

USING ENVIRONMENTAL LAWS and ALTERNATIVE DISPUTE RESOLUTION TECHNIQUES to ADDRESS ENVIRONMENTAL JUSTICE



Community Workbook

prepared by:

for the:

Name of Community Organization

City and State

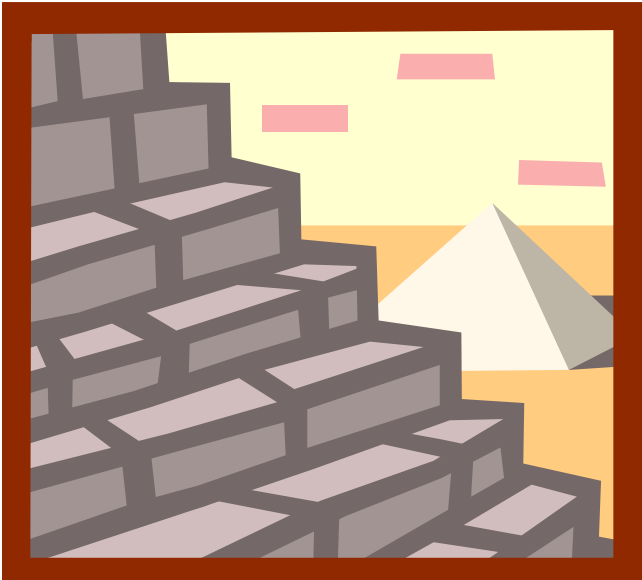
Date

Using Environmental Laws and Alternative Dispute Resolution to Address Environmental Justice

NEXT STEPS: Creating a Strategy to Get to, and Succeed at, the Table

To make the best use of information and knowledge you have gained from the training, it is important to create a strategy or strengthen your current plan. This strategy will help you organize your efforts, determine goals and the milestones needed to achieve those goals, identify challenges and opportunities, evaluate the success of your approaches, and increase your capacity to address your challenges, among other benefits. By completing this workbook, you can capture the information that will continue to be useful in your efforts to pursue environmental justice.

There are four steps to creating a strategy:



STEP 1: Preparation

STEP 2: Collaborative Partnerships

STEP 3: Collaborative Research

STEP 4: Collaborative Action

This workbook will help you develop and strengthen your strategy.

The steps and questions in the workbook correspond to sessions in the training. Please respond to these questions as indicated throughout the training.

STEP 1: PREPARATION

FILL THIS IN AFTER ORIENTATION, SESSIONS 1 & 2

Summary of your problem:

In your summary, be sure to include:

WHO is affected? What people are affected or harmed (*for example, neighborhoods, workers, etc.*)?

How are people affected (*for example, illness, jobs, stress, quality of life, etc.*)? What are the demographics (*for example, race, ethnicity, income, age*) of the affected people?

How many sensitive populations are affected (*children, women of child bearing age, elderly*)?

WHAT is affected? What environmental media is affected (*for example, soil, surface or ground water, air*)?

HOW are you exposed? What is the route of exposure (*for example, through the soil, drinking water, air*)? What are the pathways for exposure (*breathing [inhalation], touching [dermal], drinking or eating [ingestion], etc.*)?

WHEN did the problem first occur and how long has the community been affected?

What needs to be done to fix it:

What is the chronology of events (*date and time of significant occurrences*)?

Please list key events and dates: _____

Do you have any videotapes, audiotapes, or photographs of unusual activities?

Yes No Need to find out

If yes, please describe them: _____

STEP 2: COLLABORATIVE PARTNERSHIPS

FILL THIS IN AFTER TRAINING SESSIONS 3 & 4

Who are the people from your community/neighborhood who may share your concerns?

<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.

What are the key community and organizational members who would be willing to help?

<input type="checkbox"/>	_____	_____
	Name	Organization
<input type="checkbox"/>	_____	_____
	Name	Organization
<input type="checkbox"/>	_____	_____
	Name	Organization
<input type="checkbox"/>	_____	_____
	Name	Organization

Who are the people or organizations outside your community who can assist you (*for example, academia, local and state government agencies, non-profit organizations, faith-based organizations, health care providers, etc.*)?

<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.

Who from among these people may agree to serve on a *Community-Based Participatory Research and Action Steering Committee*?

<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.

Who can help you conduct training for the Steering Committee?

<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.
<input type="checkbox"/>	_____.

What are the principles that should guide this Collaborative Effort?

