



Going Public Manual

For The Existing Chemical Program

GOING PUBLIC MANUAL

for the Existing Chemical Program



Office of Toxic Substances

GOING

PUBLIC

MANUAL

for the Existing Chemical Program

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INTRODUCTION

INTRODUCTION

During 1990, the Office of Toxic Substances (OTS) emphasized a number of key themes as part of ongoing revitalization efforts. Two of these themes — **right-to-know** and **going public** — were described conceptually as “increasing the public access to OTS data” and “involving outside groups in what OTS does,” respectively.

But what do these terms mean in reality? The purpose of the *Going Public Manual* is to provide Risk Management (RM) managers with the necessary information to put these concepts into practice on a day-to-day basis. This, in turn, can help promote yet another revitalization aim: **to have a bias for action.**

In many instances, OTS may be able to help produce significant environmental results relatively quickly without a lengthy regulatory process by:

- 1) opening up our internal process to interested parties;
- 2) opting for nonregulatory solutions when appropriate;
- 3) involving and informing outside groups; and,
- 4) getting our message out to the public in a positive fashion.

The *OTS Going Public Manual* is divided into chapters that address each of these four points, plus a fifth chapter that discusses additional going public opportunities.

CHAPTER 1

Chapter 1 describes the **Administrative Record**, which is designed to provide a central location for all RM1 and RM2 documents and comments up to the point when a regulatory docket is opened. The Administrative Record is open to the public for review and includes such items as pre-RM1 chemical dossiers, public comments, RM summaries and letters of concern. The Information Management Division's Public Information Branch (Public Information Section) can provide additional information on the Administrative Record process.

CHAPTER 2

Chapter 2 outlines the various **nonregulatory options** available that enhance public involvement and promote a bias for action. Letters of concern, technical guidance documents, interest group advisory briefings, and information dissemination are a few examples of effective nonregulatory approaches. The Environmental Assistance Division (EAD) staff can provide more information on these options.

CHAPTER 3

Chapter 3 provides an easy-to-use roadmap for RM managers to follow for setting up **dialogues** and **Federal Advisory Committees**. OTS has used these steps to organize regulatory negotiations, State panels and dialogue groups (e.g., Carpet Dialogue). EAD's Strategies Development Section (Kathy Tyson, Section Chief) can provide additional help.

CHAPTER 4

Chapter 4 supplies insights on how to convey more effectively EPA's message to the **press** and **general public**. In particular, this information is valuable for RM managers who answer questions from the trade press. For more information on media and press training, contact EAD's Communications and Guidance Section (Esther Tepper, Section Chief).

CHAPTER 5

Chapter 5 overviews other opportunities to involve the public in OTS activities and to inform the public about our actions. The chapter includes sections on **Congressional activities**, **State and Regional activities**, **Communication Strategies** and the capabilities of the OTS Hotline. EAD's Congressional Liaison Section can provide additional information on congressional activities, EAD's Regional and State Program Section (Julie Winters, Section Chief) can provide more information on State and Regional activities, and EAD's Communication and Guidance Section can provide more information on communications strategies (contact Esther Tepper) and the TSCA Hotline (contact Wanda Woodburn).

CHAPTER 1

THE RM ADMINISTRATIVE RECORD

This chapter provides guidance on:

- The purpose of the Administrative Record
- A description of the Administrative Record
- The contents of the record— which documents must be submitted
- The roles and responsibilities of OTS management and staff in maintaining the record
- The timelines for submitting documents to the record
- The procedures for public access to the record.

If you have questions about Administrative Record issues, contact IMD's Public Data Branch to reach Doug Sellers, Chief of the Public Information Section (382-2598), or Lynn Marcus (382-3610), who manages the Administrative Record for that Section.

CHAPTER 1

THE RM ADMINISTRATIVE RECORD

KEY POINTS TO REMEMBER

Submit the necessary documents to the Administrative Record on time. (For the public to use the record, the contents must be there.) Contact: IMD's Public Information Branch, Public Information Section (Lynn Marcus, 382-3610). For more details, see page 9.

WHO	WHAT	WHEN
Project Managers	RM1 Meeting Summaries	1 week after RM1 Meeting
	RM2 Meeting Summaries	1 week after RM2 Meeting
	Pre-RM1 Dossier	1 week after RM1 Meeting
	Copies of Major Studies Cited in Dossier	1 week after RM1 Meeting
Lead Division	Letters of Concern	When signed
EAD	Press Advisories, Press Releases	By release date
IMD/PDB	Public comments	Upon receipt

I. PURPOSE

The purpose of the Administrative Record is to increase public access to information about OTS decision making on existing chemicals. The Administrative Record provides more information about OTS's preregulatory and nonregulatory risk management decisions than would be available through a docket. The reasons for improving public access to risk information are: (1) to encourage greater public involvement in OTS decision making; and (2) to enhance the ability of others in the toxics community to use risk information for achieving reductions in risk.

II. DESCRIPTION

The Administrative Record is being maintained by the Public Information Section of the Information Management Division (IMD) in the Northeast Mall, along with the TSCA Docket. The Administrative Record is open for public access — in person, and by phone or mail request. An Administrative Record file will be separately maintained for each RM chemical. Each file will have an index. Each file will remain active until OTS takes final action on the chemical. If OTS decides not to regulate, a closure memorandum will be submitted to close the file. If OTS takes regulatory action, the Administrative Record will be "incorporated by reference" in its entirety into the rulemaking docket.

III. CONTENTS

The following lists the documents that make up the Administrative Record.

- Pre-RM1 Dossier
- Summaries of RM1 and RM2 Meetings
- Copies of the major, relevant studies cited in the Pre-RM1 Dossiers
- RM1 Letters of Concern, and Industry Replies
- Other correspondence to and from outside parties
- Press releases
- Public comments

Models for the Pre-RM1 Dossier and the RM1 Meeting Summary are available as guidance for Project Managers to follow.

RM1 MEETING SUMMARY

A copy of the model form for the RM1 Meeting Summary appears at the end of this chapter.

PRE-RM1 DOSSIER

This is a description of a model Pre-RM1 Dossier. It should summarize the relevant data extracted from available studies, which are to be used as a basis for RM1 decisionmaking. A dossier must include the following elements:

- A summary of data on chemical properties, economics, engineering, exposure, hazard, regulatory status, and any preliminary risk analysis.
- A statement of selection rationale for bringing the chemical to an RM1 meeting.
- A citation to major, relevant studies, such as National Toxicology Program (NTP) bioassays and reports, unpublished TSCA 8(e) or 8(d) studies, National Cancer Institute (NCI) bioassays, or other major, relevant studies.
- A statement on whether a docket already exists for the chemical.

Note on Submitting Copies of Studies:

Executive summaries of studies may be submitted in place of the entire studies.

Note on Submitting Published Documents and Documents Already in a TSCA Docket:

Submit complete citations to published documents and TSCA Docket records to PDB for inclusion in the record. Do not submit copies of books or duplicates of docket records.

IV. ROLES AND RESPONSIBILITIES

The following lists the roles and responsibilities of OTS management and staff in maintaining the Administrative Record:

THE PUBLIC DATA

BRANCH (PDB) OF IMD

The manager of the Administrative Record is Lynn Marcus (382-3610) in the Public Information Section of PDB. PDB maintains the RM Administrative Record in Room G004 of the Northeast Mall. PDB establishes individual Administrative Records for each RM chemical or class of chemicals, develops indexes to the records, and provides access to the records for EPA staff and the public. PDB will provide copies of the indexes to Project Managers upon request. Lynn Marcus will transmit copies of all public comments to appropriate Project Managers. PDB will maintain close contact with Project Managers throughout the RM process.

PROJECT MANAGERS

Each RM Project Manager is responsible for submitting the requisite documents to Lynn Marcus in PDB for inclusion in the Administrative Record. The Project Manager should adhere to the timelines for submitting documents that are outlined in the next section. The Project Manager must ensure that all relevant documents are provided for the Administrative Record throughout the RM process and keep PDB staff updated on new

developments that may have an impact on the Administrative Record.

The Project Manager is also responsible for establishing and maintaining the Project Manager File. This is the comprehensive history on the RM chemical, and includes all background studies, comments, reference materials, working materials, and deliberative materials. This is an official file, and must remain with the responsible OTS Division in the event the Project Manager moves on to another job. Project Managers are encouraged to work with the Administrative Record manager in PDB and to maintain open, organized, and indexed files. This will serve to facilitate both a coordinated approach to public access and a complete public record.

Project Managers are responsible for ensuring that **Confidential Business Information (CBI)** materials are removed from documents before submitting them to the Administrative Record. Project Managers must maintain a record of all CBI documents and ensure that the entire CBI record is available in the OTS Document Control Office. Project Managers should also provide PDB with a list of all deliberative materials and CBI

identified by document control numbers withheld from the Administrative Record.

RM BRANCH CHIEFS

Branch Chiefs should ensure that deliberative material is excised from documents being submitted to the record.

Note: Deliberative documents are not exempt from mandatory release under the Freedom of Information Act (FOIA). Under FOIA, someone can present a case for claiming that such materials should be released, since deliberative materials are covered under the discretionary release provisions of FOIA.

