

January 16, 2024

Stacey Lobatos
Office of Environmental Justice and External Civil Rights
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Docket ID No. EPA-HQ-OEJECR-2023-0326

Dear Ms. Lobatos:

On behalf of [Smart Growth America](#) (SGA) with input from the [National Brownfields Coalition's](#) Environmental Justice Committee and our allied technical assistance partner organization, [GROW](#): Green Resources & Opportunities Workforce, a nonprofit coalition in the Greater Houston, Texas region, thank you for the opportunity to provide comments on the draft policy, *“Achieving Health and Environmental Protection Through EPA’s Meaningful Involvement Policy.”*

At SGA, we envision a country where no matter where you live, or who you are, you can enjoy living in a place that is healthy, prosperous, and resilient. SGA believes that climate resilience and adaptation—better preparing for the impacts of climate change such as extreme heat, sea level rise, wildfires, and drought—requires land use strategies that enhance standards for future development and prioritize supporting communities who are in harm’s way. Discriminatory planning, land-use, and housing policies have put low-income communities and communities of color at more risk to climate-related health, safety, and wealth-building issues. Through advocacy, technical assistance, and research work, we seek to advance policy change to promote equitable development outcomes and land use strategies which will advance climate adaptation.

The National Brownfields Coalition is a unique, non-partisan alliance that advocates for policy change and funding to responsibly clean up and reuse underutilized or environmentally-impacted land. We educate, advocate, and convene stakeholders nationally to advance brownfields redevelopment and thriving communities. The National Brownfields Coalition is jointly managed by Smart Growth America and the Center for Creative Land Recycling.

In this letter, we will provide comments responding to the questions:

1. How can the EPA's Meaningful Involvement Approach support meaningful involvement without putting an extra burden on the public, and communities with environmental justice concerns specifically?

2. Are there other examples of meaningful public involvement that the EPA should consider in this policy?

SGA would welcome the opportunity to participate in a follow-up conversation, workshop, or other dialogue with EPA alongside our community partners.

- 1. How can the EPA's Meaningful Involvement Approach support meaningful involvement without putting an extra burden on the public, and communities with environmental justice concerns specifically?**

EPA's Meaningful Involvement Policy, with its noteworthy Public Participation Spectrum approach, is commendable in recognizing the value of community engagement and the importance of respecting community members' time and commitments. The draft policy, which provides a much-needed revision to the 2003 public involvement policy, demonstrates a thoughtful and inclusive strategy that acknowledges the diverse needs and priorities of environmental justice communities. The Public Participation Spectrum highlights a key understanding that community members should not be burdened with time-consuming engagements if the engagement is not going to lead to opportunities for change. By avoiding unnecessary burdens, including language on the importance of securing resources and engaging a range of public input early on in a project, considering providing financial assistance, and establishing a strategic way to incorporate the public's input into decision-making processes, the draft Meaningful Involvement Policy shows commitment to equity and inclusion and to encouraging community involvement that is purposeful and leads to tangible outcomes.

Areas in which the draft policy may be strengthened include:

Address scenarios in which "Meaningful Involvement" is triggered: The policy begins by an explanation of "EPA action," which triggers the policy, related to rules, documents, guidance, permits, plans, or program development. The policy does not provide clarity as to whether a broader array of actions could be considered through this policy, such as existing programs, conference development, grant proposal review, interpretation of guidance, or public requests.

Encourage cross-agency collaborations: Environmental justice issues often cut across various community challenges and solutions identified may involve multiple agencies in terms of planning processes and funding availability. Before entering a community, EPA staff may benefit from referencing work that other agencies are involved with in the communities of concern to gain a comprehensive understanding of the area and to build upon existing community engagement efforts. While current time-limited efforts such as the Thriving Communities initiative are seeking to create strategies for connectivity between TA providers from different agencies, these efforts should also align with other long-term agency processes.

Develop supplemental and more accessible resources: The draft policy focuses on the importance of providing plain language materials for community members to respond to as efficiently as possible. Similarly, the 70-page policy would benefit from the creation of streamlined guidance or an engaging Executive Summary to make it easier for stakeholders to understand EPA's approach to involvement. Likewise, other agencies could benefit from using this draft policy as a guide to meaningful involvement in other community work. EPA should consider providing supplemental resources that may be more accessible for other partners and agency staff to reference such as brief one-pagers that summarize the values and approaches laid out in the policy that can be used "at a glance."