- _____.
- _____.
- _____.
- _____.
- _____.

What measures/activities can be taken to gain an understanding of community concerns and get buy-in for a collaborative effort (*for example, focus groups, petitions, etc.*)?

- _____.
- _____.
- _____.
- _____.
- _____.

STEP 3: COLLABORATIVE RESEARCH

Part A:

Complete After Sessions 2, 3, & 4

Community Environmental Status *(Anecdotal information from lay experts)*

Have you observed any impact on property in the neighborhood *(for example, soot on house/car windows, soiled laundry, discolored water, odor, etc.)*?

Yes No Need to find out

If yes, please describe them: _____

When do the problems appear worse *(for example, early morning, late at night, certain times of the month, etc.)*?

Have you observed any impacts on your or your neighbors' health?

Yes No Need to find out

If yes, please describe them: _____

Have you observed unusual activities at the facility related to the problem *(for example, frequent or unreported accidents, poorly maintained monitoring equipment, etc.)*?

Yes No Need to find out

If yes, please describe them: _____

Have you noticed impacts in the community *(for example, discolored surface water, fish kills, etc.)*?

Yes No Need to find out

If yes, please describe them: _____

Part B:

Complete after Sessions 2, 3 & 4

Health Research

Has a health survey or assessment been conducted?

Yes No Need to find out

If yes, please describe who did it and when: _____

If no, should one be done and how? _____

Do we understand how the pollutants can affect people?

Yes No Need to find out

If yes, please describe them: _____

Are there existing fact sheets (for example, health effects of pollutants)?

- Yes No Need to find out

If yes, please describe what you know: _____

Who can help prepare additional fact sheets?

- _____

Part C:

Complete after sessions 5, 6 & 7

Environmental Laws

Which laws or regulations apply to your environmental justice problem?

- Clean Air Act (CAA)
 Clean Water Act (CWA): surface waters
 Safe Drinking Water Act (SDWA)
 Resource Conservation and Recovery Act (RCRA): hazardous and solid waste
 Emergency Planning and Community Right-to-Know (EPCRA)
 Brownfields Law
 Other: _____

Does the problem relate to:

- delegation
 permitting
 rulemaking
 enforcement
 site cleanup and reuse
 release of pollution
 chemical accidents
 Other?

What is the compliance history of the facility[ies] with local, state, and federal laws?

Have there been property or ownership transactions?

- Yes No Need to find out

If yes, what happened? _____

Have there been worker issues (for example, accidents, injuries, etc.)?

- Yes No Need to find out

If yes, please describe them: _____

Have any environmental laws or regulations been violated?

- Yes No Need to find out

If yes, what actions were taken by regulatory agencies and the facility? _____

What non-litigation provisions of environmental laws apply to our problem?

- _____.
- _____.
- _____.

What government agencies have responsibility for oversight for the problem?

- _____.
- _____.
- _____.

Are there government decisions pending about the problem?

- Yes No Need to find out

If yes, please describe them: _____

STEP 4: COLLABORATIVE ACTION
Complete After Sessions 8

Outlining Your Strategy

For the environmental law(s) at issue, which EJ HOOKS should we use to address our problem?

- _____.
- _____.
- _____.

What sources of information do we need to document how our environmental justice problem impacts us?

- _____.
- _____.
- _____.
- _____.
- _____.
- _____.

Have we obtained existing visuals of information (*for example, maps, GIS images, etc.*)?

- _____.
- _____.
- _____.

What are the significant findings in our analytical report of data collected?

- _____.
- _____.
- _____.
- _____.

What strategy can we use to leverage our use of environmental laws and government decision-making?

Community Buy-In

Who else in our community, outside of our group, may be interested in our environmental justice problem?

- _____.
- _____.
- _____.
- _____.

What are their particular interests in the problem?

What other activities can we take to inform people about our problems and opportunities to address these problems?

- _____.
- _____.
- _____.
- _____.

What are all the remedies needed to address our environmental justice problem?

- _____.
- _____.
- _____.

IMPORTANT: Does everyone in our community agree with these remedies?

- Yes No Need to find out

If no, please describe who does not agree and which elements they disagree with _____

Understanding Business and Industry

Who are the business(es) or government agencies are involved with our environmental justice problem?

- _____.
- _____.
- _____.

What issues are they concerned about?

- _____.
- _____.
- _____.

What are the mutual gains that can be achieved between us and them?

- _____.
- _____.
- _____.

