficient outcome."

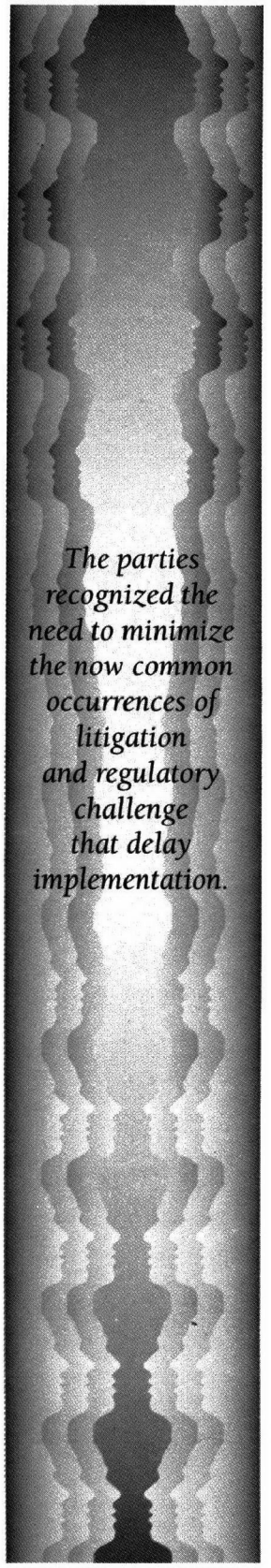
Beverly Hartsock, Deputy Director for
Government and Community Affairs, Texas Air Control Board.



Implementing The Clean Air Act Of 1990

Implementing the new Clean Air Act is a tremendous challenge — and an opportunity. This landmark legislation was enacted to reduce and ultimately resolve the serious air pollution problem in the United States. It directs the U.S. Environmental Protection Agency (EPA) to develop strong and innovative environmental policies that should result in cleaner, healthier air. While the framework for implementing the Act was developed primarily at the national level, most of the specific programs will be crafted at the state and local legislative/regulatory level.

EPA has been recommending and using collaborative approaches to carry out the Clean Air Act. In fact, the agency developed this primer using this technique with the Clean Air Act Advisory Committee (CAAAC), a diverse group of prominent people established to assist EPA in implementing the Act. This primer is designed to assist agencies, organizations and individuals embarking on collaborative decision-making processes.



The parties recognized the need to minimize the now common occurrences of litigation and regulatory challenge that delay implementation.

This primer contains three case examples of consensus-building efforts. In each, state legislatures and state and local agencies joined with business, industry and public interest groups to build mutually agreeable, cost-effective, and innovative approaches for improving air quality. The parties recognized the need to minimize the now common occurrences of litigation and regulatory challenge that delay implementation.

EPA strongly encourages your active participation in developing the policies and regulations of the Clean Air Act of 1990. We believe that it is critical for all key affected parties to build new policies and regulations collaboratively if implementation is to be successful.

EARLY Participation Can:

- **Assure that diverse interests and concerns are considered in the regulatory development process;**
- **Allow consideration of a range of options;**
- **Ensure that balanced implementation strategies are built;**
- **Enhance opportunities for regulatory innovation, increased efficiency and lower compliance costs;**
- **Offer you the opportunity to be a catalyst in forming an effective consensus-building group; and**
- **Help the regulatory agencies focus on the business of cleaning the air more quickly.**

EPA acknowledges that implementing a law like the Clean Air Act, which affects so many different parts of society, will present conflicts and different points of view. Following the advice of this primer will not remove these legitimate differences, but rather should help people create alternative approaches to reconciling these differences.

Overview

What can this Primer do to help?

Aid interested individuals and groups in selecting appropriate consensus-building processes. It describes the elements of effective public policy-making, three broad categories of consensus-building processes, and three recent applications of these processes.

Who is this Primer for?

Concerned citizens, public interest groups, environmental and health organizations, individual companies, industry groups, and state and local governments - anyone working to achieve the goals of the Clean Air Act of 1990.

What are the case studies?

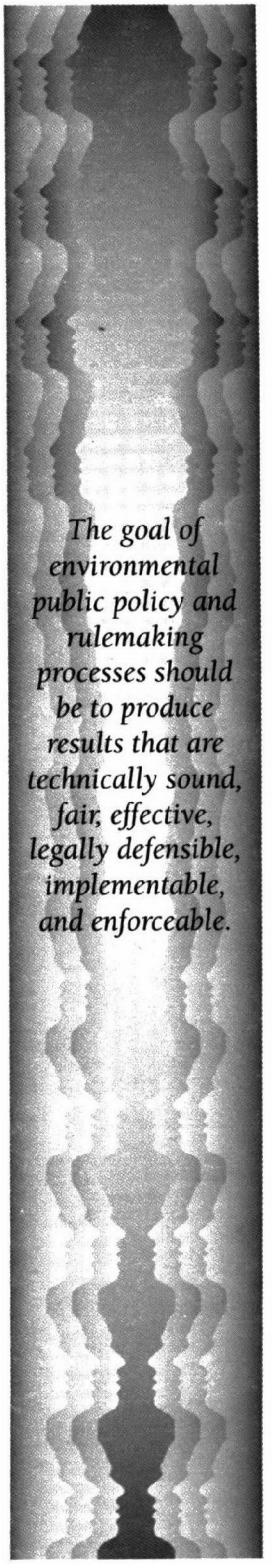
Three success stories about consensus-building processes used to improve air quality:

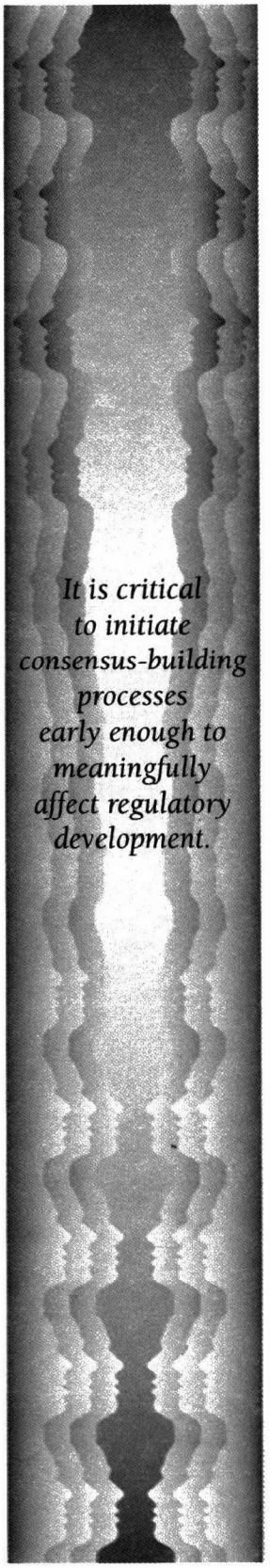
- New Jersey's Project: CLEAN AIR that formulated State Implementation Plan proposals;
- Texas' effort to amend the state's Clean Air Act and develop State Implementation Plans; and
- Denver's establishment of a metropolitan air quality council to address the "Brown Cloud".

