

Environmental and Occupational/Public Health Standards

Steering Group

Albuquerque, February 23-24, 1993

Draft Minutes

Attendees:*Members:*

Dennis Berry, SNL
 Bruce Boecker, ITRI
 Russell Brown, INEL
 Martin Edelson, Ames Laboratory
 Harry Ettinger, LANL
 Charlette Geffen, PNL
 Loren Habegger, ANL
 Troyce Jones, ORNL

Absentees:

Lynn Anspaugh, LLNL
 Jim Berger, ORISE
 Todd Crawford, SRTC
 David McGraw, LBL
 Leonard Hamilton, BNL

Guests:

Ginger Swartz, CCRF
 Jim Werner, NRDC
 Melinda Kassen, EDF
 Jason Salzman, Greenpeace
 Jay Sorenson, Sierra Club

Others:

Regina Hunter, SNL
 Mary Campos, SNL
 Mike Barainca, OTD
 Dennis Hadlock, SAIC
 Russ Brodie, NGA
 Debbie Kahn, NGA
 Martin Jones, MUSC
 David Hoel, MUSC
 Marcus Newberry, MUSC

Minutes:

Jim Beall, ER-72
 Don Beck, EM-521
 Katherine Kornfeld, EM-4
 Andy Wallo, EH-232

RECEIVED
 DEC 19 2007

EDMC

Action Items

All Members: Read Elcock's final CERCLA report. Send comments on the text to Loren Habegger within *10 days* of receipt. Look at p. 49, remedy selection, and identify three items to focus on, in priority order. Write one paragraph for each item on why we should focus on it. Send the paragraphs to Charlette Geffen within *10 days* of receipt.

All Members and Public-Interest Group Representatives: Comment on the draft position paper by fax to Regina Hunter (505) 844-8170.

Berry: Try to get the endorsed joint position paper to Narath before the next meeting.

Brodie and Kahn: Find out the status of RCRA; report at April meeting.

Geffen: Distribute summary materials on RCRA. Send some material on PNL's holistic approach to risk assessment to Hunter.

Habegger: Distribute materials on the types of analysis being done for the PEIS.

Hunter: Distribute Elcock's final CERCLA report. Incorporate changes into the joint position paper and distribute it to members and public-interest groups by fax.

Werner: Draft joint response letter and fax to Hunter and Kassen.

Summary

Marcus Newberry, Provost and Academic Vice President of MUSC and the Deputy Principal Investigator for the Environmental Hazards Assessment Program (EHAP), said that EHAP can be divided broadly into educational programs; development of an information system through their library; and basic science. EHAP will also organize a series of expert panels and workshops on environmental issues. In the area of risk education to physicians, EHAP is working through resident and practicing physicians, especially residents in family practice.

Ginger Swartz, Executive Director of the Colorado Council on Rocky Flats, spoke on "Creating a Proactive Image: Cultural Change in the Public Sector." Several members and guests complimented her, saying the presentation was especially insightful and had clearly taken considerable thought and preparation.

A major portion of the meeting was devoted to a discussion of the current draft of the joint position paper on public access to information, which is being prepared by the Steering Group and the guests from several public-interest groups. The joint paper was revised during the meeting, and it appears that most of the Steering Group members and public-interest group representatives will endorse the final draft after minor editorial changes. The Steering Group and public-interest groups agreed in principle that when the current joint position is finished, they will work together on a new joint paper that addresses some points of agreement and disagreement raised by, but not discussed in, the current paper. In addition, some of the public-interest groups will assist in developing and will participate in the Steering Group symposium on land-use planning to be held later this year.

Connie Callan of the University of New Mexico and the Waste-Management Education and Research Consortium (WERC) briefly described the status of the risk teleconference series and the risk high-school video. The teleconference series has two technical advisors, Sharif Heger for the scientific aspects and Hank Jenkins-Smith for the social aspects. The high-school video on risk will be distributed to 12,000 high schools on Channel 1.

Martin Edelson presented his current draft agenda for the Land-Use Planning Forum on Tuesday and, in response to comments from the members and guests, a revised draft on Wednesday. After discussion, the members decided that in May, we will have a regular Steering Group meeting dedicated to land use. At that meeting, we will solicit ideas from DOE and the public-interest groups and develop the agenda for a larger forum. In September, we will have the larger forum, consistent with Edelson's original schedule and plan. Because we plan to devote the May meeting to land-use planning, there will be a regular business meeting in April in Seattle.

Russ Brodie and Debbie Kahn of the National Governor's Association passed out a packet of information they have compiled for the use of the Steering Group. An NGA policy statement on risk-based standards was unanimously approved by the governors recently. More than half the states say they are doing something in the area of risk. The next step in NGA's work is to use a survey tool to find out exactly what. Brodie and Kahn solicited member comments on the survey tool, and a lengthy discussion followed. The conclusion was that Brodie and Kahn revise the survey and send it out. By the next meeting, NGA would like to have some preliminary results.

Dennis Berry summarized previous Steering Group work on CERCLA by saying we have received Debbie Elcock's CERCLA report, and she has incorporated the tables, citations, and so on that we wanted. He raised two fundamental questions, given that it looks like CERCLA will be reauthorized and that it may be possible to incorporate more use of risk methods into the process, using lab-director testimony, Congressional briefings, and so on: Do we want to do that? Which things do we want to take on? After discussion, the group concluded that we will make developing a position on CERCLA reauthorization a priority.

The Steering Group briefly considered possible actions we might take on RCRA. Charlette Geffen said we need to confirm whether RCRA will be considered any time soon, and suggested that NGA find out. She also said we probably should begin a low-level effort to become educated. She will distribute some summary material on RCRA to the members.

The Steering Group briefly discussed the PEIS, and Loren Habegger suggested that some of the members could attend a PEIS workshop, and that he can distribute some information on the types of analyses being done. He thought the most useful contribution the group could make would be to review the draft when it becomes available.

Dennis Berry presented the revised draft agenda for the risk-assessment forum. Since the previous meeting, Regina Hunter had made preliminary inquiries about a possible product, a book encompassing papers by all forum speakers and by Steering Group members who lead the breakout sessions. If the Steering Group ultimately decides to go ahead with this idea, speakers will submit papers in advance and some members will commit to lead breakout sessions and write summary papers. The current list of known subcommittee members for the forum is Anspaugh, Daisey, Geffen, and Habegger. The forum will probably be held in January 1994.

Minutes

Tuesday, February 23

Mike Barainca opened the meeting by saying that the Steering Group and the environmental groups with whom we have been interacting need shared objectives to continue to work together. He hoped we can continue the dialog. There is now a new budget process, but he hoped money will be available for major initiatives through the Western Governors' Association, including a series of minigrants to enable communities to participate in dialog. DOE is also establishing working groups with community participation, which will allow a more extensive information exchange.

Dennis Berry welcomed the guests and said the Steering Group would like to have the benefit of their comments and insights on the topics to be discussed, especially on the joint position paper and the Land-Use Planning forum. He noted that many people have expressed interest in the forum--when and where is it, and can we come?

Marcus Newberry, Medical University of South Carolina (MUSC)

Marcus Newberry, Provost and Academic Vice President of MUSC and the Deputy Principal Investigator for the Environmental Hazards Assessment Program (EHAP), thanked the Steering Group for the kindness shown to Martin Jones in allowing him to come to our meetings. The materials we have provided have been helpful to them both. He said that the generosity of workers in environmental areas in general has been helpful to them as newcomers to the field. The MUSC staff is made up of clinicians, but they do think a broad interface between environmental work and clinical medicine is

Hodges

needed. EHAP can be divided broadly into educational programs (e.g., an industrial hygiene degree area and outreach to residents, practicing physicians, and other managers to give them an orientation that includes environmental health); development of an information system through their library; and basic science. EHAP will also organize a series of expert panels and workshops on environmental issues. David Hoel is heading up the science portion of EHAP, and as a result he will replace Martin Jones as MUSC's regular representative at Steering Group meetings.

In the area of risk education to physicians, EHAP is working through resident and practicing physicians, especially residents in family practice. This part of the program is in the early stages and not yet developing content; they are trying to get certifying boards behind the program. They are meeting with Connie Callan, UNM, to see whether WERC teleconference series can provide a useful tool for the EHAP programs.

