

### Public Involvement Challenges in Developing a Defense Department 'Range Rule'—An Analysis

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By the mid-1990s, there had been a considerable amount of public discussion on the need for nationwide standards to manage risks to the public from unexploded ordnance at former military ranges. The US Environmental Protection Agency (EPA) had issued a Military Munitions Rule in February 1997 governing the transportation, storage, management and disposal of waste military munitions. The EPA's rule contained a provision that prompted the Defense Department to draft its own regulation for managing unexploded ordnance at former ranges.

The "Range Rule," as it came to be called, was a way to provide a consistent process for managing this ordnance at closed ranges on active installations, as well as transferred ranges at formerly used defense sites and ranges on land that is transferring from Defense Department control. The Defense Department looked to the Army, which had the most military ranges, to lead the way in drafting a rule with national application. A team from the US Army Environmental Center (the Center) took on the task of writing the rule, in close coordination with the other military services, the EPA and other affected federal agencies.

A critical part of this effort would be public involvement in developing the rule. At the beginning of 1996, the Center's Public Affairs Office took on the job of heading up a joint-service public affairs team, whose mission was to ensure ample opportunity for public involvement in drafting and developing the Range Rule. A public affairs program that was initially envisioned as being completed within a few months ulti-

mately stretched out over two years, due to political realities and the complexity of the issues involved. There were several hurdles to overcome and a number of lessons to be learned along the way, as the Range Rule development was a "first-of-its-kind" project within the Defense Department.

As it turned out, the Department's Range Rule public affairs team did not consist entirely of public affairs professionals. Environmental protection specialists represented the Navy on the joint service public affairs team, and the same was true for the Marine Corps.

A major challenge was to come to a unified understanding of the issues involved, the kind of information that would need to be conveyed to the public, and the best methods for conveying it. Because public involvement requires two-way communication, we also had to devise ways to help people provide their input to the Defense Department as the rule was being crafted. Proposed methods of doing this ranged from very comprehensive and costly national "outreach" campaigns to scaled-down efforts that would just meet the legal requirements of the Administrative Procedures Act.

From the outset, Sherri Goodman, Deputy Under Secretary of Defense for Environmental Security, had emphasized the importance of involving elected officials and interested public groups in the process of writing the Range Rule. Our evolving public-involvement plan included a growing and continually updated mailing list, enabling us to send out information about the development of the rule. The effort also included teamwork in developing fact sheets, a summary of the rule as it evolved in draft form, and other information updates to help people provide their comments to the Defense Department. The nationwide mailing list included federal and state elected officials; federal, state and local regulatory officials; Native American

tribal leaders; various national environmental groups; local citizens' advisory groups; and chairpersons of Restoration Advisory Boards at military installations throughout the United States where there were ongoing environmental cleanup programs.

We also worked closely with members of the Range Rule writing team, to brief the draft rule and associated public-involvement efforts to interested national groups such as The Nature Conservancy and Association of State and Territorial Solid Waste Management Officials. Additionally, the Center's public affairs staff and Defense Department officials talked to some key members of groups who had voiced their opposition to the Department writing its own rules to address public health and safety issues. We sought their opinions on how the Range Rule public-involvement effort could be made more effective and inclusive of all affected parties.

We received much advice on that score, some of it within the bounds of what we could realistically accomplish with the resources at hand, and some suggestions that, if we had followed them, would have required a million-dollar public affairs budget and greater manpower than we had at our disposal. In view of the political sensitivities and potentially high funding requirements, we had to brief the public-involvement plan and every action we contemplated to the leadership in the various military services, as well as to Department officials.

Public affairs professionals sometimes disagree on how to best tackle a difficult public affairs challenge, and in the case of the Range Rule, the separate military services routinely came to the table with different perspectives. The availability of funding and resources for such an effort was an important consideration and sometimes a point of contention. The input from so

many different sources, and the lack of consensus on the level of effort needed or possible, made it difficult to shape a plan that everyone could finally endorse. Reaching agreement involved internal debate on some details, negotiating and fine-tuning, but the end result was a joint plan that could be approved by the environmental leadership in the military branches and the Defense Department.