RM DIVISION DIRECTORS

Each division that has RM Project Managers is responsible for giving the Administrative Record manager (Lynn Marcus) in PDB a current list of Project Managers, their phone numbers, and the chemicals that they are responsible for.

V. TIMELINES

The following lists the timelines for submitting documents to the Administrative Record.

TIMELINES

RM MEETING SUMMARIES

Project managers should submit RM Meeting Summaries to PDB within one week of the RM Meeting.

PRE-RM1 DOSSIERS

Project managers should submit Pre-RM1 Dossiers to PDB at the same time they submit RM1 Meeting Summaries (within one week of the RM1 Meeting).

COPIES OF MAJOR, RELEVANT STUDIES CITED IN DOSSIERS

Project Managers should submit these studies to PDB at the same time they

submit RM1 Meeting Summaries (within 1 week of the RM1 meeting).

LETTERS OF CONCERN AND INDUSTRY RESPONSES

The lead Division for an RM1 letter of concern should submit a copy of the letter to PDB when it is signed. PDB will hold letters of concern for one week (from the date of the letter) before placing them in the Administrative Record. Any responses from industry should be placed in the record upon receipt.

WRITTEN PUBLIC COMMENTS

PDB will place public comments in the record immediately upon receipt and will send a copy to Project Managers at that time.

COMMENTS BY PHONE (NOT OBLIGATORY)

Project managers may submit a record of oral comments to PDB for inclusion in the record. If doing so, please submit them within a week of the call.

PRESS RELEASES

EAD should submit copies of all press advisories and press releases to PDB as soon as they have passed final peer review — and no later than the release date. PDB will hold all press advisories and releases until the date of release by the press office.

VI. PUBLIC ACCESS PROCEDURES

The following lists how the public can get access to the Administrative Record and how OTS staff should respond to public requests.

IN PERSON

The public may visit the Administrative Record in Room G004 of the Northeast Mall between 8:00 – 12:00, and 1:00 – 4:00, Monday through Friday.

BY MAIL

The public may submit written requests for copies of documents in the record, and may submit written comments to the record. The mailing address for the Administrative Record is as follows:

EPA/OTS/PDB (TS-793)
Attn: RM1 Process
Room G004, Northeast Mall
401 M Street, S.W.
Washington, D.C. 20460

The Public Information Section (PInS) in PDB will log in requests for Administrative Record materials and will respond to them without applying any agency FOIA tracking. While fees for large requests will be charged (as under FOIA), this is not expected to be a concern as the basic Administrative Record materials are fairly small.

When contents in the record trigger requests for additional background data, PInS will handle these as FOIA requests. This will be done to track accurately the added workload to OTS and the Agency. This is not meant to limit access to the data.

BY PHONE

The public may request copies of record documents over the phone. OTS staff should respond to a phone request in the same manner as listed above for a written request.

MODEL RM1 MEETING SUMMARY
OTS EXISTING CHEMICAL PROGRAM
RM1 DECISION CHECKLIST

CHEMICAL/CATEGORY: _____ **DATE:** _____

PRESENTING BRANCH:

MEETING CHAIR:

SUPPORTING DOCUMENTS:

(Preparation date)

POST-RM1 COORDINATING BRANCH:

"DROP"	FOLLOW-UP ACTIVITIES (REFER, LIST, OTHER)	RETURN TO RM1	RM2	"FAST TRACK" RM3
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1. **REFERRALS.** Nonregulatory "FYI" referrals to other agencies or recommendations to internal EPA workgroups.

CPSC _____

FDA _____

OTHER _____

OSHA _____

RFD _____

OTHER _____

NIOSH _____

ONE COMM'TE _____

EPA OFFICE _____

ACGIH _____

CRAVE _____

2. **LISTINGS AND ACTIVITIES.** Chemicals assigned to lists/activities when concerns for pollution, risk, exposure, *etc.* are identified.

RISK REDN. ACTIVITIES _____

TESTING CANDIDATE LIST _____

POLLUTION PREV'N. ACTIVITIES _____

TRI CANDIDATE LIST _____

OTHER _____

3. **NONREGULATORY RM DECISIONS.** (Give specifics for each action item. Include: rationale or purpose of action(s), responsible person/office, due date(s), the actual form, *e.g.* phone, letter, the recipient(s) (named, if possible), *etc.*)

a) SEND LETTERS OF CONCERN

b) INFORMATION GATHERING

.....

c) POLLUTION PREVENTION ACTIONS

d) RISK COMMUNICATION

e) OTHER

4. REGULATORY DECISIONS.

§4 TESTING _____

§8 (a) CAIR _____

§5 SNUR _____

§8 (d) _____

OTHER _____

5. ADDITIONAL ANALYSIS NEEDS. (Give specifics for each action item. Include: rationale or purpose of addition analysis, responsible person/office, support persons/offices, level of effort, due date(s), the actual product expected, *e.g.* list, review, risk assessment, *etc.*)

a)

b)

.....

6. OTHER NOTATIONS.

CHAPTER 2

NONREGULATORY APPROACHES FOR RM CHEMICALS

This chapter describes various nonregulatory approaches for informing and involving outside parties (and Regions) as a means of addressing existing chemical issues. They include:

- Informing parties through
 - Data dissemination
 - Listing chemicals
 - Technical assistance
 - Routine notification about field studies
- Involving parties through
 - Consultation and meetings
 - Letters of concern
 - Coordination on pollution prevention initiatives
 - Requesting voluntary submission of data
 - Soliciting nominations for RM1 chemicals
- Using OTS liaisons for assistance (and keeping them informed of RM outreach activities)

If you have questions about nonregulatory approaches, contact the Division staff identified in the text as contacts for particular approaches.

CHAPTER 2

NONREGULATORY APPROACHES FOR RM CHEMICALS

KEY POINTS TO REMEMBER

Informing and involving parties helps to facilitate behavior change.

GOAL	METHOD	RESOURCES
Informing	Data Dissemination	Checklist of ideas on p. 18
Informing	Technical Assistance	EAD; see p. 19
Informing	Routine Notification	EAD; see p. 20
Involving	Constituency Meetings	Checklist of steps on p. 21
Involving	Letters of Concern	List of operational steps, p. 22
Involving	Joint Public/Private Pilots on Pollution Prevention	EAD; see p. 25

Keeping EAD liaisons informed of your outreach activities helps them help you and others in OTS more effectively.

Informing and involving parties through nonregulatory means is important for OTS's existing chemical program because this approach helps facilitate behavior change. Providing information responds to the needs of outside parties who regularly request greater access to data for their own use in environmental decision making. This is true for both regulated and nonregulated parties. Involving parties addresses OTS's own need for more input and cooperation in the design and implementation of environmental programs and serves the parties' need to provide input.

Some of the ways for informing and involving parties through nonregulatory means are listed below. OTS will continue to develop new approaches over the course of time.

I. INFORMING INTERESTED PARTIES

A. DISSEMINATING DATA

OTS has a storehouse of data and should increase its efforts to put more of these data in formats suitable for public dissemination. To help in getting started, the following checklist

of ways to disseminate data is provided. For more details on many of these options plus some additional ones, call EAD for a copy of

the May 8, 1991, Options Paper on "Informing and Involving Interested Parties in the RM1, RM2 and Regulatory Development Processes."

DATA DISSEMINATION CHECKLIST

☒ EPA Library On-Line System

Use the library's on-line system to create a file for disseminating Administrative Record data, or other existing chemical data, such as Chemical Advisories. This would reach other EPA offices, regions, and a nationwide audience of users. (Some funding would be required to create a file.) Contact: IMD.

☒ Diskettes

The diskette format is popular for disseminating easy-to-use data to a wide variety of users. Administrative Record data, test data, and 8(e) data are examples of data which could be put in this format. The cost would be small, and users like this format. Contact: IMD.

☒ Pollution Prevention News

The newsletter "Pollution Prevention News" is a forum to use for reporting on RM2 pollution prevention activities. This newsletter is published by OTS's Pollution Prevention Division (PPD) and is distributed to other EPA offices. Contact: PPD.

☒ Pollution Prevention Information Exchange (PIES)

PIES is a bulletin board system operated as a clearinghouse by OTS's Pollution Prevention Division and the Office of Research and Development. PIES is a vehicle for reaching an audience that would be interested in RM2 pollution prevention activities. PIES is the electronic component of the Pollution Prevention Clearinghouse, the purpose of which is to create an agency-wide pollu-

tion prevention network. The audience for this network includes States, nongovernmental organizations, and the European community. Contact: PPD.

☒ TOXPEST

TOXPEST is the lead region's monthly newsletter on toxics and pesticides. This is a means to routinely notify regions about pending issues on RM chemicals, which could allow them to play an enhanced role for outreach on RM chemicals. Contact: EAD.

☒ Disseminating data through trade associations and labor unions

Trade associations are often willing to disseminate data — such as technical assistance on pollution prevention, meeting information, and policy guidance — to their member companies. Also, national labor unions would often be willing to assist in disseminating data, such as chemical advisories, data on safe work practices, and notice of field studies, to their local unions. Contact: EAD.

☒ Chemicals-in-Progress Bulletin

OTS's Chemicals-in-Progress Bulletin is a publication to use for encouraging industry to take pollution prevention steps and to inform many outside groups on the progress of certain RM activities. Contact: EAD.