Jim Werner, NRDC, asked what some of MUSC's deliverables might be. Martin Jones replied that MUSC has five Ph.D. students in risk assessment, and in a sense, they are a deliverable. MUSC also plans to start degree programs at the master's and bachelor's levels. He added that the first year of EHAP is a planning year to determine things like what the products of the program should be. Newberry noted that another question is what to do about people already in practice. Werner asked whether the MUSC program duplicates programs for training nurses, doctors, and engineers in risk assessment and occupational health at the National Institute for Occupational Safety and Health (NIOSH). Newberry answered that a similar question had been raised about programs at the Agency for Toxic Substances and Disease Registry (ATSDR). He said neither the NIOSH nor ATSDR programs have the full attention of an institution like MUSC. Newberry himself is the Deputy PI for EHAP precisely so that the grant can affect all the mainstream programs at MUSC. Timing is also important: we are now entering a period in which students are more oriented toward environmental issues. Barainca added that the EPA also has an environmental education program, but that Clyde Frank is very concerned that the MUSC program *not* duplicate other programs. Barainca added, "One of the main difficulties that researchers have is trying to find out what other researchers are doing." The NTIS has a "research in progress" data base, but agencies put data into it voluntarily. The Department of Commerce has no means of ensuring that all research is included. OTD has been engaged in a substantial effort to provide data on 400 TTPs for the data base.

Loren Habegger asked whether EHAP is looking at both radiation and hazardous materials. When Hoel replied that they are still deciding about that, Werner urged them to include both. Hoel said they are looking both at cancer and at other risks. Berry said two points MUSC can address that others cannot are threshold effects--the tendency to extrapolate known effects down to 0--and the societal issue that one in four Americans is dying of cancer, but regulators are looking at cancer risks of 1 in 10^6 . Martin Jones said he and Newberry have tried informally to decide what should receive most of Heap's attention. They need to design a formal decision process that includes the meta-analysis of deciding who decides what MUSC studies. Russ Brown said the scope and complexity of the problem cannot be overestimated; the highest childhood leukemia rate in the country is found in Washington, DC, and we don't know why. It may not be possible to get one grand scheme for analysis, but only to attack the pieces of the problem. Newberry concluded by saying that on the educational side of EHAP, the entire institution is mobilized; on the science side, EHAP needs more focus.

Ginger Swartz, Colorado Council on Rocky Flats (CCRF)

Ginger Swartz spoke on "Creating a Proactive Image: Cultural Change in the Public Sector." She said she had no difficulty in coming up with examples of lessons learned: she has made enough mistakes to fill a 15-minute presentation. She emphasized that she would speak only about her own personal experiences, and that others might not have had the same experiences. Swartz's presentation is attached. Several members and guests complimented her, saying the presentation was especially insightful and had clearly taken considerable thought and preparation. So many admired Swartz's ten guidelines for communication that they are included separately in poster format (used by permission).

Mosier

Swartz put forth some thoughts on how to ensure adequate and accurate representation of the interested public by including self-nominees in groups representing the public (see p. 6 of her presentation); DOE selection of representatives is obviously inappropriate. Bruce Boecker was concerned that activists would nominate themselves, but other well-qualified people might be "quiet types" who would not do so. Troyce Jones opined that most scientists and many members of the public would be repulsed by self-nomination, and that in many cases it seems the most vocal have the least to offer. Swartz admitted Boecker and Jones had a valid point, but she suggested an active outreach program would help get around the difficulty. Harry Ettinger expressed concern that the vote taken after self-nomination would eliminate good people simply because they have no constituency. Swartz admitted that could happen, depending on the screening committee. Martin Edelson suggested that publication of every success would help to get people in the general public interested, but Swartz cautioned that volunteers are very transient in any case, and Edelson's suggestion could turn up people who really don't last long. Barainca noted that a difficulty in this type of process is parallel to one DOE has in allocating minigrants to support public participation. Competitive grants require criteria. It would be neat to involve the public in developing the criteria for awarding grants, but anyone who participates in developing criteria can't *receive* a grant because of conflict of interest.

Habegger pointed out that in the old days DOE had production as its goal, but now Rocky Flats is a cleanup site. The local interest is to get as much money as possible for cleanup, but nationally DOE has other programs to fund as well. He saw a parallel with public participation: local people are only interested in local problems, but national implications must also be considered. Swartz agreed, saying some education of the public is needed so that they will understand those types of issues. If Site Specific Advisory Boards (SSABs) focus too narrowly on technology, they lose much of their educational and liaison function. Werner said it is difficult for volunteers to take time to get educated, but Swartz responded that the public-interest groups must take responsibility for making sure that happens.

Werner allowed that the Keystone process was two years of pain, and that no one who was just a gadfly would participate in something like that. He was a DOE contractor in the 1980's, and now he represents a public-interest group. In some ways this was a dramatic change. As a DOE contractor he had no idea how difficult it was for someone outside DOE to obtain a report or get a telephone call returned. In other ways, things did not change. He has noticed that both the public-interest groups and the DOE are intolerant of dissent (present company excepted, of course). He disagreed with Swartz when she says that public-interest groups are not trying to move toward the center. The public-interest groups have technical people that they want to bring to the table, but DOE does not reward or even totally ignores technical comments. As a result, the public-interest groups think they are better off to hire lawyers.

Russ Brown said, "I'm really a sheep in wolf's clothing." His personal (not INEL-member) view is based on 23 years' work with federal institutions as a member of various environmental public-interest groups. His observation is that advisory committees are set up either to take, not give, advice to the institutions, or to give the appearance of public participation. The end result is mostly useless. Institutions *per se*, not the DOE, are the problem. He did not see a simple solution. Brown said that self-selection is not a perfect answer--people self select onto school boards and then burn text books.

Ettinger said many DOE employees and contractors do have the promotion of the good of the public as a part of their personal ethical standard; so do the public-interest groups. Each should give the other credit for honesty. Jay Sorenson said he has been working in this area for more than 20 years as a volunteer. Swartz is correct in saying cooperation is important, but he is skeptical of how much the public-interest groups and DOE can work together. It is not just a question of ideologies or whether a position is thought through or informed. The bottom line is that the two have different, conflicting interests at stake. That does not mean we cannot do better than we have in the past. He did not think

we will ever find ourselves in the position of having no disagreements, but things could be done in a better way, with more cooperation and trust.

Geffen agreed there will be issues we can't agree on, but she would like to get rid of the baggage of things that didn't work in the past. We have no hope of getting to the issues if we focus on past examples that didn't work. There must be *some* examples of things that have worked. She said we must move forward with mutual respect, even when we disagree. Werner said he still sees the old culture at DOE, to which Swartz responded, of course that is true, but the public-interest groups are also still in the old culture. Both need to move beyond that.

Joint Position Paper

Berry opened the discussion of the joint position paper by reminding everyone that we are striving for a paper that the members and the public-interest groups can agree on, for which we will try to get lab-director endorsement after some kind of presentation to the lab directors. The Steering Group tried to respond in the current draft to comments Werner made to Berry in Werner's office in December. Berry and Regina Hunter have met with Al Narath, President of Sandia National Laboratories, and Narath supports this effort and is willing to sponsor the joint position paper to the other lab directors when it is final. Berry said he was comfortable with the paper and asked people to give some kind of indication on whether they are ready to endorse it or not.

Troyce Jones had read the current draft hastily, but it seemed to him not to be something ORNL would want to endorse, for a number of reasons that he did not want to take time to discuss in detail. The reasons in general had to do with problems the paper might raise for Oak Ridge operations. In addition, part of the scientific process is not to talk prematurely or before peer review about things you aren't sure about. This paper says to discuss things openly at every stage. Releasing something prematurely can do more harm than good. Finally, will people who distrust the PR office at a lab perceive an 800 number or mailings any differently?

Harry Ettinger had discussed the draft with LANL's Deputy Associate Director, Paul Braithwaite of the Director's office, and a LANL public affairs officer. They thought the paper was reasonable overall; some things they are already doing and some they may do differently. He pressed them for a formal yes or no and got a fair indication that they think it's acceptable. The issue of resources should be clarified, and the paper should indicate that no labs were represented in the Keystone process.