Elements Of Effective Public Policy-Making

The goal of environmental public policy and rulemaking processes should be to produce results that are technically sound, fair, effective, legally defensible, implementable, and enforceable. Consensus-building processes provide a vehicle to address these critical elements of policy-making. The following elements should be considered prior to initiating a collaborative process:

Participants: Who wants to and is able to participate effectively in the decision-making process? Who has a stake in the outcome? Who has the power to influence or block implementation of a proposed rule? How will participants be selected? How can their input be best structured? Will all stakeholders commit to attend meetings and participate in dialogues?





- **Substantive Issues:** What are the concerns of the "stakeholders?" How will the concerns of those most affected by public decisions be addressed? What level of knowledge of the substantive issues does each stakeholder have?
- **Technical Issues:** What are the relevant technical issues of concern? How are they being analyzed? What mechanisms are being used to resolve differences in technical interpretation of information?
- **Procedural Issues:** What procedural issues are of concern? Might they interfere with the decision-making or implementation process? How should they be addressed? What is the timing of the policy or regulation? Are there statutory deadlines involved?

Developers of a consensus process also should consider the broader context of the regulation or policy under development. Questions to ask may include:

- ✦ How does the policy under development fit into the overall strategy of the regulatory agency and the overarching political leadership?
- ✦ Is the scope of issues to be discussed similar enough for all interest groups to proceed?
- ✦ Is there adequate time for the process(es) contemplated?
- ✦ What are the potential economic and political ramifications?
- ✦ What are the parties' best alternatives to participation?

When To Use Consensus-Building Processes

Consensus-building processes may be undertaken at many points during implementation of the Clean Air Act. While it is rarely too late to increase the public's involvement, it is critical to initiate consensus-building processes early enough to meaningfully affect regulatory development.

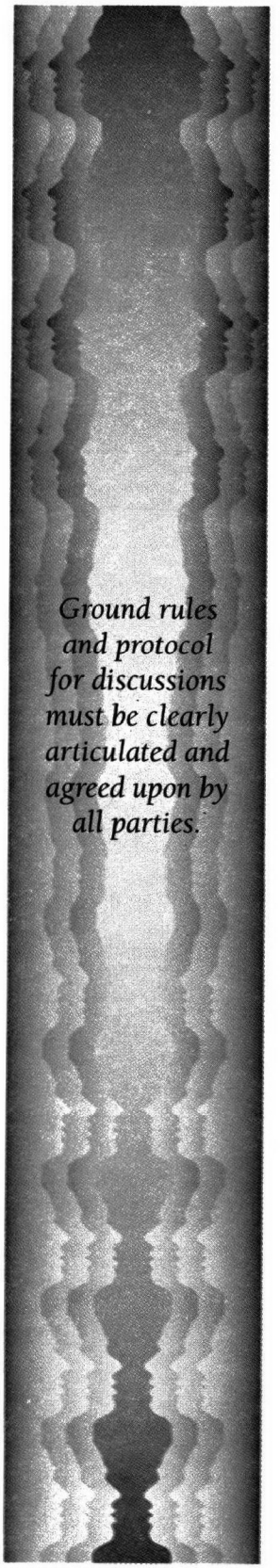
Best opportunities include:

- ✦ The planning and development stages of Clean Air Act implementation
- ✦ The early development or revisions to State Implementation Plans
- ✦ Continuous regulatory activities where misinformation is prevalent
- ✦ When obstacles or conflicts arise during regulatory or legislative development

Key Elements Of Success

Some of the key elements to successful consensus-building efforts include:

- Key interest groups are adequately represented;
- Participants have sufficient decision-making authority;
- Representatives are willing to fully commit to participating;
- Ground rules and protocol for discussions are clearly articulated and agreed upon by all parties;
- All parties have adequate incentives and are willing to work toward a negotiated agreement;
- Adequate funding, including: 1) support for those who might not otherwise be able to participate, but are key to successful implementation and 2) support for independent technical analysis where necessary; and
- Appropriate leadership is designated, usually in the form of a chairperson or facilitator, who ensures that an organized, fair and effective process is conducted.



Categories Of Consensus-Building Processes

Consensus-building processes may be grouped into three broad categories:

Information Exchange Workshops

Roundtables or Policy Dialogues

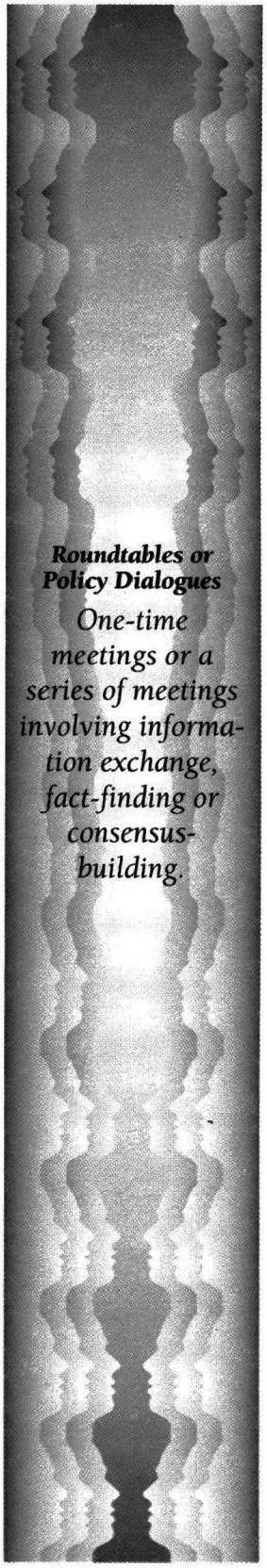
Regulatory or other Formal Negotiations

Each category describes a type of consensus-building process that has been successfully used in Clean Air Act implementation. Within each category, a variety of activities could be conducted.

Information Exchange Workshops:

Public meetings with representatives of diverse interest groups, including a local or state regulatory agency.

Typically, these meetings are one-time events during which participants exchange ideas, express concerns, and then advise a regulatory agency on a particular rule or policy. (As noted in the Texas case study,



Roundtables or Policy Dialogues

One-time meetings or a series of meetings involving information exchange, fact-finding or consensus-building.

public workshops also can occur throughout the regulatory process.)

The format of an information exchange workshop might include presentations with questions from an audience or work group discussions on defined topics.

Information exchange meetings are suitable if:

- ✦ Issues are ill-defined, too numerous or too complex to address in a consensus-building setting;
- ✦ There is not enough time to initiate a consensus-oriented process;
- ✦ Interested parties are not sufficiently informed about the issues to participate in a decision-oriented process;
- ✦ Individuals or groups interested in the issues cannot be easily identified or are poorly organized;
- ✦ Interest groups cannot support selection of representatives to participate in a multi-party process.

Roundtables Or Policy Dialogues:

One-time meetings or a series of meetings involving information exchange, fact-finding or consensus-building.

Typically, participants discuss issues and generate recommendations in the presence of all interest groups and a local or state regulatory agency. These meetings are usually advisory. Designated representatives of affected interests attempt to provide consensus advice to a regulatory agency.

