

July 31, 2002

New York State Department of Environmental Conservation
Division of Environmental Remediation
Attn: Andrew English
625 Broadway
Albany, NY 12233-7017

Re: Public Participation Considerations

Dear Mr. English:

The Broome County Environmental Management Council (BCEMC) has taken advantage of the opportunity to comment on New York State's Draft Voluntary Cleanup Program Guide (hereafter Draft Guide). The enclosed letter provides general comments on the Draft Guide prepared by the full BCEMC, along with detailed comments from the BCEMC's Brownfields Subcommittee.

This letter is to express our concern over an issue – public participation – which in many respects goes beyond any particular comment contained in our Draft Guide comments. It is clear from these documents that the BCEMC has developed what it believes are valuable comments on your Draft Guide. At the same time, however, it also recognizes the need – in its own activities, as well as those of the DEC -- for a more integral, ongoing, and inclusive process for involving the public in the formulation and implementation of Voluntary Cleanup Program goals, priorities, and operating principles (as well as other state environmental policies and programs). The BCEMC welcomes such an expansion of civic discourse and wants to work with the DEC to help make it a reality.

Thus, presenting this issue to you through a separate letter is (a) a demonstration that the BCEMC is especially committed to advancing the idea of effective citizen involvement in the policy making process, particularly in the realm of brownfields revitalization, and (b) a strong challenge for the DEC to do the same.

In particular, we are concerned that the current paradigm for citizen participation in policy making is one whereby the general public acts only in an advisory and reactive capacity at the end of the policy making process. Citizens need to determine the policy questions that need to be answered, not merely respond to questions already asked and answered by a small group of specialists and special interests. The vast majority of citizens are unaware of public policy-making activities and, as a result, contribute little or nothing to how policy alternatives are construed and interpreted by public officials charged with developing and implementing policy. For example, it is doubtful that more than a small percentage of the citizens of Broome County (or New York State) are aware of the DEC's public participation opportunities associated with the Draft Guide. As such, the label "public" seems inappropriate in such an application.

Thus, most participation comes from special interest groups who compete with each other through various "expert discourses." The BCEMC believes that rather than the public deferring to "experts," the latter instead should operate more at the behest and under the scrutiny of the public. We also believe that only the public itself, not experts and other professionals aligned with a particular interest or outlook, can define the public good, i.e., what is most in the public's interest.

Brownfields revitalization is an excellent place to revisit the public's role in policy making. Citizens talking about cleaning up brownfields amongst themselves and with their representatives have a better opportunity of developing a common vision about the "where, when, how, and why" of VCP activities. In turn, communities engaged in a sustained and robust civic discourse about these issues are attractive to businesses that know too well the pitfalls of public apathy.

Although we do not recommend that the revisions of the Draft Guide be put on hold, we strongly urge you to consider them a preliminary step in a much more comprehensive reassessment of how public participation in the VCP, enhanced according to the principles set forth above, can improve the program (and the Draft Guide) at a more fundamental level.

We recognize that any effort to enhance public participation in policy development and implementation will take considerable time, thought and effort. We believe that the DEC has the opportunity, through interacting with Environmental Management Councils (EMC) across the state, to foster a more grassroots oriented process. As you know, EMCs currently provide a vehicle for grassroots citizen-based participation in local environmental issues, and EMCs could be used as a springboard for integrating local concerns and initiatives, as well as local public participation efforts, into statewide and regional policy-making. For example, following the publication of a revised VCP Guide, DEC officials could participate in public workshops around the State to exchange ideas on ways to further improve New York's VCP and make it more "user-friendly." EMCs could be the local sponsors of such forums, and host as well as publicize the workshops to encourage participation from the general public.

The BCEMC would like to work with the DEC in an effort to foster greater public involvement in environmental policy-making. To that end, we will contact you to schedule a meeting in the fall with Department personnel to discuss public participation issues.

Respectfully submitted,

D. Duke Holdsworth
Chairperson, Broome County EMC

Stacy Merola
Director, Broome County EMC

cc: Erin Crotty, Commissioner, NYSDEC
Kenneth Lynch, Region 7 Director, NYSDEC
Gina Brown, Region 7 Citizen Participation Specialist, NYSDEC
Monica L. Abreu Conley, Environmental Justice Coordinator, NYSDEC