Ginger Swartz distributed the paper to the CCRF board and asked them to respond if they did not agree. She received one substantive comment she disagreed with and some grammatical suggestions. She is ready to sign.

Jay Sorenson read the paper with great interest and basically liked it. His comments were mainly editorial, although some of them could raise questions of substance. The paper is a step in the right direction, and he sees no great difficulty with it. He thought he could sign.

Russell Brown had not shown the paper to his director and had time for only a superficial review. He will submit comments in writing, but he saw no substantive sticking points.

Charlette Geffen discussed the previous draft with PNL's director, Bill Wiley, and the current draft with the person appointed by Wiley to act for him on communication with the public. She had the strong sense from Wiley that the paper should state clearly that this is only a small part of a larger effort on the part of the labs to engage public participation, and that ultimately communication must be two-way. On p. 3, it should be clear that not every activity is important at every lab, but we think some key priority areas are most important. There are also site-specific difficulties in application, e.g., PNL has no federal facilities agreement; that is done by the Richland Field Office and the Hanford M&O. Some indication that labs may not be responsible for important issues, but that they

Mosolf

may still take a position, is appropriate. She also asked the public-interest groups, adding that it is a shame that no M&Os or labs were represented on the Keystone group, will these recommendations satisfy them? Is this one small positive step, or will this be perceived as not doing the job?

Melinda Kassen first answered Geffen's question, saying that this alone will not do the job, but that what Wiley said about this paper being a small part of a larger picture is true. She noted that she had previously sent in some written comments. Her most important comment was on scope. The scope of Keystone, the OTA paper, the EM guidance, and this group's charter are all different. She thought it was a mistake to follow Keystone in being limited to environmental restoration and waste management (ER/WM). The Steering Group looks at health and safety as well, and this paper should reflect the entire Steering Group charter. She could not understand why the directors would balk at including public access to information this group deals with--risk, environment, and public and occupational health.

Second, Kassen noted that the public-interest groups represented here were national groups, and local organizations are needed to get broad acceptability. Swartz pointed out that CCRF is a local group, and Regina Hunter asked if Kassen had suggestions about how to get more participation from the other local groups--CARD and HEAL have received the same invitations and so on that those present have received; the Steering Group cannot force anyone to participate. Berry said we each know about local groups; when we resolve the comments raised by the present participants, we should each get the paper to local groups and see whether any of them are willing to sign up. It may be unnecessary to involve them in the initial dialog in order to have them take an interest in the final paper, especially since local groups are likely to benefit more directly than national groups from having laboratory endorsement of this paper. Possibly the Military Production Network could distribute the paper to its member organizations. Kassen and Salzman warned that the response of the local organizations might be, "We weren't involved in this; we weren't invited." It might be necessary to have an educational phase about the paper first. Ettinger disagreed that we should get umpteen local groups involved. He personally wanted to get the paper out with the directors and current public-interest group participants signing or not as they wish. It would be a giant step to get *some* activist groups and directors to agree on *something*, and it would pave the way for more work later. Swartz said it was never her idea to get signoff from the universe of public-interest groups, but more to make the laboratory directors more comfortable with some sort of public participation. She thought we ought to go with the small step. Brown suggested that each member can go to local groups interested in the lab and say, "here's what we've got--what do you think?" Berry compared signing the paper to a religious ceremony: "People practice religion, but once in a while you have to have a ceremony." Swartz pointed out that this three-page paper has taken us a year and doesn't say much. She asked, "What can it hurt?" Salzman said it can hurt if people feel excluded from the process. Martin Edelson marveled that "we chose this [topic] because it was something we could all buy into!"

Kassen said contractors weren't included in the Keystone process because the DOE members believed contractors do not have an independent view. They decided consciously that they were making policy decisions that contractors would implement. "It was just agencies and activists." Werner asked whether the labs asked to be present, and Ettinger and Berry replied that apparently the labs did not even know about it.

Loren Habegger said that he and Dr. Elton Kaufman in the lab director's office have looked at the draft and have a qualified yes. ANL does not have extensive ER sites, so ER is not a big issue there. If the paper is opened to other areas, he is not sure what the answer will be, although "not necessarily implemented everywhere" provides some leeway. He reported a success story. What is described in the draft is consistent with what has already been implemented at Weldon Springs, which was notable for its lack of public comment. This lack resulted from ample prior opportunity for public comment. He suggested that we use this draft as an experiment: get it signed off and reapproach the situation in a year.

Werner
Mwsoff

Werner said he thought we can get to some paper he can sign, because people have been working hard on it. He had started by asking what work product we could come up with, and he had suggested a two-paragraph letter on SSABs. Now we are still working on a longer paper. There are two paths, one simpler, one more complex. The detailed recommendations may be a mistake; we could have a simple endorsement of Keystone, since, he said, the labs are required to implement Keystone anyway. If we try to edit or duplicate Keystone, it would be tough sledding and a waste of effort in which he could not participate. He wasn't too worried about the scope, because that will be fought out at the local level in any case. We do need local involvement--we can't get 18 groups here against their will, but we have to get some local groups involved in the paper. He thought we should keep it simple and get something out of this.

Martin Edelson said his lab director had signed off on the original draft. Edelson personally was disappointed in the change of scope that led to the current draft. He was also disappointed in the change of tone--it now reads like an endorsement of other people's work, as if we are mere hirelings. He has a bent toward anarchy and sees no need for institutions to be consistent. He was still reasonably sure his director would sign.

Bruce Boecker had not had much time to review the new draft and had not seen his director about it. He suspected it would be acceptable to ITRI's director.

After lunch, Berry noted that the Keystone report does not bind any parties in the process, much less the nonparticipants. If it were to become DOE policy, the M&Os and labs would comply with the entire scope, but they would be in a position to say they needed funds to do so. That differs from the labs embracing the Keystone scope on their own. How should implementation be funded, particularly if the scope is beyond Keystone? Berry said he had not thought about that much because some of the labs were already doing some of the recommended activities; to the extent he had thought about it, he figured the issues overwhelmed the implementation details. Geffen asked whether we can separate budget and scope. Berry said it was not at all clear we had thought through the implications of implementing the recommendations. Our current paper is limited to the Keystone scope, and whether the labs have some direction and funding to do something does make a difference. Barainca suggested that the paper endorse the Keystone recommendations and also recommend an analysis of the cost of implementation. Werner said, cost *and* savings. Habegger asked why this group should tell the labs to implement Keystone (if the DOE is not going to), and Barainca reminded him that the lab directors started this group in order to be proactive. Edelson recalled that we began this paper because Jay Sorenson and Bob Aly of CARD wanted better access to lab information. We had hoped to get the directors to be better about sharing information with the public. That in itself does not require a lot of money, it just requires the directors to tell people the rules have changed.

Kassen said that she and Werner had made substantive comments on the last draft, and this draft expands to two parts of the Keystone recommendations, on public access and SSABs. She suggested going back to the broader scope and omitting the SSAB recommendations. That would keep the recommendations focused on access to information and eliminate the concern about funding. Geffen said it would not eliminate funding concerns, because maintaining mailing lists, writing newsletters, and so on, costs money. She thought it would turn out okay, but it would definitely cost money.

Troyce Jones reiterated that he thought we are drifting away from the original charter to look at consistency of regulations and better science in risk assessment. He added that he feels uncomfortable representing this group to the director, when the director has much more experience than he does in relating to the public. Kassen countered that the Steering Group is chartered to "analyze with the public" and that the public has to have information to help analyze.

Salzman pointed out that no one had vetoed the paper as currently written, and Geffen asked if we could move on to a decision. Habegger said we need to decide whether we want a half empty glass or an empty glass.

Berry said the practical issue on scope is how to pay for implementation. It will cost money to do this right, and the bounds are unclear. It may be reasonable to limit the scope to Keystone, because if we broaden the paper to encompass the entire charter of the Steering Group, we have to recognize that at some point, someone has to pay for the work. Troyce Jones agreed, saying all new administrative fees have to be absorbed by the labs, and "Right now new administrative fees are as welcome as the AIDS virus." Werner thought this might save money in the long run, but Jones warned that long-term savings can put you out of business in the short term. Barainca said the paper should say the directors will pursue funding, but Ettinger said it is clear they couldn't get more money.