Using ADR

Has ADR been used in the past (e.g. facilitation, negotiation, mediation, arbitration)?

- Yes No Need to find out

If yes, please describe the situation and result: _____

Did we have to negotiate or mediate with anyone?

- Yes No Need to find out

If yes, please describe with who: _____

Did we have to go to court, or threaten to go to court?

- Yes No Need to find out

If yes, please describe what happened: _____

Did anyone help us with getting the challenge successfully resolved?

- Yes No Need to find out

If yes, please describe who helped you: _____

Do we think the business or government would be interested in using ADR now?

Yes No Need to find out

If yes, please describe why we think this: _____

Does our community group have the capacity to participate in ADR?

Yes No Need to find out

If yes, please describe why we think we are able: _____

Plan of Action
Please Fill in After Sessions 9 & 10

What are the leverage points (legal and political) to address our environmental justice problem?

Who are potential additional collaborative partners?

- _____.
- _____.
- _____.

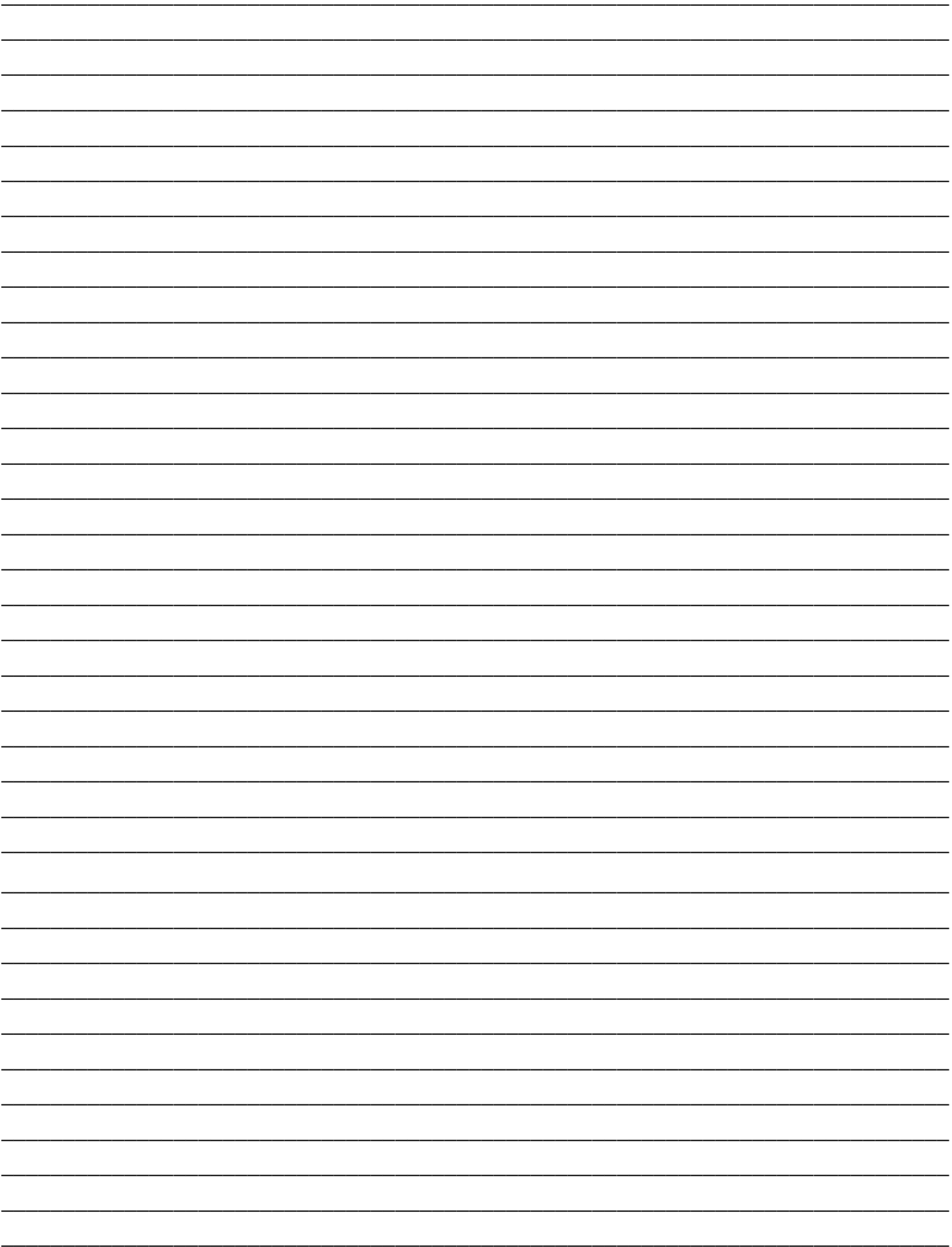
What strategies can we use, and how should they be ranked?