☒ TSCA Hotline

Prepare quarterly summaries for the TSCA Hotline about the status of RM chemicals. Contact: EAD.

☒ **RTK-Net and other "Outside" Electronic Networks**

Some "outside" electronic networks, such as "RTK-Net," are interested in carrying OTS existing chemical data for their users. RTK-Net is a computer information service providing access to TRI data for those in the Right-to-Know Network (93 national and local environmental groups), plus others in industry, government, and the press who are participating in the RTK-Net pilot program. The pilot project focuses in part on cross-linking and integrating TRI data

with related toxics and facility-based data. The Information Management Division manages the cooperative agreement which partially funds the RTK-Net pilot project. It would be important to discuss ideas for putting existing chemical data on RTK-Net with IMD. Contact: IMD.

☒ **Regions**

Use the regions for disseminating information on RM activities to States and local constituencies. Contact: EAD.

B. LISTING CHEMICALS

At the RM1 phase, OTS can choose to put a chemical either on OTS's Master Testing List or the Risk Reduction List, each of which would trigger further appropriate action. The publicizing of these lists is being undertaken as an OTS-wide activity. Once these steps are taken to notify other government entities and the public of these lists, "listing" a chemical can serve as an effective means of informing the public of existing chemical activities.

- To explain regulatory programs more clearly;
- To recommend voluntary action to reduce risk.

Each year, EPA hotlines distribute thousands of documents to the public explaining EPA programs and policies. The public's reaction to these guidance materials has been very positive.

C. TECHNICAL ASSISTANCE

Providing technical assistance to industry is another avenue for better informing them about existing chemical activities. This technical assistance can take at least two forms: (1) providing guidance documents to industry; and (2) providing smaller companies with working examples of successes that some companies have had in employing pollution prevention techniques.

1. Guidance documents

Over the years, OTS has developed and distributed guidance materials (e.g., TRI and asbestos outreach materials) for two purposes:

RM managers are encouraged to consider guidance materials as an option to address concerns about a chemical. Recent experience suggests the public may voluntarily take steps to reduce their exposure to chemicals once they understand the problem (e.g., radon). EAD has resources to assist RM managers with two or three guidance documents of moderate size (10-15 pages) each year. Preparation time varies depending on the length of the document and the complexity of the material. RM managers should contact Esther Tepper (382-4075), Chief of EAD's Communications and Guidance Section, if they would like to discuss a guidance document project.

Guidance documents can be produced quickly and cheaply compared to developing regulations. More importantly, guidance can produce voluntary efforts that yield significant environmental results. For example, EPA's asbestos guidance documents for many years have strongly recommended that building owners inspect for asbestos. Due in large part to EPA's guidance efforts, about half of the nation's 3.6 million buildings have been inspected voluntarily.

The RM process could result in several guidance documents being produced each year to inform the public about certain chemicals. In some instances, this may be general guidance for the public at large, while in other instances it may require specific guidance targeted for a particular audience (e.g., workers in a steel plant or consumers of a certain product that contains a toxic chemical).

2. Distributing Success Stories

Small companies often lack the resources to identify what they could do to implement pollution prevention approaches in their facilities. OTS has a role to play. If you can identify some relevant success stories, consider asking appropriate trade associations to disseminate this information to their member companies. Contact Kathy Tyson, Chief of EAD's Strategies Development Section, if you would like assistance in setting up initial discussions with a trade association for this purpose.

D. ROUTINE NOTIFICATION ABOUT FIELD STUDIES

RM managers need to contact labor, environmentalists, and industry groups whenever OTS is planning to conduct a field study. (This is official OTS policy.) Pay particular attention to notifying labor unions, and give all groups an opportunity to provide input. If you need assistance in identifying groups, contact EAD's Strategies Development Section.

II. INVOLVING INTERESTED PARTIES

Involving outside parties in OTS decision making offers the prospect of getting better results through leveraging OTS's effectiveness in the larger toxics community. It generally shifts the investment in time and resources to the beginning of an effort and usually saves time and resources in the end.




A. CONSULTATION WITH INTERESTED PARTIES

Consultation is an important part of taking the existing chemicals program public. Exchanging views and concerns serves to clarify issues and options for everyone. Often the consultative process also generates more alternatives for solving problems.

Briefings and Meetings

Inviting parties in early on a particular issue is key, because it serves to:

- (1) identify more options for OTS to consider;
- (2) get better data for OTS to use in making decisions, and
- (3) add to the credibility of OTS taking its existing chemicals program public.

Use the checklist on the facing page to prepare for setting up meetings.   

B. LETTERS OF CONCERN

General Principles

"RM1 Letters of Concern" to industry will emphasize pollution prevention as a desirable goal. At the RM1 meeting, a decision can be made to send a letter of concern based on a perception of risk. However, an RM1 letter of concern will make no reference to excessive risk levels for particular facilities. If OTS decides to send risk-based letters, that decision will be made at an RM2 meeting, when a more developed risk case may be available.

CHECKLIST FOR CONSTITUENCY MEETINGS

- ☒ **Inform EAD liaisons about plans for meeting with outside constituencies.**
Ask the liaisons for their perspective on who should be invited to the meeting and whether there should be separate meetings with different constituencies. Environmental, labor, and industry liaisons are in the Strategies Development Section (382-3580). State and Region liaisons are in the Regional and State Programs Section (382-2249). See Section III below for a more complete description of how liaisons can help you.
- ☒ **Identify which outside groups to include.**
Work with EAD liaisons, as necessary, to learn who will take an interest in, or be affected by, an OTS decision on a chemical or class of chemicals. Within industry, pay attention to processors, as they are increasingly interested in TSCA and related pollution prevention issues. Remember labor and environmental groups, who sometimes lack the resources to routinely monitor OTS activities. Remember States, many of whom currently have pollution prevention laws that can regulate a chemical.
- ☒ **Identify who to invite within EPA.**
This includes OTS managers and staff, as well as representatives from other EPA offices.
- ☒ **Solicit input from outside parties.**
Call and ask them which issues they want covered in a meeting. Coordinate this effort with any liaisons helping you work with these groups.
- ☒ **Send background materials out in advance.**
If possible, send them out early enough to avoid the expense of overnight delivery. If an activity has a Regional focus, contact the State and Region liaisons or contact the lead Region directly for advice on Regional contacts.
- ☒ **Make background documents "user-friendly."**
Convey the sense of an "invitation to participate" in the background materials you plan to send to outside groups. Address the interests of outside parties. For assistance in revising existing materials, call EAD's Communications and Guidance Section (382-4075).
- ☒ **Develop a draft agenda.**
Incorporate input from outside parties.
- ☒ **Schedule a pre-meeting for OTS managers.**
Advise them what the invited constituency groups are expected to say at the meeting. Bring the draft agenda and background materials that have been mailed to invited groups.

RM1 letters of concern should be addressed to the regulatory affairs department, or its equivalent, at a company's corporate headquarters.

OTS headquarters must inform the Regions, and send them copies, of draft letters pertain-

ing to facilities within their jurisdiction. The Regions will decide what actions, if any, to take with respect to individual facilities/sites. The Regions will also transmit the package to the appropriate contact in any State that has an identified facility. OTS will then hold a teleconference at a predetermined date and time

OPERATIONAL STEPS

As described below, these are the steps for processing an RM1 letter of concern. Corresponding time estimates for these steps are also provided. As the process evolves and standard letter formats are established, the time required for review will probably decrease.

1. CASE IDENTIFICATION AND INITIAL DRAFTING

- Discussion of chemical at RM1 meeting
 - delineation of risk scenarios
 - identification of current regulatory actions
 - Registry of Lists
 - recommendation to send pollution prevention letter
 - threshold for inclusion of facilities
- RM1 pollution prevention letters
 - ECAD lead
 - draft available for review 3 weeks post-RM1

Time elapsed since RM1: 3 weeks

2. INITIAL REVIEW OF LETTERS

- OS review of RM1 letters
 - ECAD coordination
 - initial review: 3 weeks
- Concurrent review activities
- Regional offices review
 - EAD coordination: 2 weeks
 - information package
 - draft headquarters letters
 - list of facilities/releases
 - risk screening estimates
- Program offices review
 - information package
 - draft headquarters letter
 - list of facilities/releases
 - risk screening estimates
- ECAD coordination: 3 weeks

Time elapsed since RM1: 6 weeks

3. PREPARATION OF FINAL LETTER

- Final draft RM1 letter
 - ECAD coordination
 - OTS comments
 - program office comments
 - timeline: 1 week
 - Regional office comments: EAD compilation and input
 - timeline: 2 weeks
 - revised draft
 - review
 - concurrence
 - timeline: 2 weeks

Time elapsed since RM1: 8 weeks

4. SIGNATURE

- Final RM1 letter
 - preparation of final draft
 - OD signature
 - timeline: 2 weeks

Time elapsed since RM1: 10 weeks

where concerned States or Regions can call with issues. After this time, the letter would be sent, unless OTS determined that there was a reason to delay or terminate the letter for that case. Headquarters will give Regions background information on the case, including a list of facilities and exposure scenarios of concern.

Regions will submit to headquarters copies of any pollution prevention letters they originated. These will be put in the Administrative Record.

Headquarters, Regions and program offices (with a regulatory interest on the subject chemicals) will review the letters concurrently. Eventually, after some experience is accumulated, review activities may be limited to OTS and affected program offices.