Salzman said the paper already addresses that difficulty by saying that we don't expect everyone to do everything, but Berry replied that Al Narath wants to make sure that he can implement whatever it is he signs up to do. Habegger was still looking for a compromise and suggested the paper be renamed "Public Access to ER Information." Kassen reiterated that the charter refers to public and occupational health, but Ettinger said, as the member with the most occupation-health experience, this paper should be limited to ER. Kassen wanted to know what the public-interest groups get out of the paper if it is limited to ER and the Keystone recommendations. Habegger said they *get* lab buy-in to the Keystone recommendations. Geffen would rather have a narrow scope than none. Salzman said the public would immediately perceive that the scope is not broad enough, but Geffen maintained there would still be that perception no matter how broad the paper is. Sorenson suggested putting "1" in the title to indicate that other issues may be addressed at a later time. Ettinger supported that idea, saying that we could indicate that we will talk about occupational health and safety later. Kassen appreciated that buy-in is important, but she was more concerned about having a scope narrower than the charter.

Berry suggested broadening the scope to reflect the charter and simultaneously adding a statement that we aren't sure how to implement the recommendations if they cause additional costs. Some of the reluctance from the labs is caused by uncertainty over costs. Boecker agreed but added that medical records and so on could be a problem as well. Habegger cautioned that his own endorsement might be withdrawn if the scope is broadened. Ettinger said that in any case, Werner and Kassen had said repeatedly that the Keystone group haggled for two years over every comma about ER, and we can't very well just apply the recommendations wholesale to occupational safety and health. Habegger thought the dissemination issues differ greatly for ER and occupational health and safety. He asked if the revised paper would call for a newsletter on occupational health and safety. Edelson didn't think that was unreasonable, but Boecker wanted to know how it was related to the charter.

In the end, Berry suggested a course of action to resolve the major comments and move on with revising the draft as quickly as possible. Those present commented on Berry's plan and adopted it as modified. The Steering Group provided a computer and the current draft of the position paper on disk, and Melinda Kassen revised the paper while the rest of the group went on to other topics. When she had finished the suggested revisions, it was distributed to everyone. Everyone gave a cursory look at the new draft and did not immediately see much to disagree with. Everyone agreed that Regina Hunter will incorporate the new changes, including those changes others have marked up on Melinda's draft, and distribute it by fax. People may also comment on that draft by fax. Everyone agreed that we should try to work out all difficulties by fax, get endorsements from whoever is willing to endorse, and get the paper to Narath *before* the next meeting.

Connie Callan, WERC

Connie Callan of the University of New Mexico and the Waste-Management Education and Research Consortium (WERC) briefly described the status of the risk teleconference series and the risk high-school video. The series has two technical advisors, Sharif Heger for the scientific aspects and Hank Jenkins-Smith for the social aspects. The teleconference is a dynamic combination of these two aspects. She showed a five-minute video overview of the series, which is going to about 180 industry, government, and university sites. She said that even though the overview looks like a commercial, its

Werner
Morsolf

real function is to ensure that the right audience shows up for the teleconference: she once had an audience of truck drivers for a class on "transport," and they all got up and walked out. She emphasized that the series provides cost-effective training through videoconferencing.

The high-school video on risk will be distributed to 12,000 high schools on Channel 1. The script has been through three stages--too fun, too dull, and just right. She will fax the script to Jay Sorenson, Ginger Swartz, Jim Werner, and Marcus Newberry, but she emphasized that she could only consider comments received within one week.

Martin Edelson, Land-Use Planning Forum

Martin Edelson presented the current draft agenda for the Land-Use Planning Forum (attached). The forum is scheduled for May 18 through 20 at the Sheraton National Hotel in Arlington, Virginia. We have signed a contract with the hotel. Some of the speakers listed have been contacted, although no binding commitments have been made. Edelson said that Russ Brown and Melinda Kassen had provided comments on a prior draft of the agenda.

Werner mentioned that another group is having a conference on this topic; Edelson said the leader of that conference is going to lead a breakout session at our conference. Edelson has asked Russell Jim of the Yakima Nation to participate. Berry said if Edelson wanted Navajo participation, he could also call John Cordova, who could probably arrange it. On Edelson's vugraph 3, "agreed" means the individual's calendar is open and he could do it if asked; "faxed" means no answer has been received. Edelson said he had talked to Salzman about Greenpeace participation, but Salzman said they don't really work on this issue. Edelson thought Greenpeace has interesting ideas and still hoped their view would be represented at the meeting. Hazel O'Leary gets >100 requests to speak per day. The scheduling office was pleased to hear this forum is in May and that it will be three days long. Until we have a firm understanding that the forum will take place, Edelson will not invite her.

Edelson reported that Leonard Hamilton (who was absent) had called him. Hamilton is against this type of symposium, because he sees land use as an area where DOE does not have its act together. Hamilton is reluctant to expose DOE's inadequacy. (Werner exclaimed, "It's not a secret!") Hamilton said if we have the forum, he will participate, but he hopes we could first get people to talk to the Steering Group so we can see what DOE is doing.

Edelson emphasized that he is arranging the forum for the Steering Group, whatever it turns out to be, but his own idea was to expose DOE to a number of voices they would not ordinarily hear. Brown wondered whether we were missing an opportunity to hear from experts on land-use planning by emphasizing the democratic voices. Edelson said that Chris Noah is an expert and had referred him to some of the suggested speakers. Wes Jackson is a land-use planner. Eric Kelly's case study will be done by professional land-use planners. Kelly is working with Robin White at ORNL, who is thinking about a follow-up symposium, not necessarily under our sponsorship, and Chris Noah has asked Kelly to do a similar study at SRS. Werner said Lynne Stenbridge of HEAL is working on details of land-use planning at Hanford. Ettinger was still concerned about a lack of academic speakers and asked Edelson to be sure the program is balanced.

Barainca suggested Edelson talk to Pat Whitfield about the symposium and not forget the Department of Interior. He emphasized that the forum should be technically oriented, *not* policy oriented. He worried that having senators, O'Leary, and Gore as potential speakers suggested the forum is policy oriented. Edelson said no, the forum is to provide technical information to be used in *developing* policy. Troyce Jones said land use is important in EISs and wondered if the speakers included people who had worked on EISs. To exclude them would overlook a wealth of experience. Brodie suggested including someone from the EPA, because the EPA is coming out with guidance on land use. Barainca had sent the draft agenda to DoD and EPA and got very little feedback.

Wednesday, February 24

General Discussion of Werner and Kassen's Letter to Secretary O'Leary

Dennis Berry summarized the Steering Group's feelings to Jim Werner by saying that there were a range of positions about how we should respond to the letter Werner and Kassen had send to Secretary O'Leary.

Werner said he had concerns about the way business had been done so far: we had sent in our letter to Secretary Watkins and then Werner and Kassen sent in their letter to O'Leary with no communication between times. He suggested that rather than fire back another salvo, we should surprise everyone and come back with a joint letter outlining our areas of agreement and disagreement. He met with people from Gore's office last week and thought that Gore lacks any deep understanding of DOE cleanup. He thought there is a feeling that "there's no progress, so let's cut the program to the bone." He thinks a joint letter would be useful. In view of how long the joint paper has taken so far, Boecker and Edelson questioned how long it would take to do a joint letter.

Russ Brown disputed the term "salvo" as applied to the white paper, saying it was not aimed at anyone; it was a distillation of the Steering Group's position.

Barainca noted that Secretary Watkins had asked OTD for a response to Narath's letter forwarding the white paper, but they have received no request for a response to Werner and Kassen's letter. He allowed that there's no telling where it went for response, and that Werner and Kassen might or might not like the response they get from some other part of DOE. If he were responding, he would like to say something like, "Thanks for your letter. I know that you are now working with the Steering Group, and participation is good." He will try to locate the request for response and see if he can get it transferred to OTD. He wants any more letters to contribute to productive dialog.