Roundtables or policy dialogues may be appropriate if:

- ✦ Issues for discussion are clearly defined, parties are informed on the issues and representatives can be identified;
- ✦ Regulatory agency seeks advice or consensus recommendations on policy or rules; and
- ✦ Regulatory agency and parties are willing to commit the time and resources necessary to participate.

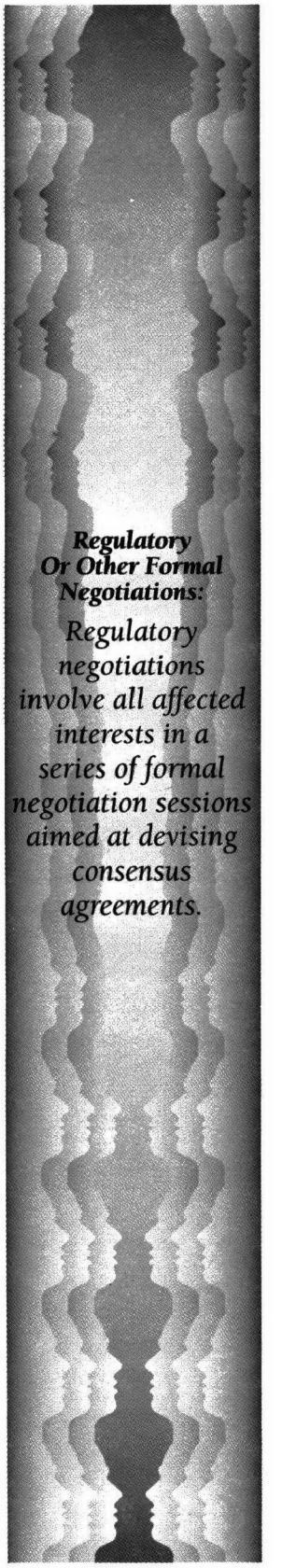
Regulatory Or Other Formal Negotiations:

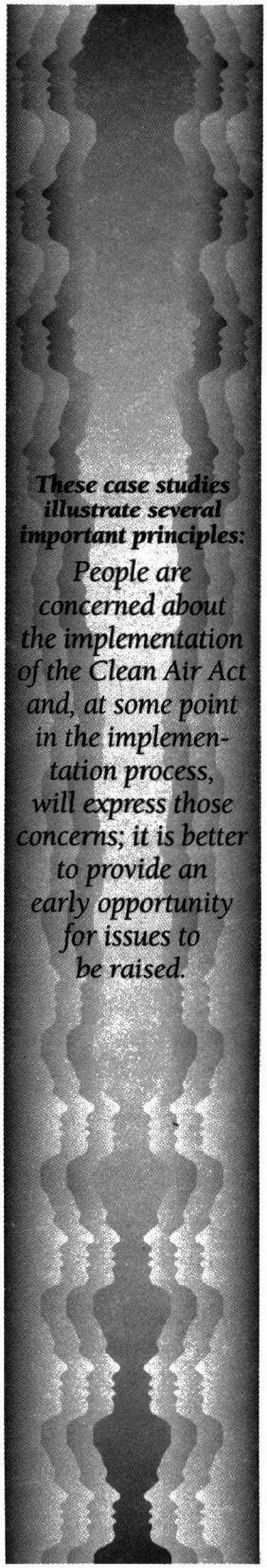
Regulatory negotiations involve all affected interests in a series of formal negotiation sessions aimed at devising consensus agreements.

Regulatory agencies usually convene formal regulatory negotiations. Consensus agreements then form the basis of an agency's rules or policies. Designated representatives of all affected interest groups should be included in this type of process; balanced representation is important. Participants usually represent and report back to specific constituencies. The regulatory agency participates as a party and usually commits to use results of negotiations as the basis for proposals to the greatest extent possible.

Formal negotiations may be appropriate if:

- Parties desire a consensus effort and are willing to commit the time and resources necessary to participate;
- The decision-making body is willing to allow consensus decisions to guide a policy or regulatory decision;
- The regulatory agency desires an outcome supported by all affected interests;
- The parties desire to have the regulatory agency as a party to negotiations so they have some assurance as to the nature of the regulation or policy that will be issued;
- An agency seeks a policy or regulatory outcome that is more easily implemented (i.e. reduced administrative and legal challenges);
- An agency needs to address competing points of view early in the regulatory process; or
- An agency perceives that there are sufficient incentives, the timing is right, and resources are available for such a process to succeed.





Case Studies Of CAA Implementation

Across the country, there are numerous recent examples of effective consensus-building efforts. Some conclusions can be drawn from a number of these examples that may be useful in structuring future policy-making efforts. These conclusions are drawn from three specific cases, which are described shortly. The cases illustrate efforts to manage air quality problems collaboratively. While these cases may not be precisely replicable, each air quality management problem will probably require a consensus-building process that is tailored to the specific needs of the situation.

Conclusions:

Provide Early Opportunities

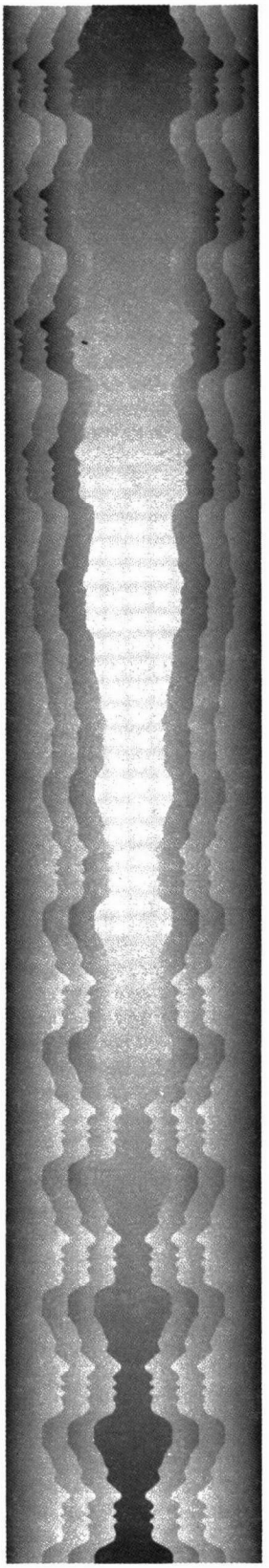
People are concerned about the implementation of the Clean Air Act and, at some point in the implementation process, will express those concerns; it is better to provide an early opportunity for issues to be raised.

Determine Technical Information

There are complicated technical and procedural issues involved in the implementation process. These issues are often addressed most effectively when diverse parties work together to determine the technical information that is acceptable to all participating.

Utilize Workshops To Provide Knowledge Base

Parties often need to become educated on the substantive issues and the consensus-building process in order to effectively participate. Preliminary educational workshops that provide a common knowledge base for all interest groups can serve as the backdrop to more effective negotiations.