Recognize that communication structures are not static: The way in which people receive information is continuously changing, and acknowledgement that EPA staff should commit to understand how information communication changes would help the draft policy stay relevant over time. Where possible, EPA should identify the specific communication structures that may be used when providing information to both the public and other stakeholders (i.e. local governments, community based organizations, etc.). Additionally, EPA should explicitly plan for and consider how staff will use social media in engaging the public. Developing a social media strategy may have a large impact on engaging a greater and more varied segment of the public while maintaining transparency, inclusivity, and accountability. It may also enable the EPA to address concerns, answer questions, and gather immediate feedback, fostering a dynamic and responsive relationship with the community.

Incorporate an understanding of discriminatory land use practices: In line with the 2009 Partnership for Sustainable Communities referenced on page 60, EPA should note the importance of understanding past discriminatory land use practices and policies such as redlining and predatory lending. This context is essential for promoting equitable development and helping to justly address the challenges of climate change. The relationships among land use, transportation, housing, and environmental justice underscores the need for holistic and integrated planning approaches, and initiatives addressing one aspect should be mindful of their impacts on the others to foster more inclusive and resilient communities.

2. Are there other examples of meaningful public involvement that the EPA should consider in this policy?

Smart Growth America regularly leads community engagement or advises on community engagement strategies through technical assistance, including through federal partnerships. Through SGA's past experiences working with communities through EPA's [Building Blocks for Sustainable Communities](#) program, the [Cool & Connected](#) planning assistance program, and dozens of other technical assistance engagements, the organization has gathered the following best practices, many of which align with the Meaningful Involvement Strategy.

SGA seeks to design public participation approaches to the specific characteristics of each community, recognizing that different approaches will be necessary for different contexts and community needs. Some key lessons and best practices from SGA's approach include:

- **Design governance approaches for community members and others to provide feedback on the overall process as well as specifics related to the project:** For example, a local Steering Committee including residents, community leaders, and institutional partners can steward long-term engagement in an area and offer a vehicle for coordination with initiatives led by other entities or federal agencies. EPA may also consider a Steering Committee or other group to provide ongoing input to the agency on the Meaningful Involvement policy or and develop strategies for accountability during implementation.
- **Invest in getting to know community demographics and needs:** EPA staff, consultants, or partners leading engagement need to invest in prep work and research, prior to the project kick-off both to get to know the community at hand and ensure that community consultation is not repetitive with recent efforts. If recent engagement initiatives have addressed similar land use, transportation or housing issues, planning work needs to build from the findings already available as well as learn from recent engagement outcomes. When ready for outreach, the project team also should set up a series of calls or meetings *before* the engagement begins with key community leaders, to receive input on project design and share overall contextual considerations to set expectations.
- **Design a process to center the needs of under-represented stakeholders and ensure diverse representation:** Project organizers need to begin with an understanding of how the community has been impacted by prior land use or environmental decisions, including past harms. In designing the engagement process, project organizers should insist or mandate that stakeholder work reaches communities reflective of local demographics and focus on effectively supporting people who have been historically marginalized in land use and environmental decisions. Projects should also scope opportunities for reaching relevant community-based organizations and institutions such as the faith community, medical community, education community, and individual business owners. Projects may also consider strategies for intergenerational engagement and incorporating the needs and interests of youth and others who may not be served by a traditional engagement process.
- **Compensate community partners:** Community members' expertise and contributions to a project needs to be recognized, both philosophically and to reduce barriers to participation. Community members participating in in-depth roles such as Committee or Advisory Group members should be compensated, financially or through financial means that incur less administrative burden such as gift-cards. Larger events designed for more community members should include food, childcare, and other investments to recognize community needs and make it easier to effectively participate.
- **Design workshops and community engagement events to be convenient for and meet the needs of community members:** To encourage broader participation and recognize the

value of community members' time, gatherings should align with existing civic processes (such as community organization meetings) and take place at a time that is convenient for all residents, which might mean scheduling meetings on the weekends or after work hours. Residents may also be offered childcare, meal reimbursement, or other benefits to compensate for their time and make attendance more convenient.