Ettinger noted that the Werner/Kassen letter does not mention that the lab directors *started* the dialog. Since the Steering Group is trying to work with the public-interest groups and trying to build trust, their letter was inappropriate. The letter has made him nervous, and he is sorry they sent it. Geffen said Werner should try to hear what Ettinger was saying--breach of trust is central to where we go from here. Some people feel burned and do not know how to proceed. She was sure he could appreciate that feeling.

Werner agreed, saying that was why he was suggesting a new way to respond. NRDC and EDF deal in a world of grassroots organizations that view them with suspicion. The Steering Group sends a letter to Watkins, and then the local organizations find that NRDC and EDF are working on another paper with the Steering Group. The Steering Group did not even tell NRDC and EDF that they were working simultaneously on the white paper. Hunter suggested that if Werner had called her before sending off the letter to O'Leary, she could have told him that the white paper was finished before we started working with the public-interest groups. In addition, Geffen said, the Werner/Kassen letter has made the lab directors nervous about interactions with the public-interest groups, thinking, "What's next?"

Brown explained there is a difference between point-scoring and problem-solving. Point-scoring contributes to the Steering Group's nervousness. For example, saying that environmental groups never overstate risk is a departure from reality. The fact that other groups, even possibly DOE, understate risk is no excuse either for overstating risk or for saying the environmental groups don't do it. Werner said the need is for better risk information, and Brown agreed, adding with emphasis that information must be used responsibly.

Werner apologized if people thought his and Kassen's letter was offensive. He did not intend to offend anyone. He wanted to make sure it doesn't happen again, and would like to keep in touch even if we do not keep working together on joint papers.

Ettinger said he thought we could complete the current joint position and he hoped we can do another one. The topics are important, but funding for cleanup is limited. Troyce Jones added that Werner is right about one thing--Gore thinks *any* site is insignificant compared with global environmental issues. Berry reported that a recent survey by Hank Jenkins-Smith found that only 5% of the people in New Mexico think environment is an important issue. Geffen said our letter should say that this is an example of the national debate.

Berry said we had to decide or at least think about options for a response to the Werner/Kassen letter. He and Hunter are currently expected to draw up some response. If instead there is to be a joint response, we need to decide that. Edelson suggested a taking a middle course by writing a joint letter stating willingness to work constructively together. Berry suggested adding that the initial topics we will focus on are the points in the Werner/Kassen letter. The letter should not refer to history with regard to the white paper, but rather contain a statement that we have been meeting and have developed a joint position paper.

After Werner left, Barainca urged the Steering Group not to respond in kind to the Werner/Kassen letter, but rather to engage in overarching dialog. He advised telephoning the public-interest groups if we want to talk to them about the letter: phoning results in dialog, but letters are information exchange.

Russ Brodie and Debbie Kahn, National Governors' Association

Brodie and Kahn passed out a packet of information they have compiled for the use of the Steering Group (sent under separate cover to absent members only). They especially pointed out the NGA policy statement on risk-based standards (pink), which was unanimously approved by the governors recently.

As indicated in NGA's vugraphs (attached), more than half the states say they are doing something in the area of risk. The next step in NGA's work is to use a survey tool (J) to find out exactly what. Brodie and Kahn solicited member comments on the survey tool, and a lengthy discussion followed. Members mainly thought the survey was too long and no one would fill it out. Brodie explained that they think they have a workable tool, and they think they will get a good response because they know the names of the people they send it to! As a practical matter, they will also test it on a few states and can revise it again then. The conclusion was that Brodie and Kahn should know what they are doing and should revise the length according to their own experience.

There was some question about whether the tool itself should define risk assessment, but Troyce Jones said, "I don't know of any clear-cut definition that everybody subscribes to; many definitions have been written." Habegger suggested a checklist that allows the states to define what they are doing: Is your risk assessment qualitative? Is it probabilistic? and so on. Brown suggested adding questions about the technical basis of the risk assessment, to determine whether the models used are any good. Edelson also suggested adding some questions like, "Do you think your program is effective?" and Do interested parties in the state see this as an effective program?" Geffen said the survey needs some sort of introduction; she had trouble figuring it out.

Habegger and Geffen suggested questions like, "Are you using or developing risk-based standards?" or "Is attention to this area increasing?" Berry agreed, saying that is one of the main things we want to know. He said that we had thought a handful of states were using risk methods. We wanted to find what is happening and what is working. If we don't do that, we've missed the boat. He suggested shortening the survey by a factor of four and focusing on standards. Kahn said it turns out a lot is

going on, so the purpose of the survey is to find out what. By the next meeting, NGA would like to have some preliminary results.

Some members asked whether the states gain anything from filling out the survey, and Brodie explained that learning what other states are doing is useful to them. Barainca suggested that some kind of workshop for the states would also be useful.

Both Berry and Barainca complimented the NGA for coming up to speed so quickly and doing work for the Steering Group that is outside the group's area of expertise. Berry would like to invite some state people in to hear what they are doing, although Geffen said we need to know in advance what we want to get out of the interaction.

CERCLA

Dennis Berry summarized previous Steering Group work on CERCLA by saying we have received Debbie Elcock's CERCLA report, and she has incorporated the tables, citations, and so on that we wanted. He raised two fundamental questions, given that it looks like CERCLA will be reauthorized and that it may be possible to incorporate more use of risk methods into the process, using lab-director testimony, Congressional briefings, and so on: Do we want to do that? Which things do we want to take on?

Geffen had talked with an attorney associated with the subcommittee working on these issues. He thought Superfund would be reformed, and risk would be a high-visibility issue. Carol Browner is interested in pushing risk assessment, but two problems arise. First, risk assessment tends to be seen as a black box, and second, it is hard to see how the risk assessment is linked to economic drivers. In Geffen's opinion, the stage is set, and we ought to move forward. Ettinger also said that this seems like a reasonable time to take on this legislation, and that he thinks it is even more important than a new workshop.

Berry said that Narath indicated any Congressional briefing must contain concrete details. CERCLA might be a good topic to include.

Barainca cautioned against any effort to delete ARARS, saying that the dialog between states, DOE, and EPA on Federal Facility Compliance Agreements indicates that states want to be in at the beginning for all regulations. CERCLA/RCRA reauthorization probably will not take away any state authority, so we should at most try to modify the use of ARARs to incorporate risk-based standards. Berry raised the issue that funding is national, but racheting is local, and Barainca responded that we need to make the racheting rational without cutting out the states. Berry said right now there are no checks and balances on cleanup cost, but they are needed. Barainca agreed, saying that how to do that takes some thought. Habegger said the "applicable" regulations clearly have to stay, but which are "appropriate and relevant" is open to question.

Geffen noted that the paper was prepared to educate us, not as a position. If we issue it, it must be appropriately explained. Habegger said he would like to make it available, but first he wants to review it to ensure that it takes no position and to put in a disclaimer saying that the options presented are not endorsed by ANL. Berry said that Kassen has asked for the final version, but he may send her the current version.

Berry reiterated that ANL has done a fine job on the report, and that now we need to decide what we are going to do. He said we can't take on all of the checked options, but we need to choose a few top items. Ettinger suggested remedy selection--since all four members who responded to the previous request had named that--especially risk assessment. Berry noted that Elcock has written a page on each option, which provides a starting point. Geffen suggested that a subcommittee should work on this, and she was promptly appointed to be the subcommittee.

W
JACKSON

We concluded that we will make developing a position on CERCLA reauthorization a priority. Hunter will send out the report again. Everyone will look at page 49, remedies; identify three items in priority order to focus on; write one paragraph each on why; and send it to the subcommittee (Geffen) within 10 days of receipt of the report OR ELSE. Also within 10 days, send any final comments on the report as a whole to Habegger.

RCRA

Berry asked whether we wanted to "do it again" relative to RCRA. Elcock had only about a page and a half in her CERCLA report about RCRA, but many DOE sites are regulated by RCRA, not CERCLA. RCRA suffers even more than CERCLA from not having a risk basis.

Geffen said we need to confirm whether RCRA will be considered any time soon, and suggested that NGA find out. She said we are already booked up, but if we do not know anything about RCRA, we probably should begin a low-level effort to become educated. Brown agreed. Geffen will distribute some summary material on RCRA to the members.