Allow For Flexible Goals

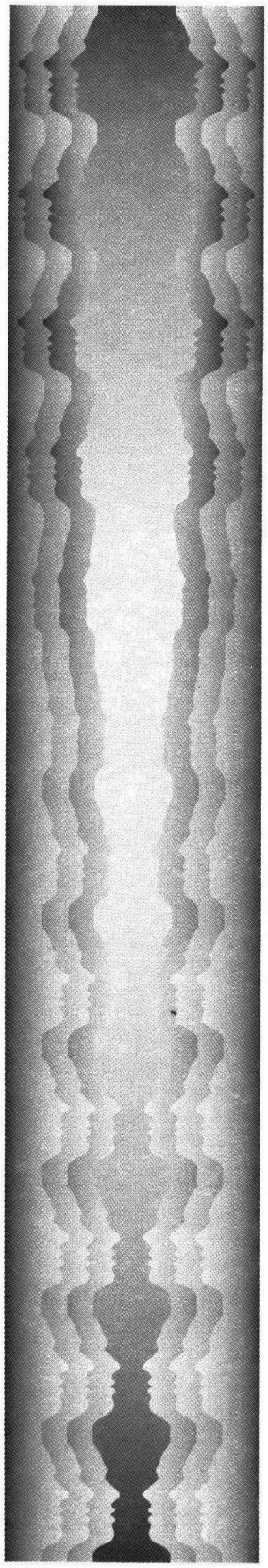
For these types of processes to be successful, the parties involved need to work in good faith with each other toward a common goal. In some cases the goal may be simply to share information and not solve all the problems. In other cases, parties may want to engage in a consensus-building effort and may be able to resolve many or all of the major issues.

Legitimize Process With Responsible Authorities

Key parties must be committed to meeting together and achieving joint goals in order for negotiations to succeed. A strong mandate from a responsible authority to legitimize the process can be helpful in creating adequate incentive, and thus the commitment from all key parties to participate.

Secure Adequate Funding

Adequate funding for conducting meetings, completing research and assisting all key parties to attend is essential to completing effective consensus-building activities. Parties experience frustration and disillusionment if funds run out before agreements can be reached.



— CASE STUDY ONE —

Project: CLEAN AIR, Improving New Jersey's Air Quality

PROBLEM

1. Non-attainment of federal air quality standards in ground-level ozone and carbon monoxide, with mobile sources as the main contributor.

2. Lack of public knowledge and involvement in air quality problems and improvement.

3. Public concern regarding traffic congestion.

KEY PLAYERS

Twenty-five key leaders from industry, government, and citizen and environmental groups were selected to serve as a Steering Committee. Subsets of this Committee and outside experts were asked to serve on the two Subcommittees. The project was directed by an independent, non-profit organization.

OBJECTIVES

This consensus-based process was designed to:

1. Increase public awareness of clean air problems in New Jersey.
2. Build support for implementing state and federal measures to improve air quality.
3. Advise the Department of Environmental Protection and Energy, and the Department of Transportation on the most acceptable strategies to reduce mobile source emissions, with particular attention to those that reduce vehicle miles traveled.

The process utilized both information exchange meetings and more formal policy dialogues to educate the members of the Steering Committee and public on air quality issues, to devise strategies to meet federal air quality standards, and to make policy recommendations to public agencies and state legislators. The process was initiated by a New Jersey Department of Environmental Protection Commissioner, and was publicly and privately funded in the amount of $500,000.

SYNOPSIS

Project: CLEAN AIR was conceived as a consensus-building effort to develop state implementation plan (SIP) revisions and as a response to the federal Clean Air Act requirement for states to develop and implement appropriate programs to reduce the concentration of pollutants in the air.

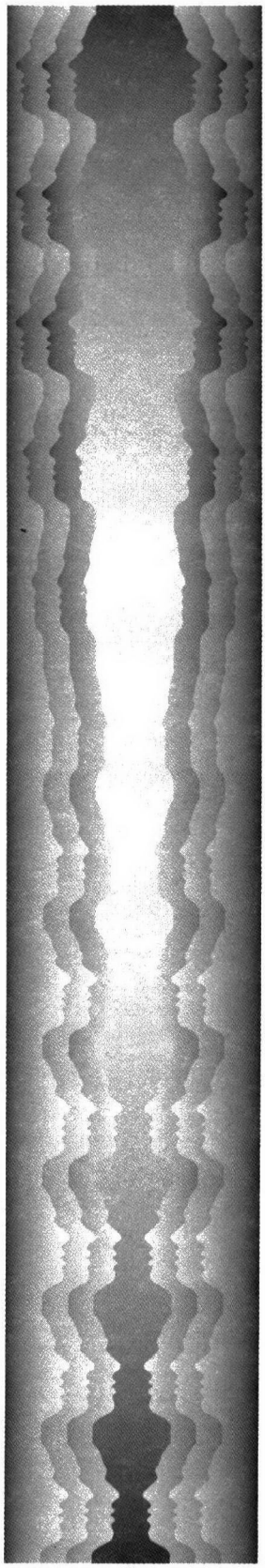
When the process was initiated, New Jersey had been designated by EPA as "non-attainment" for two pollutants for which there are federal air quality standards: ground-level ozone and carbon monoxide. In April of 1988 (in anticipation of new regulations under the Clean Air Act) twenty-five key representatives of labor, business and industry, environmental and citizen advocacy groups, and government agencies met together to develop a consensual process that would guide state officials in developing an air quality plan for meeting the federal carbon monoxide and ozone standards. This group became the Steering Committee which served as the policy-making body of the Project. Two subcommittees were also formed: a Communications Subcommittee and a Technical Subcommittee. These subcommittees gave detailed oversight to the two programmatic elements of Project: CLEAN AIR. Project: CLEAN AIR had no statutory authority.

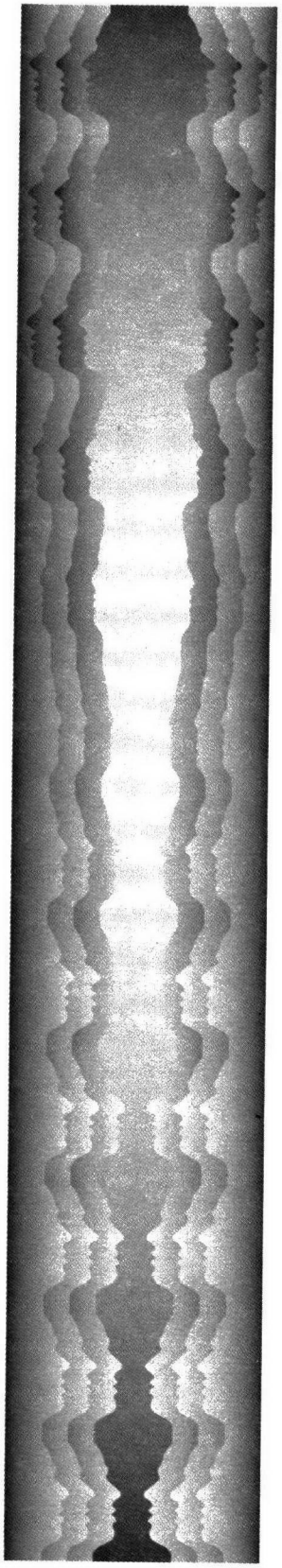
Over a two-year period, the Committee and subcommittees, despite diverse composition, reached general consensus on strategies to reduce mobile source emissions and traffic congestion. Although the consensus was not unanimous on every issue (several members objected to the recommendation to adopt the California LEV program), most recommendations were put forward by the entire Steering Committee. In the months following the successful conclusion of this project, the state will hold public meetings (as required by the SIP process) to discuss the adoption of these recommended measures. A continuing challenge to the State will be soliciting and recruiting participation of the broader public in the ongoing process of implementing these measures.