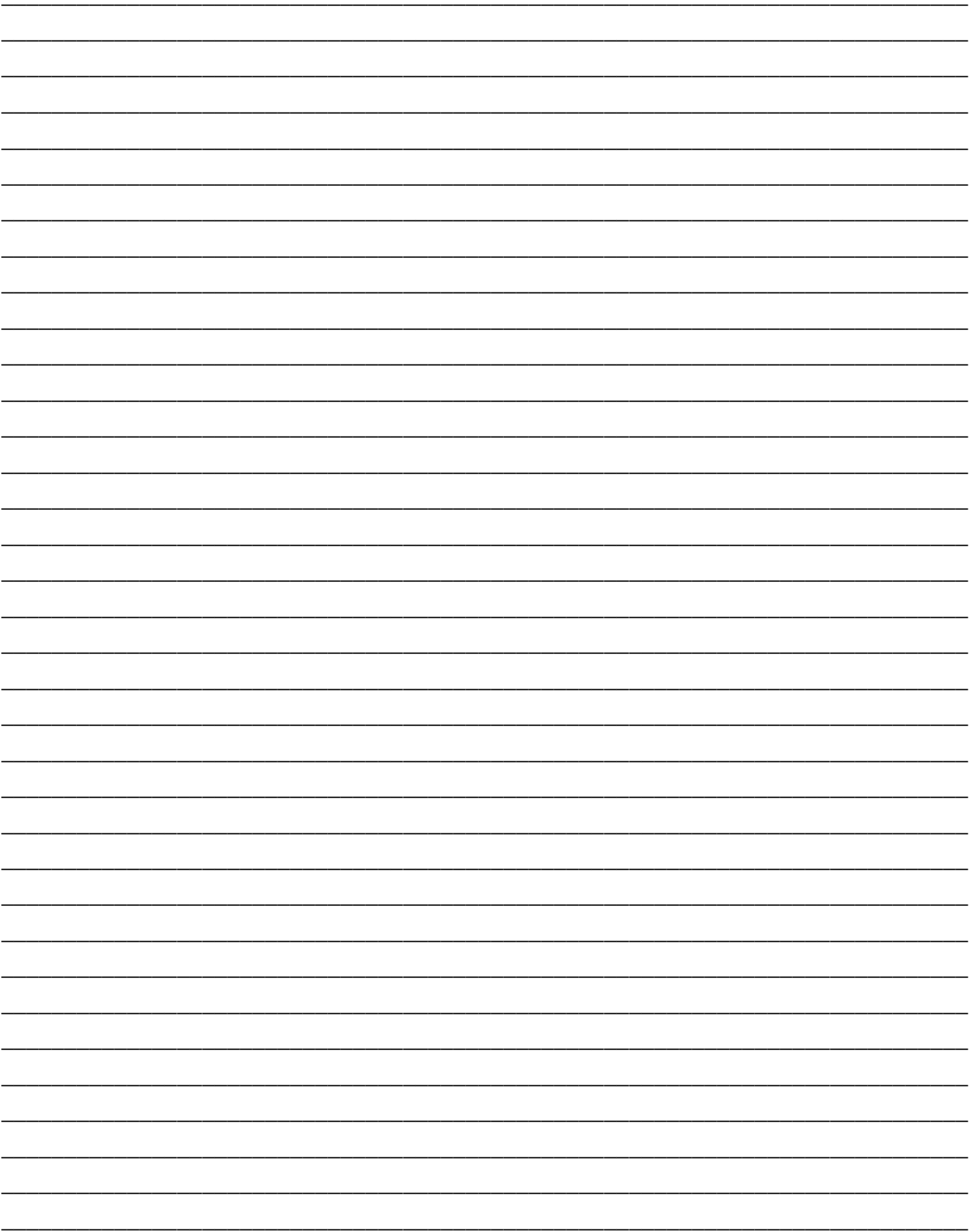
- _____.
- _____.
- _____.

What are the steps needed for our plan of action?

- _____.
- _____.
- _____.

NOTES





Training Team Partners:



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