PEIS

Berry reminded the members that Barainca would like us to be involved in some way in DOE's PEIS effort. He asked Habegger for recommendations.

Habegger suggested that some of the members could attend a PEIS workshop, and he can distribute some information on the types of analyses being done. Any EIS looks at alternatives, but the people working on the PEIS are still trying to decide what alternatives to look at. He thought it would not be useful to try to elbow into an area where we could not be effective, and he suggested instead that we should review the draft when it becomes available.

Martin Edelson and Eric Kelly, Land-Use Planning Forum

Martin Edelson presented a revised agenda for the Land-Use Planning forum (vugraphs attached). He also listed the proposed suggestions from the previous day's discussion and his proposed response.

Berry commented that his suggestion to eliminate the high-profile speakers was made in response to the idea that we should delay our forum because we are not ready for high-profile speakers. He did not want to delay the forum; he would rather be first than perfect. Eric Kelly agreed that he was unaware of any prior workshops on this topic, and added that he is well-connected and should have heard about them. He said we are not going to get perfection, and we are not going to get answers. We can have a good logical discussion of the issues in May, and that would be useful. Berry said that not having a good agenda was a reason to delay; not having an agenda good enough to invite big names was not a reason to delay. Geffen expressed nervousness about the short time; even if we don't want the forum to be perfect, we do want it to be good.

Brown supported going forward and opined that big names might not say anything worth hearing anyway. Edelson said he was hoping O'Leary would just say, this is an important issue, she welcomes the discussion, she needs technical input to decide the policy. Ettinger saw no point in asking Gore; we should ask Duffy or Whitfield instead. Barainca agreed, saying to ask Whitfield or Grumbly. He emphasized the forum must not be policy oriented, and asking O'Leary or Gore implied a policy orientation. He said it is more difficult to find the appropriate person than to get a big name.

Geffen asked Barainca whether he agreed that we need to examine the technical issues in a policy context. Barainca said we have a new Secretary, and we are very visible--too much visibility makes people uncomfortable. Barainca asked why we want to have 200 people at the forum. He suggested

either a small, early forum or a big-name (e.g., Grumbly) forum later on. The new DOE people do not have a position on this issue. Edelson pointed out that no one at DOE is listed as a speaker, so this is a perfect opportunity to provide new DOE people with information that allows them to develop a position. Ettinger asked Berry whether, aside from the TTP requirement to have the forum this year, we could delay it. Habegger said he wouldn't change what's planned already except for the audience.

Edelson was willing to strike Gore and O'Leary. Barainca said, at least for the first technical meeting. Edelson said it wasn't outlined as a technical meeting. Barainca said not to plow new ground, just have a factual meeting. He asked what Kelly thought. Kelly responded that land-use is inherently a policy issue, not a technical one, although he wasn't sure it is senior-level policy. He had just reread CERCLA (groans of admiration) and thought it to be consistent with what the Steering Group wants to do in the long run. We can't have a forum on historical precedents, because there aren't any, but there are some historical analogs.

At this point Kelly presented his ideas for the technical analysis in support of the forum (handout attached for absentees). He introduced himself (and Riad Mahayni in absentia) as a professional land-use planner at Iowa State University. He jokingly said he had been hurt that Edelson had not come to him about the study until Chris Noah at SRS said Edelson ought to get Kelly and his associates to do it.

Kelly and Mahayni plan to use students about to graduate in land-use planning, who are taking a practicum course, to do the leg work. Kelly and Mahayni will direct the work and do all the final analysis. They are busy already, but they think this is an important and exciting topic. Most land use planning is built on fundamental compatibility of land uses on adjacent tracts. It used to be that uses for single-family house, duplexes, apartments, businesses, and industries were tiered, so that houses could be anywhere, but industries were restricted. Now the situation is more complex, because industries don't want houses near them either.

He said he thought everyone knew NIMBY (not in my back yard), but he should probably define LULU (locally unacceptable land uses) and BANANA (build absolutely nothing anywhere near anything).

Kelly and Mahayni plan to do a pure land-use analysis. At federally owned contaminated sites, land use by individuals may be irrelevant to cleanup, because people may not want to buy the land, or it may not be a good idea to sell it for other reasons. There are other forms of reuse--recreational, non-residential, and so on, and these possibilities should affect cleanup. He and Mahayni will take a problem-solving approach, looking for alternatives to what seem to be a complete set of unacceptable solutions. Right now they are doing a massive literature review. He can't say what the final product will look like, because they don't have it yet, but they suspect it will be an examination of alternatives (walk away, ..., leave it cleaner than clean). The product will be ready for Steering Group review in April.

Land-use planners live for citizen participation and build it into everything, although Kelly comes from the school that thinks pure democracy is not necessarily the best way to decide what to do: no one will vote to put a landfill anywhere. He is in close touch with Robin White, who wants his participation and is willing to invest in building a pilot model. He hopes to use ORNL data as a test of the model for us. He hopes to videotape the citizen participation sessions for use at the forum.

Geffen worried that some of the most relevant investigations are not published, and Kelly agreed that was a concern. Geffen said she wants the forum to be relevant. Kelly responded that he and Mahayni do applied research, not pure research. The time pressure may lead them to miss some good examples, but he assured her they will not miss any important concepts. Geffen said not to assume that the audience had not thought about this. Kelly said someone will have thought of every idea we float. The organization of ideas in a practical way to solve real problems will be new, but if people walk out of

the forum thinking it was their own idea and apply it, that's great. Brown supported Geffen's suggest to find out who in the DOE complex is in the forefront on this issue.

Barainca asked about cosponsors. Edelson said Ginger Swartz is going to talk to her board about that.

Geffen asked about Edelson's conversation with Kassen. He said she had written to say this was a complex issue and warned us against moving into it. He would agree if this was a technical symposium on nuances of the law, but he sees it as *non-technical*, and probably even more complex than Kassen thinks.

Noah

Berry took the blame for wanting to have the forum early, saying that he had pressured Edelson to move it up so the Steering Group could be first. Now he could see that this raised some difficulties. He presented another option. In May, we will have a regular Steering Group meeting dedicated to land use. At that meeting, we will solicit ideas from DOE and the public-interest groups and develop the agenda for a larger forum. In August, we will have the larger forum, consistent with Edelson's original schedule and plan. Edelson agreed completely, saying he was not enthusiastic about trying to get this together by May, and the rational part of his mind thought the longer it was put off, the better. Kelly said he would like to do a dry run of his presentations in May. Barainca said that after the May meeting, other public-interest groups might like the forum enough to cosponsor it. Berry said by having the small meeting in May, we can still say we did it first. Kelly said that by having the pre-meeting in May, what we do in August will be better than anything anyone else can do in the near future. At the end of the discussion, everyone decided to schedule the conference for mid-September because no one is *in DC* in August.

Because we plan to devote the May meeting to land-use planning, there will be a regular business meeting in April in Seattle. The April meeting will address CERCLA, the risk forum, and the position paper, among other items. We will invite the public-interest groups, but we will emphasize that if they can only come once, we would greatly prefer they come in May.

Dennis Berry, Risk Assessment in the 21st Century

Dennis Berry presented the revised draft agenda for the risk-assessment forum (attached for early departers and absentees). He reminded the group that the forum had received enthusiastic endorsement at the previous meeting.

Go forth

Since the previous meeting, Regina Hunter talked to John Mann at the University of Illinois about a possible product. Mann is former editor-in-chief of *J. Internat. Soc. Math. Geol.* and is still on the editorial board of the monograph series. (Mann was Hunter's junior editor on a book recently published as part of the monograph series.) Hunter presented to Mann the preliminary idea for a book encompassing papers by all forum speakers and by Steering Group members who lead the breakout sessions. Mann expressed preliminary enthusiasm, saying the Society might well accept it for the monograph series, and that even if they didn't, it was such a good idea that we should do it anyway--somebody would take it. If the Steering Group wants to do a book, Hunter would be willing to be editor. Apparently the six members still present at that point in the meeting thought the idea was a good one, because they thought speakers should definitely submit papers in advance and did not balk at the idea that members should commit to lead breakout sessions and write summary papers.