EXPLANATION

The Steering Committee initially devoted a large amount of time to educating its members on the air quality issues relevant to New Jersey. Various constituencies and technical experts addressed the Committee in order to establish a common level of knowledge. Information exchange was a crucial first step of the (eventual) consensus process.

Exchange of information was also accomplished through a public outreach program. This program attempted to increase public awareness of the severity of air quality problems in New Jersey. A public opinion survey was conducted to inform the Steering Committee on public attitudes towards air pollution issues. This public input proved to be an important addition to the technical presentations on air quality issues and pollution prevention/ reduction technologies.





In addition to exchanging information, several other key components led to a successful process and outcome:

- A private, non-profit research and planning organization (the Regional Plan Association) directed the project;
- Two subcommittees were formed and two studies commissioned;
- Regional Plan Association (RPA) worked closely with the Steering and Subcommittees to assist in the planning and implementation of the consensus-building processes;
- Studies commissioned by RPA for Project: CLEAN AIR provided the Steering Committee with the data necessary to design recommendations for air quality programs.

The Technical Subcommittee (composed of several members of the Steering Committee and outside professionals with expertise in air quality planning or technical matters related to motor vehicle emissions and fuels) assisted in the analytical portions of the Project. The Subcommittee's main job was to oversee the technical emissions and congestion study.

The Communications Subcommittee included members of the Steering Committee and staff members of the state Department of Transportation and Department of Environmental Protection. In conjunction with the Regional Plan Association, the Subcommittee developed a comprehensive communications program. This program consisted of:

- Publications about various aspects of air quality and transportation issues;
- A final report that was widely distributed;
- A public television program (one-half hour) developed and aired state-wide over a period of months;
- Speaking engagements, slide shows, public service announcements, press conferences, and public assemblies;
- A public opinion survey;
- Meetings with state legislators.

To assist the Steering Committee and Technical Subcommittee with technical emissions questions, a Transportation and Emissions Study was conducted to determine the impacts of a series of defined strategies on automobile emissions and traffic congestion. An Economic Analysis was undertaken to project the cost of implementing the Steering Committee strategies and their effect on the state's economy through the year 2010.

In its final stages, the Steering Committee entered into a more formal policy dialogue process that eventually provided state officials with

a series of consensus recommendations to alleviate the problems of air pollution and traffic congestion. The recommendations of the Steering Committee attempted to balance economic costs, equity issues, and implementation concerns with air quality and traffic congestion relief goals. Their recommendations are described generally below.

Outcome

Project: CLEAN AIR produced consensus recommendations among business and civic leadership in New Jersey to guide policy makers in government agencies and members of the state legislature in developing air quality programs. The strategies developed through this consensual process have been presented to officials who are currently developing the State Implementation Plan that will serve as the basis for air quality programs in New Jersey for at least the next 16 years.

The Steering Committee's recommendations were based on the assumption that technological solutions, in and of themselves, will not be enough for New Jersey to meet federal air quality standards. The Steering Committee presented its recommendations based on priority strategies, economic effects, and perceived public acceptance.

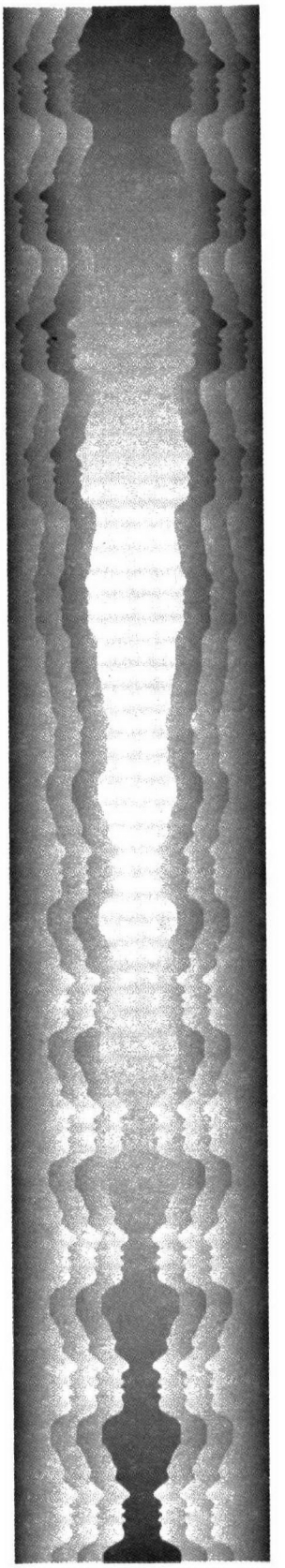
Ingredients For Success

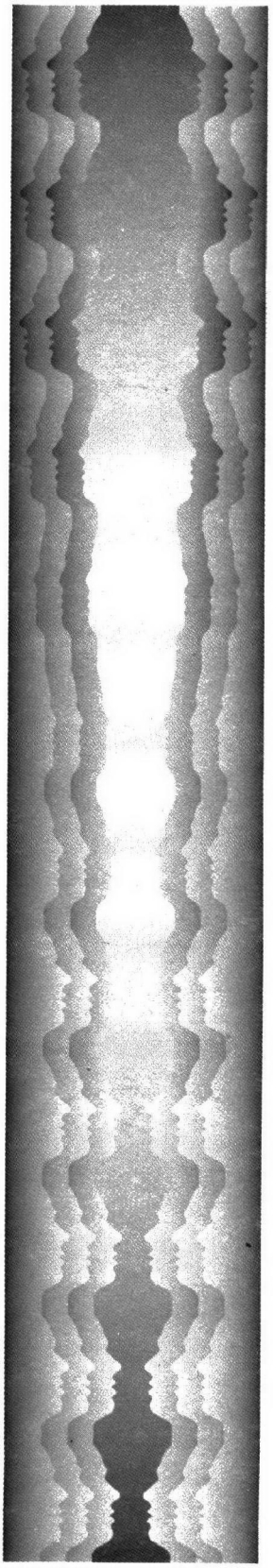
Initially, the Steering Committee devoted large amounts of time to educating its members and soliciting information from the public at large. The Committee used the services of an independent, non-profit research organization to gather information that all parties would feel comfortable using in negotiations. They held public meetings and published information about air quality and transportation issues. Parties emphasized information gathering, information exchange and public education before embarking on consensus-building activities.

With a strong mandate for action from a New Jersey Department of Environmental Protection Commissioner, the group then moved to policy dialogues to gain agreement on the technical and policy issues. Because the group jointly developed the information base, they were well equipped to develop consensus recommendations that they could take to the legislature. This process succeeded in large part because of the degree of commitment by all parties and because the effort was well funded.