- **Design events to be engaging and to support residents in sharing their ideas to direct the vision and design solutions** as opposed to taking a passive role of listening to or critiquing a presentation. Initial engagement should provide opportunities for questions on the structure and context of the project. Exercises should include opportunity for input into strategic direction and purpose as well as execution of details; more open-ended and fun community engagement exercises can be aligned with the big picture goals, such as contribution to visioning materials. Engagement should equip community members with the knowledge needed to give direct input on a project process, as opposed to providing a venue for community members to approve or sign-off on predetermined concepts. Meetings may benefit from a neutral facilitator. Meeting organizers should also work in advance to ensure attendance of key decision-makers for larger public engagements such as local elected officials.
- **Create reporting structures:** To ensure continued engagement, report back after one month post collaboration to get feedback, then six months, then 12 months; reporting is essential to create capacity at the local level so that it's not just a one-time engagement.

The EPA should review projects and resources from other federal agencies, state and local governments, and community initiatives that are leading the way on meaning public involvement. Several examples include:

[Meaningful Public Involvement in Transportation Decision-Making](#) - Released in November 2023, this guide is intended to support practitioners in all modes of transportation in various roles, including those working in policy, planning, engineering, operations, civil rights, environmental justice, and public involvement. The guidebook lays out how to effectively engage a broad representation of community members and is intended to be used as an adaptable framework to ensure communities have a voice in the transportation decision-making process.

[Minnesota Department of Transportation Public Engagement Resources](#) - MnDOT has made a commitment to listen first and ultimately inform, consult, involve, collaborate and/or empower stakeholders and the public in transportation decision making. They view public engagement plans as living documents, meant to be updated as projects progress through the development process and as more information is available. Public engagement practitioners and partner agencies share information and resources through meetings, workshops, and peer exchanges. The intent is to support public engagement in decision making and foster statewide quality and consistency in outreach and engagement practices.

[Our Streets Minneapolis](#) - This summarizes SGA's learnings from local and state level engagement: start with a durable, achievable vision that receives sustained support from leadership in elected office and state agencies; the vision should look at the past as much as it does the future and the present. It's important to add layers of internal working groups and external feedback that undergird and complement plans and processes. Instead of promising the public an occasional chance at token participation, a good policy or project promises regular, verifiable power. Finally, meeting community members where they are to build trust is essential. This may look like soliciting input by showing up at major community institutions such as churches, grocery stores, coffee shops, libraries, bus stops, or schools at dismissal time (places where people are apt to show up). While interacting with people, ask who they view as community leaders, then seek those leaders out to engage with.

[India Basin Waterfront Park Equitable Development Plan in San Francisco, CA](#) - This document is the culmination of nearly two years of a community-driven process to preserve the rich culture, identity, and pride within Bayview-Hunters Point to ensure that the multi-million dollar investment to transform the India Basin shoreline uplifts the community beyond its park boundaries. India Basin Waterfront Park is being built with direct input from the people that love it most, reflecting their vibrant community, and providing lasting economic and health benefits for generations to come. The Leadership Committee for this plan is made up of more than 20 community members. A local community organization which had historically focused on community organizing and voter registration, A. Randolph Institute, was a funded partner in the development of the strategy, as opposed to merely being consulted.

Additional resources include:

- [Hampton Roads Public Participation Plan](#): A public involvement process from Hampton Roads Transportation Planning Organization that is grounded in mutual problem solving and understanding; takes special steps and measures to understand and consider the transportation wants, needs, and aspirations of minority, low-income, and other underserved groups.
- [Broward MPO Public Participation Plan](#): A collaborative plan to help the Broward Metropolitan Planning Organization leave a measurable, positive impact on the community by ensuring transportation projects are well selected, funded, and delivered; provides assessment tools to evaluate the effectiveness of the program.
- [CMAP Public Participation Plan](#): Chicago Metropolitan Agency for Planning's proactive public engagement plan to create a multi-modal transportation system that meets the northeast Illinois region's transportation, economic, and climate goals; includes strategies, communications, and engagement methods and channels for broadening and deepening public engagement in its planning processes.

Thank you for the opportunity to share Smart Growth America and allied partners' comments on the draft policy, "*Achieving Health and Environmental Protection Through EPA's Meaningful Involvement Policy*." For further discussion, please contact Katharine Burgess, Vice President of Land Use and Development at kburgess@smartgrowthamerica.org and Jamie Zouras, Senior Program Manager at jzouras@smartgrowthamerica.org.

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