Geffen said we should have rapporteurs or facilitators run the mechanics of the breakout sessions, so that members could lead or participate in the discussion. The current list of known subcommittee members is Anspaugh, Daisey, Geffen, and Habegger. Other volunteers are welcome, because at least five breakout sessions are tentatively scheduled.

Berry pointed out that the first session is structured; the second session is not so structured but still clear; but the third session needs suggestions. The third session is the most important part. Brown

said that with regard to putting great effort into improved calculations, that is often done, but it is suspect. We recalculate only if the answer is unacceptable, not if it is acceptable. We need to face the question of how to start with realistic assumptions in the beginning. Hunter said she agreed, although that wasn't what she had originally intended--she had meant to indicate that calculations can be improved by developing better models or gathering new data.

Barainca said he would like to see a discussion of validation of models and of data quality relative to data needs. Edelson did not think those topics fit in with the symposium. Model validation and data quality are important to any calculation, but this forum is aimed at synthesis and process. Barainca agreed. Hunter said, anyway, it's in there--in the discussions of modeling and of robustness of models. Both Barainca and Ettinger thought it would be a good idea to write abstracts for the speakers in order to structure the session, and Ettinger added that he had had reasonable success with that process for the November 1991 forum.

Berry expressed concern about getting end-to-end balance in the forum. He knows we can get experts on individual topics. Geffen has been working on a "holistic approach to risk assessment" and will send it to help structure options for thinking about the forum. Brown will send the name of a Stanford professor who would be a good speaker. Ettinger suggested a roundtable discussion by three or four people who would present their approaches to techniques of the future. Then a rapporteur could synthesize and pull the ideas together. People liked that idea. Berry said he would like the roundtable participants to be systems people, not detail people.

Berry and Geffen wanted to add ecological risk to the list of topics, and Berry wanted to add some of the important issues on the last page of the handout to session two. Berry also wanted to add a talk on the relationship between current funding for various areas of research and their contribution to the incremental improvement of the overall risk assessment.

Barainca and Ettinger did not like the Keynote title, saying that 2050 is so far in the future that no one would care. Hunter objected to a title like "Risk Assessment in the Future" on the grounds that it is boring.

Edelson raised the question of whether technical details are important when risk perception can change the answer by six orders of magnitude. Geffen asked whether that means we should not be doing this forum, but Brown said, "The alternative is to lurch into the future blind." He thought the 10^6 multiplier is an indicator of ignorance and fear, but that it might be appropriate to discuss the cost of dismissing huge risks while emphasizing trivial risks. Berry said we had spent considerable time on those issues in July and November 1991. We realized then that there are a number of questions to address--technical issues, perceptual issues, public participation, land use, and so on. We have marched along on nontechnical issues and spent little time on the technical issues and what can be done to improve the process independent of the fact that some people will reject the improved numbers.

Edelson asked if this forum will improve the state of the art. Hunter opined that in general meetings set back the state of the art, but Barainca allowed that discussions in the hall can move it forward. Berry said that a role we can play is to provide technical information to DOE, who can in turn move to bring an appropriate balance in funding to fix shortcomings and reduce funding to areas that already work. He concluded by saying that for some time we have skirted technical issues; we owe it to members who are primarily interested in the technical details of risk assessment to move forward on this important topic.

In discussing when the forum should be held, Hunter pointed out that the TTP says we will have two forums this fiscal year. Barainca said the May and September meetings on land use will count as two forums. Then we can do the 21st Century forum early next fiscal year. Boecker said January would be a good time, because there are usually no meetings in January.

Berry asked everyone to take the vugraphs and put names on the bullets. He will try to improve Session II. He wants to get more structure, include ecological risk, and get volunteers to lead the breakout sessions. Edelson, speaking for Leonard Hamilton *in absentia*, asked whether people will care about ecological risk if the country is bankrupt by 1999. We adjourned, giving Hamilton the last word.

Creating a Pro-active Image: Cultural Change in the Public Sector
Presented to the Environmental Public/Occupational Health Standards Group
Sandia Labs Meeting
Albuquerque, New Mexico
23 February 1993

When Regina Hunter called my office last week and told me that one of the Steering Group members had requested a "lessons learned" presentation from me, I knew I would have no problem coming up with appropriate examples. As the executive director of a citizens advisory board and as somewhat of an ex-officio representative of the general public, I know I have made plenty of mistakes to occupy the length of a 15-minute speech. What I didn't realize until I began preparation of this program is how similar the approach of the general public to DOE over the past several years has been to DOE's approach to the public.

After having made that probably somewhat startling pronouncement, I should, I suppose, offer a disclaimer or two. The first is to remind you that I am speaking of only my personal experiences as related to Rocky Flats and, more broadly, to the DOE weapons complex and its relationship to the public since early 1991. The second is to acknowledge that I am well aware that members of the Colorado Council on Rocky Flats board of directors may or may not agree with my premise. Having said that, I can breathe a sigh of relief and move into the more substantive portion of my presentation.

When I began working for CCRF in 1991, I came into the wild and crazy world of DOE with substantial experience working with the general public. Among other things, I had run the public participation portion of an EIS; drawn together warring factions through an economic development program in a rural community in southwestern Colorado; assisted in designing fundraising efforts for construction of a district library; and had been instrumental in coalescing a county to establish and fund an adult education center that served adult new learners and eventually added college courses as a satellite branch of Pueblo Community College.

What was different about these projects as contrasted with the Rocky Flats and weapons complex approach to public participation, is that these people wanted to work together. Although they generally approached projects with a "we-them" attitude, they recognized this deficiency in themselves and invited the learning process that taught them how to function in a pro-active manner.

msw

My first meeting after having taken on the directorship of the Council was with DOE Rocky Flats and EG&G community relations directors and managers. They came to visit me at my office, almost without invitation. They came easily and openly, but their purpose was that of inciting doubt and mistrust - of attempting to bring the "new kid" into their camp as quickly as possible.

"We're glad you're here to change things," they said. "Under the last director the entire Council was in the pocket of the national environmental groups."

"And what would the Council gain by being in such pockets?" I asked.

"Just like the enviros - they're gathering information so they can sue us some day" came the immediate reply.

I assured them that litigation is not one of my life goals, thanked them for their time, and went back to the drawing board. My next foray into the wilds of the Rocky Flats public was with a member of a local public interest group.

"We're glad you're here to change things," she said. "I've been concerned that the Council is controlled by DOE, the Governor and the regulators because it is funded by DOE dollars, sponsored by the Governor, and is directly responsible to the State through the Agreement in Principle."

Again, I inquired as to the Council's motive for being in such a state of control.

"We're afraid you will use your federal and state influence to co-opt public opinion and work with DOE to de-sensitize us all to what's really going on at Rocky Flats," she said.

I began to remember the old tales of the legendary Hatfield and McCoy feuds and wondered if I could possibly fulfill the role I had been given, which was to provide education and informational and liaison services to the public while disregarding my own political preferences and biases. Furthermore, I had been hired with the understanding that the Council, as a body, was responsible for the same non-partisan assignment. It became quickly obvious that non-partisanship was going to be a tough show to produce and direct.

The purpose of this dialogic accounting is to demonstrate that, from the basic level of communicative encounter, both DOE and the public see each other as contentious, self-seeking "factions", and do not relate to one another as credible, trustworthy and - God forbid - possibly even moral human beings trying to make the best of a historically bad

situation. Until very recently, neither side has been willing to attempt to move any closer to the center in an effort to resolve problems.

For DOE, the idea of creating a partnership with the public to solve massive environmental and waste management problems, is a new concept. Secrecy, as we all know, has been the code word in the nuclear weapons business since the Manhattan Project first closed its doors to the world. Everything, from diagrams of weapons shapes to contractor telephone directories was considered to be off limits to the public. (Incidentally, at Rocky Flats, EG&G's telephone directory is still considered to be classified information while DOE RFO openly distributes a similar directory listing national DOE numbers.)