Contacts

Mr. Larry R. Codey President, Public Service Electric and Gas Company Member, Clean Air Act Advisory Committee	80 Park Plaza, P.O. Box 1171 Newark, NJ 07101-1171	Tel: (201) 430-5670 Fax: (201) 242-6843
Janet Lussenhop Director, Regional Plan Association – New Jersey	60 Park Place, Suite 1603 Newark, NJ 07102	Tel: (201) 623-1133 Fax: (201) 623-1606





— CASE STUDY TWO —

State of Texas Legislative/Public Participation Process

PROBLEM

1. Need for amendments to the Texas Clean Air Act to Implement the Federal Clean Air Act of 1990

2. Need for an EPA-approved state implementation plan for air quality improvement.

OBJECTIVES

Conduct a legislative/public participation process in three phases that sought public input and involvement in the identification of specific amendments to state law (for air quality state implementation plans). When possible, the process sought to reach consensus on legislative language associated with those suggested amendments. Through participation in a regional air quality planning advisory committee, groups made recommendations on the development of the state implementation plan (SIP).

KEY PLAYERS

Representatives of key environmental, public interest, industry and business groups, legislators and/or their staff, state elected officials and agency personnel were all involved in various capacities during each phase.

STAGES

Three phases of action occurred sequentially, but also overlapped. The three phases involved increasingly formal structures for generating consensus recommendations. Phase I involved the use of information exchange workshops and meetings. Phase II relied both on the exchange of information and on more formal policy dialogues. Phase III required the formation of official local advisory committees to make formal recommendations to state agencies.

PROCESSES

This three-phase process utilized a wide variety of consensus-based approaches. A more detailed description of each phase follows.

Phase I, public information exchange meetings, started before the Clean Air Act of 1990 was passed. This phase included educational outreach efforts developed to ensure the understanding of the general public on the need for amendments to Texas legislation. A series of

public workshops were held to outline issues on potential legislative amendments. The groups participating in the workshops included environmental and public interest groups, industry and business groups, legislators and legislative staff.

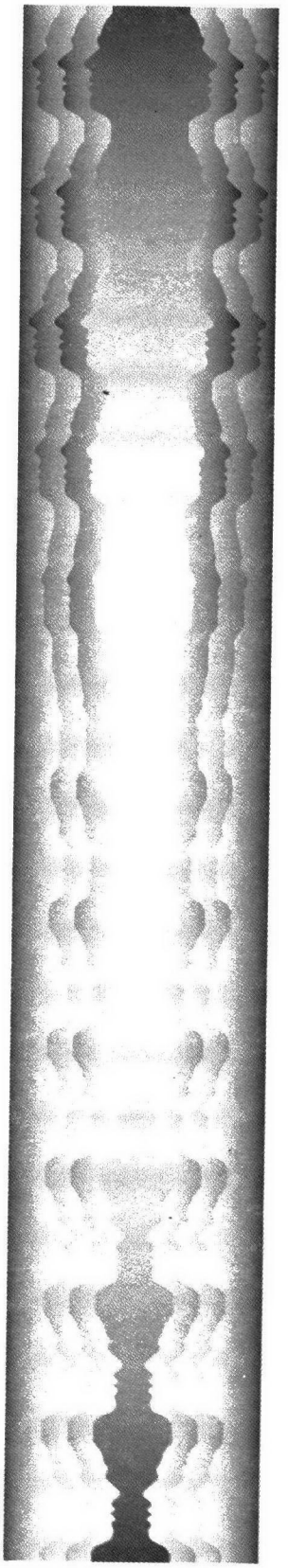
Also during this period, key local government officials, agency staff, and industry representatives from the four non-attainment areas in Texas formed a Core communications group that tracked the Texas legislative progress, and reviewed state, local and national developments regarding rules, laws, and scientific developments.

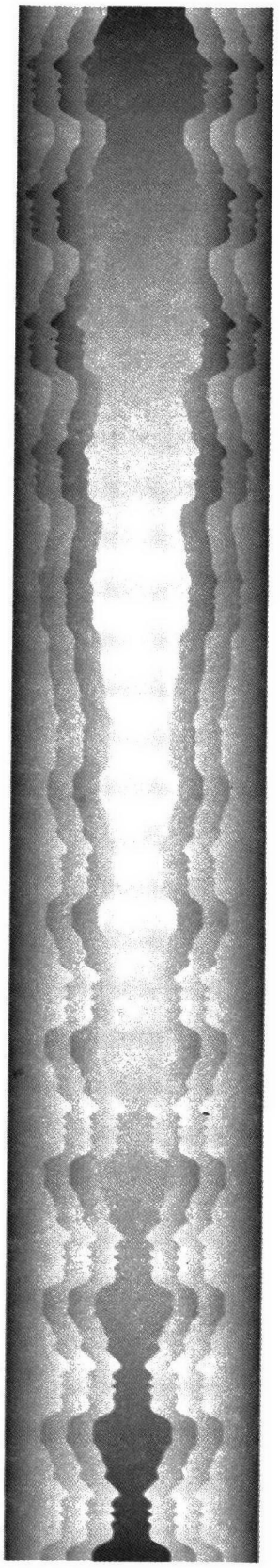
Phase II, the Legislative Roundtable, grew out of the perceived need to build as broad an understanding as possible of the new CAA within the affected community and its elected officials. The Texas Air Control Board (TACB) analyzed the pending federal legislation and determined that changes to the state enabling legislation would be required in order to be in compliance with the new law.

Beginning in late 1990, a policy dialogue of key players was formed and included: staff of sponsoring legislators, representatives of the TACB, the Attorney General's office and invited representatives of key interest groups. Participants reviewed recommended statutory amendments, initiated a series of legislative briefings for members of key committees, and began close communications with the EPA staff drafting the legislation needed to implement the new law. By January of 1991, a first draft of the needed legislative changes had been developed. Debate on a number of key issues continued with the Legislative Roundtable resolving many of the issues.

Although complete consensus was never reached, the continuing debates provided an excellent forum for all parties to air the facts and opinions on all matters. Final legislative debate decided the remaining issues and the legislative amendments were signed into law in August 1991.

Phase III began in July of 1991 with the formation of local advisory committees in the state's ozone non-attainment areas. Local air quality planning committees have been formed and work in conjunction with the metropolitan planning organizations (MPOs). These committees review TACB proposals on the draft SIP, inventory, modeling and rule development. Task forces have been organized to make recommendations on specific topics. These groups include representatives of local governments, local elected officials, the MPOs, transportation planning agencies, businesses and environmental groups. Committee recommendations are formally forwarded to the TACB. The local committees encourage public attendance, participation and comments during the monthly meetings. The committees will continue the formal review process to address additional SIP revisions and compliance issues in the post-SIP period.





Outcome

Amendments to the Texas Clean Air Act, adopted by the state legislature, resulted from Phases I and II. Phase III produced recommendations to the metropolitan planning organizations of the four ozone non-attainment areas of the state. These have been forwarded to the state for regulatory consideration. The Phase III work groups are focused primarily on mobile sources of air pollution and associated abatement strategies.

