

In addition, to address the plethora of public concerns that the IRP has witnessed about the adverse health effects of toxic contamination, this report presents a recommendation section on building community trust by providing means to objectively determine those effects. The recommendations are based on health expert presentations on blood lead contamination at the IRP's May 12, 2016 meeting in Sacramento and public comments at the IRP's September 20, 2016 meeting in Chatsworth.

Public Outreach Summary

California law and DTSC policy mandate a community involvement program that engages the public when the department oversees a cleanup, reviews a permit application, or begins a rule-making process. According to its Public Participation Manual, which was last updated in 2001, "The Mission of DTSC's Public Participation Program is to ensure that the public is informed and involved early; that their issues and concerns are heard; and their comments are considered prior to final decisions by DTSC staff and management." The manual also clarifies that "DTSC's Public Participation Program is not a public relations tool in the sense that public relations is a 'one-way' communication." Instead, the manual states that "it is DTSC's policy to create a dialogue with all stakeholders to ensure that their concerns and priorities are incorporated into each project."

The Public Participation Manual is intended to provide technical staff and public outreach specialists with the requirements and suggested activities for the program. The process for public outreach, as the manual explains, can include developing a community assessment, creating factsheets or informational materials, posting information on the DTSC website or EnviroStor, holding formal and informal meetings, issuing public notices for meetings, responding to public comments, and providing technical assistance for Community Advisory Groups (CAGs).

The Public Participation Program consists of 22 positions. Fourteen public participation specialists are located in four different DTSC regional offices. They are assisted by a new, eight-member Exide team currently located in the Chatsworth Regional Office, but expected to relocate to an office closer to the Exide Technologies facility in Vernon. The Public Participation Program and the Exide team have a \$2 million budget in FY 2016-17. In addition, there are program contracts for public notices (\$89,000), translation support (\$80,000), Exide technical advice (\$50,000), and court reporting (\$8,500). In September of 2016, DTSC Director Barbara Lee announced that the Governor had approved the establishment of a separate Office of Public Participation and would be appointing a Deputy Director to lead the new office. The IRP supports this decision, which acknowledges the importance of public engagement in all of the department's activities. Previously the Public Participation Program was part of the Office of Communications.

DTSC's Public Participation Program also supports several other department activities, such as the Safer Consumer Products Workshops, Green Ribbon Science Panels, Supplemental Environmental Project (SEP) Workshops, and Risk Communication Workshops.

The newly created Office of Environmental Justice and Tribal Affairs performs closely related tasks. DTSC worked with the Legislature to create an Assistant Director of Environmental Justice in statute in 2015. Among other duties, HSC section 57015 requires this person to serve as an outreach coordinator for disadvantaged communities where hazardous materials and hazardous waste disposal facilities are located and to provide information and assistance to communities on permitting, enforcement, and other DTSC activities in the major languages spoken in those communities, to ensure maximum feasible community participation. DTSC received a budget augmentation of \$881,000 and six permanent positions to create the new office for FY 2016-17. The IRP believes the office will broaden the transparency of DTSC's programs and promote meaningful public involvement.

According to DTSC presentations at IRP meetings, the department uses the following metrics to assess Public Participation Program performance: public meetings, public notices, community assessments, community members reached, Facebook "likes," and Twitter "followers." In general, these metrics show increased activity and reach between FY 2011-12 and FY 2015-16.

DTSC's strategic plan for 2014-18, *Fixing the Foundation—Building a Path Forward*, lists five objectives for engaging the public: (1) building public confidence in DTSC and its decisions, (2) meeting the information and engagement needs of communities, (3) presenting complex technical information and processes in a manner that is accessible and understandable, (4) ensuring that communities, the public, and other stakeholders are made aware of opportunities to participate in DTSC decisions, and (5) recognizing that good government requires transparency.

DTSC has been working on improvements to its public engagement efforts since at least late 2013/early 2014, when an internal assessment identified key areas for improvement. In late 2013 the department hired a human resources consultant, CPS HR Consultants, to make improvement recommendations in a report the following year. DTSC contracted with the UC Davis Extension Collaboration Center in 2015 for support in modernizing its public outreach and engagement strategy for impacted communities. The center conducted stakeholder outreach and focus groups to identify specific steps to enhance policies, guidance documents, methods and workflow processes, procedures, and technologies. Its recommendations were not yet released at the time this report was submitted. These and other efforts are expected to culminate in a Public Engagement Workplan. According to a DTSC presentation at the August 10, 2016 IRP meeting, this work plan is likely to address the following goals: (1) ensure early and ongoing public outreach and engagement with impacted communities, (2) create a more direct connection between public feedback and DTSC decisions, (3) build capacity for public outreach and engagement within communities and within DTSC, and (4) increase community access to data and information relevant to decision-making. DTSC plans to finalize the work plan in July of 2017. The presentation emphasized, however, that the department is not waiting for the work plan to make improvements/changes, based on what it learns on an ongoing basis.

DTSC's Public Participation Program depends heavily on EnviroStor to give the public access to critical, nonconfidential information and documents. EnviroStor is the department's online

search and geographic information system for tracking information on its cleanup, permitting, enforcement, and investigative activities. It consists of a secured system for internal use as well as a public website. The IRP has heard numerous complaints from members of the public about EnviroStor's user-friendliness, accuracy, and updating.

During the past few months, the IRP has learned a great deal about how the DTSC Public Participation Program is perceived. Unfortunately, many members of the public feel that the program's communication with communities has been irregular or insufficient, that its personnel can seem patronizing, that community meetings are not always well planned or run, that follow-through on commitments can be sporadic, that community engagement is not given a high enough priority within the department, that staff members—even those who are regionally located—do not seem "genuine" or "dedicated" to their communities, and that all too often staff members cannot supply answers at community meetings, either because they do not know the answers, because the issue in question is "another agency's responsibility," or because they are not authorized to answer. Some members of the public—those with positive as well as negative impressions of the program—believe that its staff members are stymied by middle or upper management and/or "used as public relations shields," as one community representative recently put it.