Headquarters will establish a feedback mechanism with the Regions to monitor activities that companies initiate and the results obtained, as a consequence of RM1 letters of concern. Headquarters will consider the Regions' assessment when evaluating the effectiveness of letters of concern.

For questions about Regional involvement in letters of concern, contact EAD's State and Regional Section (Rebecca Dils, 382-7854).

Refer to the box on the facing page for the operational steps for processing an RMI letter of concern.

C. COORDINATING ON POLLUTION PREVENTION ACTIVITIES

Consultation with industry, Regions, States, and nongovernmental organizations yields information on areas of joint interest regarding pollution prevention initiatives. This can lead

to pilot efforts to address real needs in developing pollution prevention programs on existing chemicals. One example is the Printing Industries of America's request for OTS to help in developing a pilot pollution prevention program for their companies. This is an opportunity for fostering voluntary pollution prevention in an industry which faces significant problems achieving this outcome independently. With Regions and States being close to the real-world innovations being made in pollution prevention, they can be partners in identifying similar opportunities for working with other industries.

For a description of the role liaisons can play in assisting these efforts, see section III.

D. REQUESTING VOLUNTARY SUBMISSION OF DATA

As part of the RM2 process, OTS is selectively asking producers of a few chemicals to provide EPA with their data on toxicity, exposure, production, and use of chemicals.

E. SOLICITING NOMINATIONS FOR RM1 CHEMICALS

Taking nominations from outside parties for chemicals they would like to see go through the RM1 process provides OTS with valuable input. Illustrative of how this can work is labor's nomination (through the OTS labor liaison) of oil-based cutting fluids in spring 1990. (These chemicals were the subject of an RM1 meeting in June 1990.) As of June 1991, OTS is working through the OTS-OCM (Office of Compliance Monitoring) Forum on State and Tribal Toxics Action (FOSTTA) to find an effective means for States and tribes to make RM1 nominations. OTS could build on these efforts by systematically extending the opportunity for making RM1 nominations to nongovernmental organizations.

III. OTS LIAISONS: GET THEIR HELP, KEEP THEM INFORMED

As part of the OTS team, OTS constituency liaisons assist in building bridges with outside groups through a variety of ways. It is important to inform them about initiatives you are planning with outside parties, since liaisons are better able to serve all OTS staff by staying well-informed.

Who are the liaisons? They are all in the Environmental Assistance Division. They are grouped in several sections:

- **Strategies Development Section (SDS)**
Environmental, industry, and labor liaisons
- **Regional and State Program Section (RSPS)**
Regional and State liaisons
- **Congressional Liaison Section (CLS)**
Congressional liaison
- **Communications and Guidance Section (CGS)**
Press relations.

How can they help? For assistance in these various areas, check the following:

- **Press relations**
See Chapter 4 (CGS also is responsible for communications strategies and the TSCA Hotline, discussed in Chapter 5)
- **Congressional**
See Chapter 5
- **Regions and States**
See below (Role of Regions is described in Chapter 5)
- **Environmental, industry, and labor**
See below.

IDENTIFYING PARTIES FOR OTS

"INFORMING" AND "INVOLVING" ACTIVITIES

Liaisons maintain working relationships with key representatives of outside groups. Liaisons can help identify who from outside groups needs to be informed about or involved in OTS activities. As is desirable, program staff

will often have developed their own working relationships with outside parties. When liaisons identify new contacts, program staff are encouraged to maintain working relationships with the "new" parties, too.

PREPARING FOR CONSTITUENCY MEETINGS

In addition to helping identify parties to attend a meeting, liaisons assist in other aspects of meeting preparation. These include:

- Distinguishing when it may be advisable to have either separate meetings for industry, labor, environmentalists, and States, joint meetings for two or more constituencies at a time, or Regional meetings.
- Reviewing background materials prior to dissemination to outside parties for their anticipated reaction. (This is done in cooperation with EAD's Communication and Guidance Section.)
- Identifying instances when a trade association or labor union may be willing to handle meeting logistics and dissemination of background materials, due to their level of interest and availability of resources.

DEVELOPING OUTREACH PLANS

Liaisons can help program managers who are planning to have a series of meetings, briefings, mailings, etc. on a topic by writing an outreach plan for them. An outreach plan includes a schedule of all anticipated outreach activities, a list of all associated tasks to be done, and a rationale for holding either separate or joint constituencies meetings. An outreach plan is useful when the number of outreach activities is several, the number of constituencies involved is several, and a need to coordinate various activities has arisen. An outreach plan can cover such steps as involving other EPA offices, other Federal agencies, and congressional staff.

**FACILITATING JOINT
INITIATIVES WITH OUTSIDE
PARTIES ON POLLUTION PREVENTION**

Liaisons can work cooperatively with program managers who are interested in exploring joint projects and pilots with outside parties and

Regions as a way of facilitating pollution prevention. Liaisons can facilitate information exchange between outside parties and OTS, help set up meetings, and facilitate the cooperative design and development of a joint initiative.

CHAPTER 3

DIALOGUE AND NEGOTIATED RULEMAKING

This chapter answers basic questions about how to set up, manage and conduct public dialogues and negotiated rulemakings. This includes:

- Assembling a dialogue group
- Various dialogue alternatives
- Federal Advisory Committee issues
- Dialogue support services available within EPA
- Costs of dialogues and negotiated rulemakings

If you have questions, EAD's Strategy Development Section (Kathy Tyson, 382-3580) can provide more details.

CHAPTER 3

DIALOGUE AND NEGOTIATED RULEMAKING

THE KEY QUESTIONS

In appropriate situations, a dialogue process helps generate more support for a policy or a draft regulation than OTS could obtain without the process. Information about EPA's success rate with dialogues, and the selection criteria for assessing when dialogue is appropriate, is available from OPPE's Regulatory Management Division (382-5480).

When a program office is contemplating extended dialogue with outside groups, managers want answers to some basic questions:

Question #1

How quickly can a dialogue group be assembled?

Question #2

What are the various kinds of dialogues to consider?

Question #3

Must we comply with the Federal Advisory Committee Act (FACA)?

Question #4

Who can help us decide whether a dialogue is appropriate and, if it is,

whether contractors can help us conduct the process?

Question #5

What is this going to cost?

Question #6

How long will the process take, and can we afford the time to invest in this approach?

Question #7

How much staff time must be allocated to support this effort?

Sometimes program managers decide they want to consult with outside parties extensively and want a process that can support a sustained dialogue effort. When that situation arises, a manager needs to plan an operating schedule and estimate the staff time and

funding that will be necessary to go forward. The following information is provided to assist managers and staff in planning for dialogue, advisory groups, or negotiated rulemaking. Always consider Regional input into the dialogue process.

I. START-UP TIME FOR CONVENING A DIALOGUE

How quickly a dialogue group can be assembled depends on what kind of a dialogue you want. Assembling a group for a formal and structured process, such as a negotiated rulemaking, other Federal Advisory Committee, or policy dialogue, takes a bit longer than assembling a group for an informal exchange of ideas.

Negotiated Rulemaking ("reg neg")

The average time is about 3 months, although the time has been cut to 6 to 7 weeks at considerable effort. This counts the time from the date the office decides to pursue a negotiated rulemaking approach to the date of the organizational meeting for participants in the negotiation. All negotiated rulemakings must be conducted in the format of a Federal Advisory Committee. In most instances, the more time invested at the front end in planning and convening a negotiated rulemaking, the better the outcome.

Other Kinds of Dialogue

The average time probably ranges from about 1 to 3 months. Informal, nonbinding dialogue is quicker to launch than a formal policy dialogue. The more that is involved to coordinate and ensure fairness, the longer it takes.

Federal Advisory Committees

These take about 6–8 weeks to establish. A normal "rush" job would take about 6 weeks, with all the steps carefully addressed. A period of 8 weeks is more typical. This assumes you still need time to identify the potential members which you must list in the Federal Register notice announcing EPA's intent to establish a committee, and that the Office of Pesticides and Toxic Substances (OPTS) Assistant Administrator still needs to get the Deputy Administrator's support. (These are necessary steps; see III, below.)

The more importance people outside EPA attribute to the activities of the planned dialogue group, the more valuable it is to hire a contractor to do a thorough convening of the parties in order to ensure that: (1) there is a fair and balanced membership of parties being represented; (2) there has been adequate discovery of the various parties' interests in coming to the table; and (3) participants have been involved in coming to a common understanding of the scope of the dialogue and the ground rules for conducting the dialogue.

II. CHOOSING A DIALOGUE PROCESS

There are basically two kinds of dialogue to consider—negotiated rulemaking and policy dialogue.

Negotiated Rulemaking

Negotiated rulemaking brings together a balanced mix of parties and interests at the pre-proposal stage to discuss issues for the purpose of reaching a consensus in the development of a proposed rule. Negotiated rulemaking is conducted through a Federal Advisory Committee, and is chaired by a neutral facilitator. Committee members include one EPA representative and representatives of a balanced mix of parties who will be significantly affected by the rule.

EPA has been conducting negotiated rulemakings since 1984. In November 1990, President Bush signed into law the "Negotiated Rulemaking Act of 1990." This law codifies many of the existing practices of EPA and other Federal agencies in conducting negotiated rulemaking. One significant feature of the law is that the Administrative Conference of the United States (ACUS) has been given the discretion to pay for part or all of an agency's expenses associated with negotiated rulemaking.