Ingredients For Success

Texas utilized several types of consensus-building processes — from soliciting and sharing information among parties to making formal recommendations through chartered regional air quality planning advisory committees. The key players were able to devise a suitable process to meet the needs of the situation as the needs arose.

The consensus-building efforts were initiated by the state air quality management agency and other interested parties simultaneously. An informal group of affected interest groups worked from legislative action through to SIP implementation. This group worked effectively under the direction of a chairperson from the group, rather than a neutral facilitator or an agency staff person. The success of this process relied heavily on the commitment of the parties to work together in good faith. The process also included a large education/outreach component, including public workshops and the inclusion of legislative staff in negotiations.

Contact:

Mr. Larry Feldcamp Partner, Baker & Botts Member, Clean Air Act Advisory Committee	3000 One Shell Plaza 910 Louisiana Houston, TX 77002-4995	Tel: (713) 229-1573 Fax: (713) 229-1522
Beverly Hartsock Deputy Director For Govt. & Community Affairs, Texas Air Control Board	12124 Park 35 Circle Austin, TX 78753	Tel: (512) 908-1108 Fax: (512) 908-1123

— CASE STUDY THREE —

Denver Metropolitan Air Quality Council (MAQC)

PROBLEM

1. Continuing non-compliance with federal air quality standards (e.g., carbon monoxide, particulate matter).

2. Public concern over air pollution problems (e.g. the "Brown Cloud").

3. A Regional Council of Governments was unable to effectively solve the pollution problems in the metropolitan area.

KEY PLAYERS

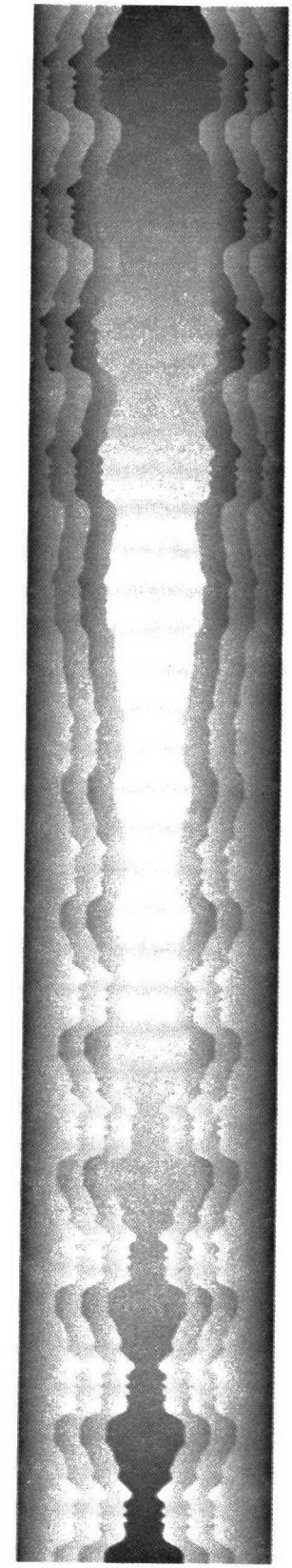
The organization was comprised of twenty members and a chairman, appointed by the Governor. The group included six business leaders, five representatives of the legislature or state agencies, four members of local governments, two environmentalists, two citizens at large, one representative of the regional transit agency, and a chairman, president of a respiratory disease center.

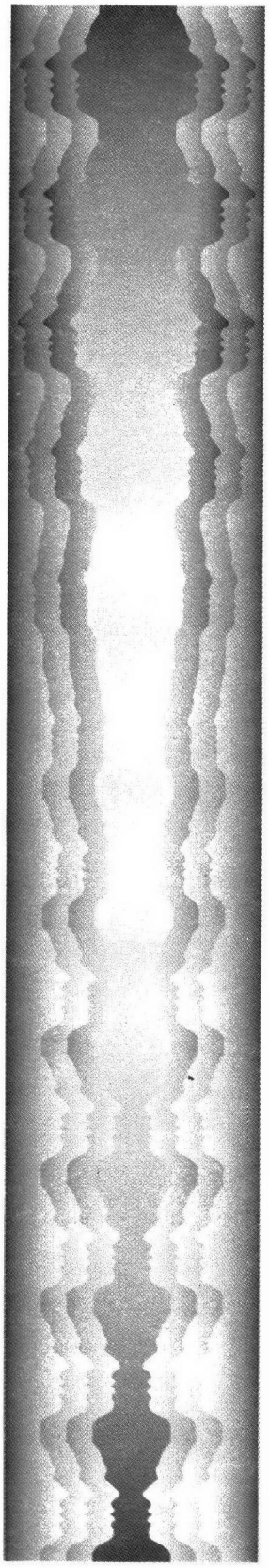
OBJECTIVES

The MAQC (an Air Quality Council) was formed to focus solely on the air pollution problems facing the Denver metropolitan area. As the designated lead air quality planning agency (LAPA) for the area, MAQC was conceived to deal with the current air quality problems and accelerate the region's compliance with the clean air goals anticipated in the Clean Air Act of 1990.

Specifically, the MAQC's objectives were to:

- Bring the area into compliance with federal air quality standards;
- Undertake lead planning responsibilities for the development of the state implementation plan;
- Provide analyses regarding air quality problems facing the Denver metropolitan area;
- Develop strategic plans; and
- Advocate the implementation of recommended programs through existing decision-making and regulatory bodies and through voluntary public/private sector agreements.





SYNOPSIS

MAQC was established in 1985 to assume the responsibilities of the Denver Regional Council of Governments (DRCOG) in air quality planning. This single focus allowed the MAQC to concentrate on pollution control issues for the Denver metropolitan area and plan regional programs without being distracted.

MAQC was designed and internally organized to serve as an effective advocate for obtaining community investment in the planning process. The MAQC advocated the implementation of cleanup programs through existing state and local decision-making bodies; it had no statutory power to implement pollution control programs.

MAQC, through Full Council, subcommittee and staff meetings, devised recommendations for pollution control in virtually all sectors of the metropolitan region. The MAQC (Full Council) was composed of a wide variety of interests and expertise.

To focus its priorities, MAQC established Carbon Monoxide (CO), Ozone and Particulate Matter-10 (PM-10)/Brown Cloud Committees. The members of the Committees were made up of members from the Full Council. Throughout the process, the Colorado Department of Health (CDH) and the Regional Office of the U.S. Environmental Protection Agency (EPA) augmented the MAQC's staff and provided technical expertise and guidance to the decision-making process.