The IRP believes that negative experiences with the Public Participation Program are at least partly responsible for a perception of DTSC as insular. To address this perceived problem, many members of the public suggested the creation of a policymaking board for DTSC, the creation of a new ombudsman office with jurisdiction over the DTSC, or the continued existence of the IRP beyond its January 2018 sunset date.

On the other hand, many members of the public feel that Public Participation Program personnel have been responsive, that they are trying to make a difference, that they are advocates for impacted communities within DTSC, that they regularly participate in community meetings, and that they are diligent about providing answers to questions, even if they may not always produce them on the spot. Even many critics of the Public Participation Program have told the IRP that they feel performance has improved in recent years and that they are impressed with recent public outreach or environmental justice hires, who often are bilingual and ethnically reflective of the impacted communities, and appear especially enthusiastic about their work.

The IRP heard individuals who live near the Santa Susana Field Laboratory (SSFL) voice strong opinions from many different perspectives about SSFL CAG. Other DTSC CAGs, however, seem to be more or less reflective of community opinions. DTSC has expressed to the IRP a willingness to provide technical information and otherwise work with community groups of all kinds, not just CAGs.

The toxic contamination at the Exide technologies facility was tragic for the surrounding communities. The \$176.6 million appropriation to expedite and expand testing and cleanup of surrounding properties, signed by the Governor in April of 2016, was sorely needed. DTSC has a big job ahead of it. Based on comments from community residents or representatives at IRP

meetings, the department's public participation and environmental justice staff are off to a good start in the surrounding communities, and there are high hopes that the new local office for the DTSC Exide team, which some refer to as a "Pod," will make a difference. The Workforce for Environmental Restoration in Communities Program appears to be especially popular. The IRP believes that the Exide cleanup is an opportunity for DTSC to gain experience with modernized public participation practices.

Recommendations to the Governor and Legislature to Improve Public Outreach

1. Create either a policymaking board or an inspector general/ombudsman office within DTSC to provide accountability and a means of arbitration, if necessary.
2. Include other state boards, departments, offices, and certified uniform program agencies in the risk communication workshops to improve collaboration, communication, and consistency throughout state of California environmental protection agencies and the communities they serve.
3. Provide funding to the newly established Office of Public Participation for sufficient staffing necessary to adequately address all necessary public outreach needs of DTSC, including timely updates for both cleanup and permitted facility sites. In this same office, establish a permanent, crisis management team for sites with severe site mitigation challenges.
4. Provide funding for sufficient technical assistance for CAGs and other community groups and establish a clear conflict of interest policy requirement for CAG members so that there is clear public trust in the organizations. Give DTSC the authority to cease technical support for CAGs that do not retain stakeholder diversity, keep meetings open to the public, or enforce the conflict of interest policy.

Recommendations to the DTSC to Improve Public Outreach

1. Improve EnviroStor's user-friendliness, accuracy, completeness, and regular updating of material by instituting a dedicated team whose sole responsibility is insuring that the data and reports, as well as public concerns, are entered into the system in a timely manner. This same group also should provide technical support/assistance to public stakeholders on how to navigate EnviroStor.
2. Finalize the Public Engagement Workplan and the Public Participation Manual update by _____.
3. Adopt and publicize a standard process by which communities and stakeholders can request and receive public notices, testing, and site characterization by March 1, 2017.

4. Adopt policy to provide testing and monitoring data to residents of impacted communities when requested.
5. Emphasize the building of long-term relationships between public outreach staff members and communities surrounding hazardous waste facilities as well as brownfields and environmental restoration sites. Encourage the hiring of public outreach staff members who are from those communities or live in or near them.

Recommended Goals and Performance Metrics for Public Outreach

1. Using surveys and other methods, measure community satisfaction of public outreach on an annual basis.
2. Compare results of an IRP 2017 survey of Panel contacts with results of the 2016 survey.

Information Requests to the DTSC on Public Outreach

1. Report on work to date of the DTSC Organizational Culture Task Force Group, including the proposed staff survey, by the December 2016 IRP meeting.
2. Provide an update on the UC Davis Extension Collaboration Center recommendations for enhancing and modernizing DTSC's public outreach and engagement strategies by the December 2016 IRP meeting.
3. Report on public outreach staff recruiting and turnover by _____.

Recommendations to the Governor and Legislature on Building Public Trust by Evaluating Potential Adverse Health Effects of Toxic Contamination

ENVIRONMENTAL CAUSATION OF RARE CANCER CLUSTERS:

1. Provide funding for scientific studies to independently determine association between living proximity to contamination sites (ex: SSFL and Riverside Agricultural Park) and the incidence of rare cancer clusters that have been observed by residents. Part of this funding can be derived from a special sales tax for materials that incorporate toxic metals. This special tax can be redirected to fund community outreach programs such as studies on potential adverse health outcomes.

LEAD TOXICITY:

1. Create statewide lead taskforce to make recommendations on the sharing of information, leveraging of resources, and establishing of a comprehensive surveillance program. The taskforce should include representatives from: DTSC, Department of Public Health (DPH), Cal/OSHA, air quality management districts, regional water quality control boards, county environmental health departments, worker safety advocates, labor organizations, healthy housing organizations, and impacted communities.
2. Require DPH to conduct blood-lead level analysis to identify potential "hot spots" for lead exposure in impacted communities. Provide funding for scientific studies to determine relationship between elevated blood-lead levels and adverse health outcomes in identified contaminated communities.

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