An important part of negotiated rulemaking is the convening process. Usually EPA hires an impartial convener, someone who assists EPA in (1) identifying persons who will be significantly affected by a rule, and (2) conducting discussions with these people to identify their issues of concern and to ascertain whether the establishment of a negotiated rulemaking is feasible and appropriate in the particular rulemaking. As program managers experienced in negotiated rulemaking would agree, this phase is critical to a successful outcome. Give it the time it deserves (usually 3 months), because it will save you time in the end.

Dialogue

Dialogue on policy matters with outside parties is referred to as "policy dialogue" and simply "dialogue." The formality of the dialogue will depend on what the agency wants to accomplish on the particular policy issues to be resolved. The general purpose of policy dialogue is to narrow or resolve differences among parties on policy goals.

Policy dialogues do not necessarily require the establishment of a Federal Advisory Committee. Managers and staff use "dialogue" to refer to informal activities (such as a short series of meetings with constituencies about issues of concern) as well as more formal activities (such as a fully convened and facilitated policy dialogue process).

III. WHEN YOU NEED A FEDERAL ADVISORY COMMITTEE

If you want to do negotiated rulemaking, you must comply with the Federal Advisory Committee Act (FACA). If you want to do a policy dialogue in some form, you may qualify for one of the exceptions under FACA, meaning you would not have to set up a Federal Advisory Committee. Call the Agency's Committee Management Officer (Mary Beatty, 382-5000) for advice about the requirements for setting up a Federal Advisory Committee

(FACA Committee), and when the exceptions to establishing a Committee apply. Listed below are the basic requirements of FACA and several alternatives to establishing a FACA Committee.

Federal Advisory Committee

This is a group established or utilized by an agency to provide advice and recommendations and which includes members who are not employees of the Federal government.

Alternative #1

Check in EPA's Brochure of Advisory Committees whether any existing Advisory Committee could be utilized (The Committee Management Officer has copies of the Brochure.) Sometimes subcommittees can be added to existing Advisory Committees.

Alternative #2

Review EPA's Staff Committee Affiliation Listing for possible alternative groups, such as interagency committees and others. Again, the Committee Management Officer has copies of the listing.

Alternative #3

Explore the exceptions to FACA listed in Section 101-6.1004 of General Services Administration's (GSA's) Final Rule on Federal Advisory Committee Management. Discuss possible exceptions with the Committee Management Officer and the Office of General Counsel.

Also, when relying on an exception, try to comply with the spirit of FACA anyway. This reduces a party's incentive to challenge an EPA decision not to use a FACA Committee.

The following groups or meetings are exempt from FACA's coverage:

- Groups composed wholly of full-time Federal employees
- Fact-finding and information exchange groups

- Meetings with people providing individual (as opposed to collective) advice or recommendations
- Meetings with Federal officials initiated by a group for the purpose of expressing their view, provided the Government does not use the group recurrently as a preferred source of advice.

Setting up a Federal Advisory Committee

If a FACA Committee is to be established, prepare the following documents in consultation with the Committee Management Officer and the Office of General Counsel:

- a draft charter prepared in compliance with FACA and the GSA Rule
- a draft consultation letter to GSA describing the Agency's plan to attain "balanced" membership on the committee
- a draft transmittal memo from your Assistant Administrator (AA) through the Committee Management Officer to the Deputy Administrator explaining the need for an Advisory Committee.

IV. GETTING HELP: IS DIALOGUE RIGHT FOR YOUR CASE? HOW MUCH CAN CONTRACTORS DO?

OPPE's "Regulatory Negotiation" staff (in the Regulatory Management Division) helps all EPA program offices assess whether dialogue is appropriate for their circumstances. EAD can provide preliminary guidance to OTS staff as well.

Contractors are readily available to help convene and facilitate a dialogue process.

Within OTS: EAD

EAD can work with OTS programs to assist in answering basic questions. (Contact the Strategies Development Section, Kathy Tyson.) EAD can provide preliminary guidance on:

- (1) How quickly a dialogue group can be assembled;
- (2) How EPA dialogues have spanned a variety of formats and what the criteria are for determining whether dialogue is appropriate;
- (3) How to work with the Office of Policy, Planning and Evaluation's (OPPE's) Regulatory Negotiation Project staff and outside contractors; and
- (4) How much a dialogue will cost, how long it could take, and what kinds of tasks program staff can expect to be associated with during a dialogue process.

Within EPA: The Regulatory Negotiation Project Staff

This staff, part of the Regulatory Management Division in OPPE, provides key assistance in several areas. You can work with either Chris Kirtz (382-7565) or Debbie Dalton (382-5495).

Negotiated Rulemaking

This staff will walk you through a preliminary assessment of whether your regulatory development project is a good candidate for reg neg, advise you every step of the way as to what is involved in doing a reg neg, supply a contractor to do your convening and facilitating, and serve as the Project Officer on the contract. They will give you substantial support throughout the entire process.

Other Dialogue Support

The reg neg staff will also assist you in designing other dialogues, locating convening and facilitating support as needed, and providing a contract mechanism to reach convening and facilitating support services. Depending on staff availability, they might be able to facilitate a dialogue group for you, thus eliminating the expense of using a contractor.

Outside the Agency: Contractor Support

The Reg Neg Project Staff have a contract, currently with The Conservation Foundation

(CF), for providing service in support of reg negs, other dialogues, and large meetings. CF is the prime contractor, and has a group of subcontractors to take assignments. OTS can fund a delivery order for specific services under this contract. Debbie Dalton, as Project Officer of the contract, will work with your staff in setting up the delivery order and facilitating satisfactory arrangements with CF.

Note: Under the Negotiated Rulemaking Act of 1990, the Federal Mediation and Conciliation Service can choose to provide facilitation services as well.

V. COST

Regulatory negotiations generally cost \$80,000-\$100,000; formal dialogues can be comparable, but informal ones can be inexpensive.

The costs associated with regulatory negotiation stem from the need to pay for convening and facilitating support services. Generally, convening costs are approximately \$10,000 to \$20,000, and facilitating costs are approximately \$10,000 to \$12,000 per two-day negotiation session. Under an untested provision of the Negotiated Rulemaking Act of 1990, the Administrative Conference of the United States has the discretion to pay for all or part of an agency's expenses associated with negotiated rulemaking. The Act also provides that the Federal Mediation and Conciliation Service may choose to provide facilitation services, for which there is no charge to the requesting agency.

Formal dialogues can involve slightly lower, but similar, expenses for convening and facilitating support services. The less formal and extensive the dialogue, the less support services cost. The single biggest factor on cost will be whether it is necessary to get contractor support for convening and/or facilitating services.

VI. THE TIME FACTOR: CAN YOU AFFORD IT?

Negotiated rulemakings generally take 4 - 8 months of actual negotiations, plus 3 months up front for convening; dialogues can be as long, or shorter if desired. In appropriate circumstances, the time invested in these approaches can serve to shorten the time for getting a final rule or policy decision.

For negotiated rulemakings, the length of time involved can be measured in pre-proposal and final rulemaking stages. The negotiated rulemaking itself occurs in the pre-proposal stage, and generally takes 7 to 11 months, although it has been completed at considerable effort in a total of 5 months. When looking at the time it takes to publish the final rule, it is worth noting that negotiated rulemakings consistently involve less time in getting to a final rule than traditional rulemakings.

For dialogues, the length of time involved is more variable, primarily because the goals of dialogues tend to be more variable. Dialogues generally take the same or less time than negotiated rulemaking.

In appropriate situations, an investment in a dialogue process may well yield outcomes that are more acceptable and less contested by affected parties. This can serve to shorten the time involved in getting to a final rule or policy decision.

According to OPPE's evaluation of this process, the net result is generally a net savings in staff resources necessary for getting out a final rule.

VII. STAFF RESOURCES

For regulatory negotiations, managers will probably need to allocate one to two staff persons, approximately full time, for the length

of the reg neg meetings, and about half time during the convening phase. They also will need to put in some of their own time for a regulatory negotiation. Dialogues take less staff time.

For negotiated rulemakings, it is necessary to devote more staff resources to the pre-proposal stage than one would in a traditional rulemaking process. (Regional staff resources should be allocated through the lead toxics Region.) The benefit from doing this becomes generally apparent in the post-proposal stage, when fewer staff resources

will be necessary than in a traditional rulemaking process.

Managers involved in negotiated rulemakings need to recognize the importance of their personal involvement at the outset of negotiation sessions and of their accessibility throughout negotiations.

For dialogues, the investment of staff resources will depend on the complexity of the issues, the number of parties, and the formality of the process.

CHAPTER 4

GOING PUBLIC THROUGH THE MEDIA

This chapter provided pointers on how to:

- Refer press inquiries to senior OPTS management
- Determine a reporter's angle on a particular story
- Prepare and deliver positive points as part of your message
- If time allows, be aware of region-specific activities
- Answer trick questions
- Describe in layman's terminology important aspects of OTS revitalization.

If you have questions about press or media issues, contact EAD's Communications and Guidance Section (Esther Tepper, Chief [382-4075] or Mike McDonell [475-8995]).