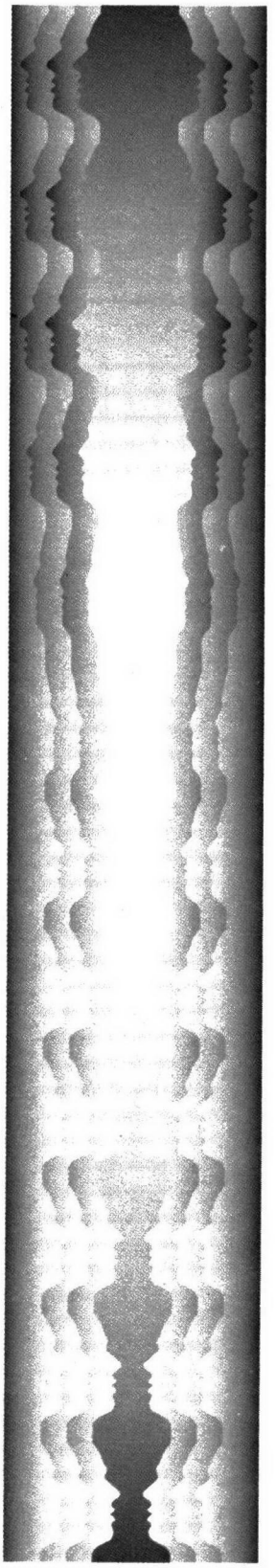
PROCESSES

The initial stages of MAQC deliberations were information development and exchange. Typically, the Full Council decided which issues to address and directed the MAQC staff. Staff examined the advantages and disadvantages of reasonably available programs for reducing pollution from major sources and presented the information to the Full Council. Meetings frequently included presentations by expert witnesses and panels of experts who were convened to discuss reports and address issues of controversy. Both staff and panelists were subject to questions from committee members and the public audience. These expert panels would commonly examine the projected costs and benefits of pollution control options and respond to interest group concerns and questions.

Based upon the information generated from these meetings and detailed research, the staff would then prepare briefing reports for the two Committees. The Committees would review the presented issues, advantages and disadvantages of recommended control strategies and would make a recommendation to the Full Council. The Full Council, after reviewing the information and recommendations provided by the technical committees, would commonly

request presentations by experts to assist in clearing up lingering questions, suggest changes to the staff report and, finally, make its control recommendation. All meetings of each Committee allowed for public input.

Input from the public came through board members and the interests they represented, through direct participation at meetings (questions to board members, staff and expert panelists) and through meetings with staff or parties engaged in support research. No formal negotiations were held.



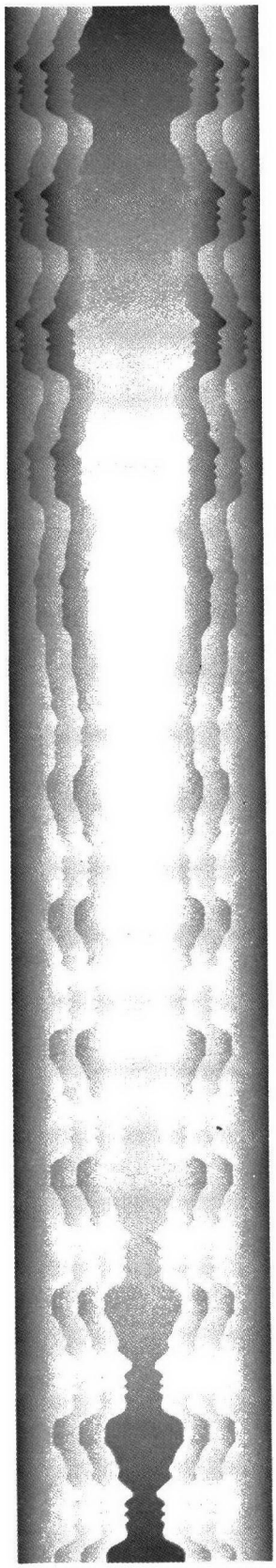
Ingredients For Success

In the Denver Metropolitan Air Quality Council (MAQC) case example a separate entity was formed to focus exclusively on Denver Metro air pollution problems. This, combined with a strong mandate from the Denver city government, gave the MAQC an opportunity to explore and initiate new programs. The MAQC also had the benefit of strong private sector participation in deliberations. The Denver Chamber of Commerce got involved in improving air quality, recognizing that poor air quality was "bad" for Denver businesses. The MAQC also benefitted from favorable media attention that supported the initiatives. With the support of MAQC technical staff and a number of technical advisors, the agency was able to develop, and later adopt, a series of control strategies. MAQC recognized the importance of developing technical information acceptable to diverse interest groups. They assembled expert panels to examine control options and then interacted with the panel regarding its recommendations. The Denver process also used subcommittees to address specific issues. The Full Council developed consensus recommendations that were forwarded to the Colorado Air Quality Control Commission and many local City Councils.

Outcome

The MAQC established a string of early, small air quality successes. The strong coalition of public, private and political support enabled it to identify and promote implementation of pollution controls in virtually every polluting sector. Specifically, the major programs the MAQC helped to devise and implement included:

- Compressed Natural Gas (CNG) Fueled Buses
- Wood Stove Emission Standards
- Wood Burning Controls (including episodic wood burning bans on high pollution days)
- Oxygenated Fuels Programs



- Controlling Emissions at the Public Service Company and Major Industrial Sources
- Diesel Fuels Program
- Reducing Vehicle Miles Travelled
- Phase-out of Wood Units in New Home Construction
- Strengthened the Gas and Diesel Vehicle Inspection/Maintenance

Note: While the MAQC operated for several years, it was reformed in 1989 into the Regional Air Quality Council in order to better address the concerns of all constituencies in the region.

CONTACT:

Ms. Stephanie A. Foote
Member, Denver City Council
Member, Clean Air Act
Advisory Committee

3275 South Steele Street
Denver, CO 80210

Tel: (303) 692-8929
Fax: (303) 758-4102

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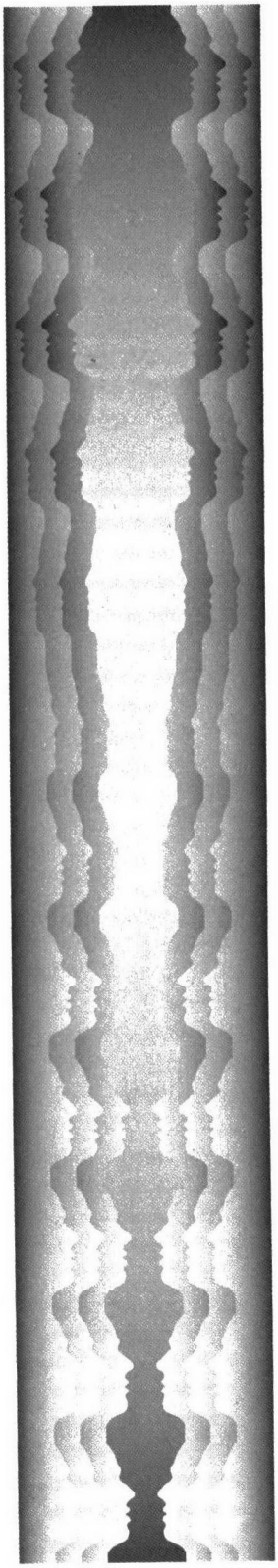
Selected Reference Documents

Note: A roster of organizations
that provide dispute resolution services is available from:

The National Institute for Dispute Resolutions
1901 L Street, N.W., Washington, D.C. 20036
Tel: 202-266-4764

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