Public participation, to DOE, has too often meant public relations and hoop jumping activities focused on minimal compliance to regulatory requirements. Responsibility for this unpleasant task is usually given over to contractor public relations types who organize endless narrations of controlled and filtered fact, while fastidiously looking out for the corporation's bottom line. The public as a real player in the decision making process and in policy development is considered by too many employees of DOE and its contractors to be a worrisome idea to be avoided. The "new culture" of openness is still in its infancy and is just beginning to learn to walk upright.

And how do we measure up on the public side of this Mason-Dixon line? Not as differently as I might have hoped. We have spent years focusing the attention of the public on the clearly negative aspects of nuclear weapons production and on the long-term impact of DOE short-sightedness in its approach to public process. We have created endless forums, seldom unbiased, and often appropriately so. We have donned costumes and marched on hearings. We have used litigation as a seemingly last resort in an atmosphere of governmental resistance. As was true of DOE and its past culture of secrecy, all of this activity served a purpose. Protest and dissent are a vital part of the democratic tradition. However, unlike many DOE players, we are not yet giving energy to an organized effort to move the DOE and the public towards a more pro-active working relationship aimed at cooperative problem solving. We have too often been satisfied with the demonstrations and rhetorical reproaches that played such an important role in the anti-nuclear movement and are neglecting to recognize that a great deal of real work is still in front of us.

I contend that the public must also embrace a "new culture" in its relationship to DOE and the U.S. Government. The old rules are out. The new world requires us to re-think approaches, to forge partnerships, and perhaps to even tone down our aggressive and too often insulting environmental and public rhetoric.

Peter Honey, in a February 21 article for the Baltimore Sun, noted that public interest groups focused on the environment have been long accustomed to confrontation through past administrations that were viewed as hostile. "...for Washington's hard-nosed environmental community," states Mr. Honey, "the idea of a 'partnership' with government takes some getting used to and will call for a change of tactics and strategies." He goes on to quote Alden Meyer, legislative director of the Union of Concerned Scientists who postulates that "There's a psychological shift taking place - on both sides. People in this administration are trying to do the right thing within the political constraints and we're going to have to be a little bit more sophisticated" in our approach.

In terms of new approaches, one of the most important lessons I feel I've learned in my work with the Council, is that we are all suffering from the impacts of dysfunctional patterns of communication. My prescribed "cure" for this rhetorical malady is that of establishing jointly accepted standards that promote healthy communication behavior. An ethical contract for public discourse, if you will.

At the most basic level, this means that we must all be able to believe that words we hear can be trusted; that, to the best of their ability and knowledge, people will be truthful; that people will mean what they say; and that, if the absolute or ultimate truth is not known, people will say what they believe to be true and not give the appearance of truth to anything they believe to be false. Further, we must remember that trust in sources is a necessary condition for healthy communication. To earn this trust, a two-way credibility process should be in effect. We, as members of the public, should expect the same professional accountability from ourselves as we do from DOE.

At a more functional level, I would offer ten guidelines for ethical communication in the particular situation of the public and DOE. I have framed these guidelines in the form of questions we could all ask of ourselves before creating information or participating in communication activities.

1. Have I taken seriously my responsibility to get informed regarding available facts before I become involved in a controversial discussion?
2. Have I answered my opponent's arguments before attacking his or her motives?
3. Have I taken into account that any action that purposefully or inadvertently blocks discussion is unethical?
4. Am I distorting or concealing data needed to justly evaluate the argument?
5. Am I over-simplifying a complex situation that will require multi-levelled discussion and decisions into a simplistic, two-valued, either-or view or choice?
6. Am I treating my opponent as if he/she were a personal enemy of the country or a secret enemy of democracy?
7. Am I advocating something I do not believe in myself?
8. Have I committed the mistake of assuming that government communications are inherently untrustworthy?
9. Have I rejected information as untruthful without appropriate evaluation?
10. Have I made the mistake of condemning a message as untruthful simply because it comes from a source I personally consider to be suspect?

If we could all, as a result of embracing these guidelines, move forward to the point of allowing a sense of dignity and credibility to each individual involved in the communication process, aeons of time, effort and taxpayers money might be saved and, who knows? We may even find we agree with one another occasionally.

The final point I would like to make is related to the actual mechanics of identifying and involving the public in DOE decision making activities.

The "public", in any given situation, includes any person who is directly or indirectly affected by the action or actions at hand or any person who has an interest in that action. In other words, the "public" is just about anyone we could imagine. Given these terms, I have a difficult time imagining any group or organization that could rightfully claim to represent the general public. Each could certainly represent "a public", but could not be so bold as to affirm themselves as "the public."

And if the public is everyone, and if no organized group can claim to represent the entire spectrum of the common good, how do we go about selecting appropriate participants for national decision and policy making activities? Traditionally, these slots have gone to those organizations that have the financial support to sponsor travel to and

from national meetings. More specifically, these groups have utilized membership dollars to fund staff attendance at such events, rarely, if ever, reaching into their pool of constituents to select a generic "public". Unfortunately, the result has been that the government has come to unconditionally accept these four or five highly capable organizations as "the public," without referencing whether or not those selected for participation in any way so much as represent their own constituents' points of view.

Another popular method for covering the ground of public participation is to provide political appointments for members of advisory boards or working groups. This is the method that has been utilized by the Colorado Council on Rocky Flats. This format has its place in terms of its ability to act as an advisory body to its own sponsors, but outside of that framework, has very little resemblance to public representation. Too often, the "respected persons" rule is applied to qualification for membership, leaving out the unfortunates who have not received the attention of politicians and have not been labelled as "respected." Unless individual members are willing to function on its behalf in "spreading the gospel" according to the particular group, ability to access publics can be limited.

DOE at Rocky Flats has embraced the "community leaders" approach to selection of representatives of the public. This system is similar to the "respected persons" approach in that definition of the term is highly subjective and selection is left up to the entity or person deciding to organize the working group, which, in this case, is DOE or its contractor. (For some unknown reason, DOE seems to be having a hard time understanding that selection of persons to be designated as "the public" should not, at any time, be given over to its own or its contractors public relations staff. There is an absolutely obvious conflict of interest issue here that should be immediately recognized.) A second flaw in this approach is that, short of selecting a full panel of local politicians, "community leaders" are almost always business people with highly selective, and very often self-serving, ideas about what comprises the common good.

I would suggest that selection of public participants in local national policy setting and decision making activities be based on a self-nominating process. The December, 1992, Keystone Dialogue recommendation does, in fact, recommend somewhat the same process in relation to selection of local advisory boards. Once the public has been given full and just opportunity for self-nomination, a list of those persons seeking appointment should be circulated to each nominee. Each person would then be asked to select five

names (or 9-11, if the list of nominees is unusually large) to act as a screening and final selection committee. The decisions of this "jury of peers" would be binding and final. to ensure full participation by all income and employment levels, members selected would be financially subsidized by the agency or organization realizing the benefit of the board.

Many other examples could be offered in the context of the "lessons learned" discussion. What I have attempted to provide in this presentation is one person's view of a small corner of the world of public process. What I hope I have accomplished is to stimulate discussion and be helpful in paving the way for future cooperative efforts between the public and DOE.

- Ginger Swartz
23 February 1992

Copyright 23 February 1993 *

**Do not copy or excerpt without express permission of the author

Guidelines for Ethical Communication

1. I will take seriously my responsibility to be informed regarding available facts before I become involved in a controversial discussion.
2. I will answer my opponent's arguments without attacking his or her motives.
3. I will take into account that any action that purposefully or inadvertently blocks discussion is unethical.
4. I will not distort or conceal data needed to justly evaluate the argument.
5. I will not over-simplifying a complex situation that requires multilevel discussion and decisions into a simplistic, two-valued, either-or view or choice.
6. I will not treat my opponent as if he or she were a personal enemy of the country or a secret enemy of democracy.
7. I will not advocate something I do not believe in myself.
8. I will not assume that government communications are inherently untrustworthy.
9. I will not reject information as untruthful without appropriate evaluation.
10. I will not condemn a message as untruthful simply because it comes from a source I personally consider to be suspect.

If we could all move forward to the point of allowing a sense of dignity and credibility to each individual involved in the communications process, who knows? We may even find we agree with one another occasionally.

*Ginger Swartz, Executive Director
Colorado Council on Rocky Flats
February 23, 1993*