CHAPTER 4

GOING PUBLIC THROUGH THE MEDIA

KEY POINTS TO REMEMBER

If you are going to handle an interview with the trade press yourself, then the guidelines in Sections III—VII of this chapter are for you.

If you are going to refer a press inquiry to someone else (according to the guidance in Section II), then the guidelines in Sections III —VII of this chapter are for the person handling the press interview.

Read Section II's Referral Policy carefully. This will guide you on:

- which kind of press inquiry to answer yourself,
- which kinds of press inquiries to refer to others,
- and to which people you should refer various press inquiries.

I. INTRODUCTION

This chapter covers key aspects of how to deal with the media to ensure OTS's message is communicated to the public. The chapter addresses the importance of doing interviews, when and how to refer reporters to other sources, and how to prepare and conduct interviews.

A. WHY DO I NEED MEDIA TRAINING?

Although it's unlikely that RM managers will ever be interviewed by major networks or newspapers, it is very likely RM managers will do interviews with the trade press. The information in this chapter will help RM managers more effectively present the OTS message to the media.

B. SHOULD I DO INTERVIEWS?

YES! Publicity is very important to OTS's revitalization and RM processes. The more times these terms or EPA's name is heard or seen in the press, the better. Also, awareness of Regional activity can serve to enhance the effectiveness of the interview. The key is to make sure those references are in a positive light. If there is unfounded negative publicity concerning the agency or the chemical in question, it is advantageous to diffuse the negative issue and transform it into a neutral or positive feeling.

Whether the news media's story is about a positive or negative aspect of the agency or the

RM process, the public is sophisticated enough to want to hear from EPA. In your case, the press may request an interview with you directly because you or your office should know the most about the chemical in question and the RM process.

II. REFERRAL POLICY

A. INTERVIEWS —

WHO AND WHEN TO NOTIFY

- If you are approached for an interview by major newspapers, publications, radio or TV networks (i.e., the *New York Times*, *Washington Post*, ABC, NBC) then call:

EAD's Communications and Guidance Section

Esther Tepper, Chief (382-4075)

EAD's Assistance Programs Development Branch

Bob McNally, Chief (382-3949)

- Either Esther or Bob will immediately alert Mark Greenwood and Linda Fisher's offices. Normally Linda will probably handle the interview herself or refer it to Mark Greenwood, Joe Carra or a Division Director.

- If a reporter is from a minor newspaper or publication (general circulation or the Trade Press) and approaches you for an interview, you should notify one of the following managers as appropriate, since some questions might need to be answered by someone who could provide a general or broader background.

ECAD's Deputy Division Director,
Jim Willis (Screening, RM1, Testing)
382-3442

CCD's Chemical Control Branch,
Paul Campanella, Chief (RM2, regulatory development) 382-3945

IMD's Public Information Section,
Doug Sellers, Chief (Administrative Record) 382-3598

- If the reporter asks a policy-type question, it's best to refer the call to Jim, Paul or Doug unless you have been cleared by your management to handle such calls.
- If a reporter calls and has an informational question, you should handle the call. For example, a reporter may ask when a constituency briefing will be held and what groups are invited to attend. In this case, no manager need be contacted
- You should be aware that reporters may call OTS staff with a few, seemingly harmless questions and then begin to delve into more specific issues. Before you know it, you're being interviewed. Don't fall for this trick! Anytime you are talking to a reporter consider it as being "on the record." Here are two useful tips to use *anytime* a reporter calls:
 - 1) Try to buy time. Do not grant an interview immediately. Tell the reporter that you have to run to a meeting or that you need to check with your supervisor. Try to get a good idea of the kinds of information the reporter is after. Tell the reporter that you will get back to him/her in an hour — and then do so. This will give you time to think about how to respond to the reporter's questions and how to get the Agency's position across most effectively.
 - 2) In the meantime, contact the relevant manager and clear the interview; either you or the manager will do the interview, or the interviewer will be referred to upper management, if appropriate.
- Never refer the press to the TSCA Hotline for information unless it is to receive guidance documents and other materials.

III. THE PRE-INTERVIEW CHECKLIST

Once you've agreed to do an interview on a specific topic, schedule the time and place. However, never agree to have an interview conducted immediately. Planning and preparation are critical elements in ensuring a successful interview. Depending on the interview, preparation can take as little as 10 minutes or as long as a month.

To help you prepare, here are key questions you should ask the reporter:

- ✓ *Why do you want to interview me?*
- ✓ *What is the source of the material being discussed (e.g., EPA rule, press clipping, a new study)?*
- ✓ *Will the interview be recorded?*
- ✓ *What will you ask?*
- ✓ *Who else will be interviewed?*

This information will help give you a sense of the reporter's knowledge and angle on the story. It will also help prevent unpleasant surprises once the interview begins.

IV. INTERVIEW PREPARATION

When preparing the content portion of your interview, remember the following:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Say what "you" want to say, not what "they" want you to say. <input type="checkbox"/> Develop positive points (i.e., why the action we are taking is good) and a theme (or themes). See examples at the end of the chapter that stress positive points (i.e., how great revitalization is, how the RM1 process works). In an interview, always come back to these positive points. <input type="checkbox"/> Write down the positive points you wish to make. <input type="checkbox"/> Use anecdotes (word pictures) if possible. <input type="checkbox"/> Use analogies (word pictures) if possible. <input type="checkbox"/> Use quotes when appropriate. <input type="checkbox"/> Anticipate the reporter's angle. (What did they say they would ask; put yourself in their shoes.) | <ul style="list-style-type: none"> <input type="checkbox"/> Be honest. <input type="checkbox"/> Be memorable. <input type="checkbox"/> Talk from pride. <input type="checkbox"/> Consider everything you say as on the record. <input type="checkbox"/> Always answer the question. Never say "no comment." If a qualifier is needed, say "yes, but..." or "no, but..." <input type="checkbox"/> Only talk about what you know and never about what someone else thinks. (For example, if a reporter asks you what a certain industry thinks about X, refer them to the source. You might say "I really cannot speak for industry, but I can give you an industry contact at X industry who can.") |
|--|--|

While you must keep your statements short, you must also remember some other important factors, best summed up by two words: simplicity and brevity.

Viewers, listeners and readers must understand what you are trying to get across. Keep sentences simple. Don't put too many subjects into one statement. It is better to say one thing

several times than several things once. In essence, talk in headlines.

Try to avoid percentages. Instead of making the audience do the mental calculations, do them yourself. Thirty-seven percent is clearly explained as "37 out of 100." Fifty percent is better as "one half." Ninety percent becomes "9 out of 10." You also help the audience visualize your point, and you personalize it as well.

For the sake of simplicity, avoid jargon and overly scientific terms.

This is particularly important when EPA staff speak about chemicals and planned activities under TSCA. The language of your expertise is usually not understood by the masses. In many cases, even fairly well-informed people (i.e., reporters) have a difficult time understanding or remembering certain concepts. Translate common OTS jargon into everyday language, then use the everyday version when you are interviewed.

OUR JARGON	POSSIBLE TRANSLATION
RM process	A process for EPA to make decisions that protect human health and the environment from risky chemicals.
Section 6 rule	A rule that protects the public from a chemical that poses a very high risk.

V. HELPFUL HINTS FOR A SUCCESSFUL INTERVIEW

For all interviews, including those with the print media, remember the following pointers that will help get your message across in a positive fashion.

■ Voice:

- Tone** Exercise your voice before interviews
- Clarity** People must understand the words you are saying
- Speed** Too fast and listeners can't follow you...
Too slow and you become ponderous and boring
- Pacing** Vary it to keep listener interest
- Feelings** Vital that your voice reflect your interest and concern with the topic
- Volume** Do not use volume to make a point—you lose warmth

■ Eye Contact

Good eye contact is important in convincing the interviewer of your credibility. Wandering eyes may represent deceit or confusion.

■ Gestures

You use gestures in normal everyday situations so you should use them in an interview. They help emphasize points you are making. Use gestures when appropriate and natural. Do not use broad sweeping gestures.

VI. EXAMPLES OF "TRICK" QUESTIONS

Below are examples of "trick" questions some reporters use during interviews.

• Fishing Expeditions

Some people begin a line of questioning simply to see what might happen. Hold your ground and don't worry. Remember to concentrate only on the question that has been asked, and don't try to guess where the questioner is headed. You will often miscalculate, leading to problems. Answer questions one at a time in a positive way, and you will be fine.

- **"Anything Else You'd Like to Say?" Questions**

Many people get into trouble by bringing up a whole new area. Simply restate your intended themes and positive points.

- **Rapid Fire Questions**

If a reporter asks a quick series of questions, simply say "You've asked several questions. Which one would you like me to answer first?" or "You've asked several questions. Let me start by answering your question about..." The second version should not repeat a negative allegation. In either case, when done answering, ask, "Now, what was your next question?"

- **Interrupters**

A reporter may not let you completely answer the questions. If this is a persistent problem, after the interruption, say "As I was saying..." Or, ignore the interruption and complete your answer, then say, "Now what was it you asked?" A long pause after an interruption may also send a message to the interviewer.

- **Pauses or Silence**

Be careful. Too often, people feel the need to fill the void. It's the reporter's problem if there is silence, not yours. If you can add to your theme, go ahead. If you have nothing to say, then stay silent.

- **Use of Hypotheticals**

"What if..." questions are common. Don't speculate. Don't answer any question that you don't know the answer to.

VII. EXAMPLES OF GENERAL TALKING POINTS

TOXIC USE REDUCTION

In order to better protect the public health and the environment, we need to reduce the use of toxic chemicals.

INDUSTRY RESPONSIBILITIES

Industry must be more responsible in its manufacture of chemicals and substances whose effects are unknown.

GOING PUBLIC

We are now opening up the decision-making process and are not relying solely upon time-consuming regulatory actions. We are involving a number of constituencies, besides the chemical industries, in an attempt to promote dialogue and action-oriented approaches to *toxic* chemicals. Some of these constituencies include:

- States
- other Federal agencies
- public interest groups
- organized labor
- environmental groups
- international organizations
- user industries

CHEMICAL SCREENING

To better protect health and the environment, we are expanding our screening of chemicals in order to identify clusters of similar chemicals.

MASTER TESTING LIST

We are establishing a master testing list, a priority list of chemicals to be evaluated for potential risks to the public and the environment.

RISK MANAGEMENT PROCESS

In order to protect public health and the environment, OTS has streamlined its review of chemicals to make sure dangerous chemicals are dealt with quickly and effectively.

CHAPTER 5

ADDITIONAL GOING PUBLIC OPPORTUNITIES

This chapter provided additional information on “going public” opportunities including how to:

- Involve and respond to congressional interests
(Congressional Liaison Section, 382-7605)
- Develop and use OTS communication strategies
(Communications and Guidance Section —
Esther Tepper, 382-4075)
- Inform and utilize OTS Hotline staff to inform the
public about OTS activities
(Communications and Guidance Section —
Wanda Woodburn, 382-3795).
- Work with regions and leverage the regional network
(Regional and State Program Section —
Rebecca Dils, 382-7854).

CHAPTER 5

ADDITIONAL

GOING PUBLIC OPPORTUNITIES

I. CONGRESSIONAL ACTIVITIES

The Congressional Liaison Section (CLS) of EAD maintains working relationships with key staff on the Hill who have an interest in toxics issues. As concerns are raised by these staff members, CLS alerts both OTS management and the program staff who are involved in a particular project of interest. It is very important that when you are contacted directly by Hill staff that you inform CLS. These initial contacts often lead to formal inquiries or hearings. OTS staff cooperation in helping CLS to keep management informed of congressional interest is imperative.

HEARING PREPARATIONS

CLS is very active in preparation for congressional hearings. The role of CLS staff includes developing testimony (including testimony with a multiprogram interest, i.e., lead); initiating pre-briefing discussions with staffers on the Hill; coordinating agency briefings to discuss agency policies and development of strategies; researching committee concerns; setting the structure for hearings; requesting information and setting deadlines for program staff; coordinating OMB review of testimony; and responding to follow-up questions.

STAFF BRIEFINGS

CLS is also involved in coordinating congressional staff briefings on topics which may include the Asbestos Hazard Emergency

Response Act, the Asbestos School Hazard Abatement Act, Lead Initiatives, reauthorization of TSCA and any other key topics relative to the OTS.

INTRA-AGENCY LIAISON

CLS also provides assistance to the Office of Congressional and Legislative Affairs (OCLA). OCLA contacts CLS staff with requests to resolve congressional telephone inquiries.

CONTROLLED CORRESPONDENCE

CLS responds to controlled and uncontrolled correspondence and takes a genuine interest in the public's concerns and in finding the answers to all inquiries, including many not related to OTS issues.

OTS "CONGRESS AND TOXICS" NEWSLETTER

CLS staff keeps OTS staff informed about congressional activities. We have developed a newsletter, "Congress and Toxics," which provides an update on newly introduced legislation, briefings and hearings that have recently taken place, upcoming briefings and hearings, and any other news related to Congress. This newsletter is distributed to OPTS and OTS management, OCLA and key contacts in OTS program areas. CLS staff circulates copies of testimony from recent hearings to all OTS section and branch chiefs and prepares articles for other OTS newsletters, in-

cluding "Grapevine." CLS also distributes materials of interest, such as congressional reports, legislative proposals, or outside analyses of items of interest to OTS staff.

NEW LEGISLATION

CLS staff coordinates OTS comments on pending legislation and completes legislative analyses on pending legislation. CLS gathers intelligence on upcoming congressional activities through the review of relevant literature, including "Environment and Energy Study Institute Weekly Bulletin"; "Pesticides and Toxic Chemical News"; "Congressional Record"; and OCLA Legislative Reports. The section reviews these materials, identifies key contacts on the issues, and disseminates the materials to key OTS management and appropriate program staff. In addition, the section summarizes key provisions of these materials and coordinates OTS activity when a more extensive analysis of materials is necessary.

If you would like more information on congressional activities, contact EAD's Congressional Liaison Section (382-7605).

II. COMMUNICATION STRATEGIES

WHEN ARE THEY NECESSARY?

Communications strategies, according to the Communications Strategy Staff in EPA's Office of Communications and Public Affairs (OCPA), must accompany all items that require the signature of an assistant administrator, the deputy administrator, or the administrator. This is a fairly comprehensive requirement and encompasses, at a minimum, all items that go through Red Border Review, including proposed rules, final rules, reports to Congress, releases of major studies, and responses to legal actions.

WHAT ARE THEY?

A communications strategy is an **internal, working document** with a number of component parts, which are explained in detail in a document entitled "Communications Plan Guidance" prepared by OCPA's Communications Strategy Staff. (This informative document is available from Mike McDonell or Esther Tepper in EAD's Communications and Guidance Section.) In layman's terms, though, a communications strategy (communications plan) is designed to provide the reader with a general understanding of the following:

- what the action is;
- how it came about;
- which people will care about it (e.g., the press, as well the regulated community, constituent groups, Congress, States, the general public);
- what the various reactions of these people are likely to be;
- how the agency wants to portray the action—i.e., what "message" it wants to convey to the public;
- how the chosen message will be conveyed;
- and to whom the message will be conveyed, in very specific terms.

WHO USES THEM, AND HOW?

Communications strategies are **internal documents** intended for use by people in the agency who are likely to want or need key information about an impending action and how it will be presented to the public. These people are likely to include the relevant office director, assistant administrator, associate administrator for OCPA, the deputy administrator, the administrator, and people on their staffs.

Communications strategies are supposed to be used in two ways:

1. To provoke creative thought about the most effective way to communicate a particular action.
2. To serve as an information source for key agency officials and to help them respond to press and public inquiries about the action.

WHO WRITES

COMMUNICATION STRATEGIES?

For major actions, EAD's Communications and Guidance Section, in consultation with the appropriate program office staff and managers, develops and writes the communications strategy. For less visible actions, the program office drafts the strategy, using OCPA's guidance (see above), and EAD's Communications and Guidance Section reviews and modifies the draft, as necessary.

WHO IMPLEMENTS

COMMUNICATIONS STRATEGIES?

Implementation includes, but is not limited to, such tasks as developing mailing lists, producing mailing labels, stuffing envelopes, filling out print request forms, photocopying, writing cover letters, coordinating with other agency offices, tracking key activities that must occur prior to the action date (and spurring them along, if necessary), reserving rooms for constituency briefings, and making logistical arrangements for conference calls.

Implementation is a responsibility shared among the lead office in OTS, EAD (including the TSCA Hotline, in some cases), and OCPA's Press Division. The Press Division is responsible for preparing and disseminating *to the press* the final version of any press release, press advisory, or note to correspondents prepared for an action. It is also responsible for answering or referring calls from the press

and for making arrangements for press briefings or press conferences in which the administrator or deputy administrator is involved.

The precise division of responsibility between the lead OTS program office and EAD varies from strategy to strategy and depends on resource requirements, complexity of implementation, and the action's priority level. It also depends to some extent on the amount of notice EAD is given about the lead office's need for assistance. Implementation task assignments are discussed when the strategy is in early draft form and are specified in detail in item ten of the strategy document, "Announcement Notification Plan."

WHEN DO COMMUNICATION STRATEGIES HAVE TO BE DONE?

OCPA says there should be a draft plan, at least in summary form, *at least 90 days before the "action date."* This can be difficult, since "action dates" tend to be extremely mobile. From a practical standpoint, work should begin on a communications strategy

1. when there is some realistic sense of what the "action date" is;
2. when there is some understanding of what the "action" will entail—or, at least, what the major action options are.

HOW DOES THE COMMUNICATION STRATEGY DEVELOPMENT PROCESS BEGIN?

As soon as the lead program office is aware that an upcoming action will require a communications strategy, that office should contact Esther Tepper or Mike McDonell in EAD's Communications and Guidance Section. At that point, the nature of the action and the likely action date will be discussed. In addition, if appropriate, there will be a preliminary allocation of responsibilities for strategy development and implementation.

WHERE IS HELP AVAILABLE?

Help is available from EAD's Communications and Guidance Section. Call either

Esther Tepper (382-4075) or

Mike McDonell (475-8995).

**TSCA HOTLINE AND
INFORMATION ASSISTANCE SERVICE**
What services does the Hotline provide?

The TSCA Assistance Information Service, generally known as the TSCA Hotline, supports the implementation of section 26(d) of the Toxic Substances Control Act (TSCA) by providing technical assistance on TSCA regulations to the chemical industry, labor and trade organizations, environmental groups, State and local governments, the EPA Regions, and the general public. In addition, the service supports the implementation of the Asbestos School Hazard Abatement Act (ASHAA), the Asbestos Hazard Emergency Response Act (AHERA) and Title III, the Emergency Planning and Community Right-to-Know Act as part of the Superfund Amendments and Reauthorization Act (SARA).

Hotline staff respond to inquiries received by telephone or mail from the public. Responses take the form of information provided over the telephone and mailings of OTS documents. The public's reliance on the Hotline has increased greatly in recent years. Currently, the service responds annually to over 35,000 telephone calls and 3,000 letters; distributes over 250,000 documents; and implements a variety of external notifications of OTS.

How can RM managers use the Hotline capability?

Of course, the quality of service the hotline provides is only as good as the information hotline personnel have. In order to better serve the public, OTS staff must keep the hotline informed (in advance) of new regulations, current "hot" issues, public meetings scheduled, new documents being made available, and upcoming external notification distribu-

tions. EAD conducts an ongoing training program that is coordinated by Wanda Woodburn, the Hotline Project Officer (382-3795). RM managers should regularly inform the hotline of new developments and send copies of relevant RM-related materials to the hotline. OTS staff should call Wanda to schedule a briefing for the hotline staff or pass on pertinent information concerning a public meeting, new documents or requests for assistance with an upcoming distribution. In some instances, RM managers may want to invite hotline staff to attend meetings to help familiarize them with key issues.

You can reach the TSCA Assistance Information Service by dialing (202)554-1404, 8:30 a.m. to 5:30 p.m., EST, Monday through Friday.

III. THE REGIONAL ROLE IN GOING PUBLIC

The Regional lead and sublead system can be leveraged to enhance the process of publicizing the existing chemicals program. A description of the Regional lead and sublead system appears on the next page. The OTS staff should consider the Regions as part of the internal decision-making process, and can contact them through EAD's Regional and State Program Section or the lead toxics Region or the sublead Core TSCA Region.

OTS staff can use the Regional network to increase the dissemination of agency information. The Regions serve as links to State governments and have established contacts in each of their States. The Regions may also have key relations with industry, labor, and environmental or public interest groups specific to their Region.

The Regions have a variety of information-sharing networks, including *TOXPEST News* and the EPCRA Staff Update newsletters. These can be effective tools to inform the Regions and their constituencies of existing chemicals activities. Call EAD's Regional and State Program Section (contact Rebecca Dils,

382-7854) or the lead Region contact for guidance on how best to tap into the Regional networks.

A. LEAD REGION

ROLES AND RESPONSIBILITIES

MAJOR GOALS FOR LEAD REGION

- ☐ To build regional consensus on key policy, guidance, rule-making, budgetary, administrative and planning activities;
- ☐ To represent both majority and minority positions, needs and perspectives;
- ☐ To impact the HQs Office of Pesticides and Toxics Substances (OPTS) decision-making process, including balancing national consistency and regional flexibility; and
- ☐ To enhance effective communications between the regions and HQs and within the regions on pesticides and toxic substances activities.

PRIMARY RESPONSIBILITIES OF THE LEAD REGION

Building Regional Consensus;

Representing Regional Views; and

Impacting OPTS Decision Making:

Coordinates regional and state input into the development of key policy, guidance, rule making, budgetary and planning documents that are not coordinated by the Sub-Lead Regions. Assures that regional interests, needs, and perspectives are represented or considered in the development of these key documents. When possible, the Lead Region develops a regional consensus position. If a consensus is not reached, the Lead Region formulates a regional response citing both majority and minority opinions but reflecting all regional concerns. The Lead Region communicates these comments to HQs and to the other regions, unless other arrangements are made.

If a Sub-Lead Region for topic area decides that it does not have the time to coordinate regional

response and cannot find a substitute, then it contacts Lead Region and the Lead Region decides:

- if Lead Region should coordinate regional response;
- if Back-Up Lead Region should coordinate regional response; or
- if no coordination is required and all regions should send responses directly to HQ.

Enhancing Communications:

Lead Region serves as the focal point to enhance communications between the regions and HQ and between all ten regions. Methods of communications include:

- **Meetings and Conferences** (National OPTS meetings, spring planning meetings, RA/DRA meetings, Division Directors' meetings, Branch Chiefs' meetings, Section Chiefs' meetings, FOSTTA, SFIREG, etc.);
- **OPTS Work Groups:** inform regions of work group formations and assist in the selection of regional participants in the work groups;
- **Conference Calls** (OPP monthly calls, OTS monthly calls, ad hoc calls on specific issues);
- **Written Status Reports** such as the monthly Lead Region newsletter *ToxPest* and the quarterly *Lead Region Highlights Reports*: Prepares and distributes to the other regions and relevant HQ staff a monthly newsletter *ToxPest*. *ToxPest* contains information on upcoming meetings, status of regulations, policies and guidance, announcements on new work groups, discussion of regional initiatives or special projects and list of items where regional input has been requested; and
- **Daily Contacts** by telephone, e-mail, fax, memoranda on an "as needed" basis.

LEAD REGION CONTACTS

Region 10 became the Lead Region for Pesticides and Toxics in FY91.
The lead region contacts are listed below:

NAME	FTS PHONE	E-MAIL	FAX No.
Gerald Emison <i>Deputy Regional Administrator</i>	399-5810	EPA9000	399-0149
Gary O'Neal <i>Director Air and Toxics Division</i>	399-4152	EPA9062	399-0110
Ken Feigner <i>Chief Pesticides and Toxics Substances Branch</i>	399-1198	EPA9045	399-0110
Jayne Carlin <i>Lead Region Coordinator</i>	399-0890	EPA9045	399-0110

BACK-UP LEAD REGION

EPA Region 3 has been assigned as Back-Up Lead Region for FY91-FY92. The Back-Up Lead Region assists the Lead Region in its responsibilities as requested and represents the regional perspective at meetings which the Lead Region cannot attend.

B. SUB-LEAD REGION ROLES AND RESPONSIBILITIES**MAJOR GOALS OF SUB-LEAD REGION**

To act as a focus of regional involvement in their key program area by:

- ☐ providing early impact in the HQs Office of Pesticides and Toxics Substances (OPTS) decision-making process in the sub-lead area;
- ☐ communicating emerging HQ policies, rules and guidance to the regions and communicating regional concerns and perspectives to HQ;
- ☐ building regional consensus on key policy, guidance, rule making, budgetary, administrative and planning activities; and

- ☐ representing both majority and minority positions, needs and perspectives.

PRIMARY RESPONSIBILITIES OF SUB-LEAD REGION**1. Work Group Formation:**

Sub-Lead Region for the relevant program area coordinates the selection of the participants for new work groups or work groups needing more regional participants. Once selections have been made, Sub-Lead Region notifies Lead Region and HQ of the final selections.

2. Work Group Tracking:

Actively tracks the status of high priority work groups and follow-up on HQs response to regional input. Also monitors the effectiveness of communications with all regions on work group activities in the assigned area.

3. Regional Review of Documents:

Polls regions on issues pertaining to program area. Gathers and coordinates comments dealing with issues in Sub-Lead Region's program area from all regions, with the intent of reaching consensus. If the Sub-Lead Region is unable to reach consensus with the regional staff, section chiefs, or branch chiefs, the issue should be raised to the regional senior managers for resolution.

4. Newsletter Participation:

Each Sub-Lead Region contact provides information to the Lead Region Coordinator for the monthly newsletter

ToxPest by the 25th of each month.

Information should be obtained from work group participants in the sub-lead region area, as well as other sources.

5. Enhancing Communications:

The Sub-Lead serves as the program-specific focal point to enhance communications both between the regions and HQ and between all ten regions for that program. Methods of communication include organizing and leading regional program-specific retreats/planning meetings, national meetings, conference calls, daily contacts, and troubleshooting for the regions.

SUB-LEAD REGION CONTACTS

The current sub-lead region assignments for pesticides and toxics are:

KEY PROGRAM AREA	REGION	CONTACT	FTS PHONE NO.
Asbestos	1	Marv Rosenstein	835-3273
Certification/Training	2	Ernie Regna	340-6765
Endangered Species	4	Jim Kutzman	257-5201
EPCRA, Section 313	8	C. Alvin Yorke/ Dianne Groh	330-1730
Core FIFRA (FIFRA88)	7	Leo Alderman	276-7400
Ground Water	5	Phyllis Reed	886-6006
Multi-Media/Pollution Prevention	10	Ken Feigner	399-1198
PCBs	6	Robert Murphy	255-7235
Core TSCA/Existing Chemicals	3	Jim Kutzman	597-8598
Worker Protection	9	Davis Bernstein	556-5388

SPECIAL NOTES ON SUB-LEAD AREAS:

Core TSCA includes the existing chemical revitalization program, Section 5 & 8 Program, and the Industrial Toxics Project. (During the program development stage of ITP, the Lead Region will chair the Regional Participation Subcommittee for this Project.)

Core FIFRA includes FIFRA 88.

Multi-Media/Pollution Prevention includes all issues which are not covered by other sub-lead areas and/or which covers more than one area or program, e.g., strategic planning or budgetary topics.