A key component of the plan was the sponsorship of four regional Range Rule “public information forums,” where concerned citizens could learn about the proposed rule and provide their comments in person to members of the Range Rule team. There were several discussions about the best locations and methods for sponsoring public forums, but in the end, we agreed that each military service would sponsor a public forum of its own—with logistical and contractor support from the Center’s Public Affairs Office.

At that point, we looked at maps showing the location of formerly used defense sites and other areas with former military ranges that would be impacted by the proposed rule, to determine if we could hold the forums at cities where there would be the greatest public interest. Based on the information at hand, some of which was still being collected as we were developing our plan, it was difficult to pinpoint four cities with the most potential for public interest. We then looked at airline “hub” cities in the Southeast, Northeast, Midwest and far West that afforded the best transportation options for concerned environmental and public-interest groups, as well as military leaders and Department representatives who would be on hand at our public forums.

Following a few more brainstorming discussions within the public affairs team and consultation with their service chains of command, we drafted a plan for the Navy to sponsor the first forum in Jacksonville, Florida, followed by an Army-sponsored forum in Baltimore, Maryland, an Air Force forum in Kansas City, Missouri, and a Marine Corps forum in Reno, Nevada.

Though each service would sponsor and largely fund its own public forum, the

joint-service public affairs group had the task of developing a variety of informational materials to support these forums. We worked as a team to develop poster exhibits, summaries and fact sheets that could be easily understood by lay persons. We designed this material to support the “speaking with one voice” concept that Defense Department and military service officials needed when meeting with the public, explaining the rule to them and soliciting their comments. The technical details of issues related to the Range Rule, as well as the elaborate staffing and coordination requirements within the separate services, made this a formidable task. It was a real challenge to create simple informational materials when the issues surrounding unexploded military ordnance involved a great deal of technical jargon, regulatory “legalese” and technical data.

To make this task more manageable, we consulted with experts in the field of environmental risk communication. Issues that involve health and safety risks to the public, however small the risks may be, are often fraught with misconceptions and emotional responses that hinder productive, two-way communication. We wanted to avoid some of the communication pitfalls that have plagued private industry and government in the past, and help the Range Rule team be prepared to field some potentially tough questions at the public forums.

Early on, we reached agreement on “key messages” to tie our informational materials together and get the right points across. One key message was that the proposed Range Rule was a carefully designed program—with input from a variety of affected federal, state and local groups. We also wanted to let the public know the proposed rule spelled out a phased approach to managing safety and health risks, and that it would involve the public in each phase. Our biggest challenge was to help the public understand the rule, while providing them a variety of opportunities to voice their views about it.

This not only necessitated the creation of well-coordinated informational materials but training in environmental risk communication and several practice sessions to

help the Range Rule “core group” of experts prepare to address the issues we believed the public would raise. These practice sessions were a little rough around the edges at first, but they gave us a way to evaluate our efforts up to that point and help the experts polish their presentation skills.

It was definitely not stress-free for those in the spotlight, as we put them through their paces with simulated exposure to “hostile” press and “activists.” With practice, the members of the Range Rule core group became increasingly adept at communicating without resorting to legalese or technical jargon, and they became better attuned to the thorny issues that might be raised.

In the meantime, the Range Rule team continued to work on rule language in coordination with affected parties and representatives of environmental regulatory agencies, largely through a “partnering initiative” endorsed by Raymond Fatz, Deputy Assistant Secretary of the Army for Environment, Safety and Occupational Health, and his counterparts in the other services. The initiative continued during the public comment period after the proposed rule was issued in the Federal Register, and even when the public forums had taken place.

As the publication date in the Federal Register approached, the Center’s Public Affairs provided updated information to environmentally concerned individuals and groups throughout the United States via our mailing list. We also used a Defense Department Internet site to provide the same type of information. We regularly updated this site to keep people abreast of plans for public involvement.

When the dates for the Range Rule public forums were imminent, the public affairs team sprang into action to publicize them as quickly as possible. The timing of these regional forums was critical, as we had a 90-day public comment period in which to complete the process of taking public comments. We had a plan in hand. Now was the time to set the wheels in motion. We used paid advertisements in regional newspapers, our mailing list, “teaser” radio spots, letters and faxes to the staffs of elected officials, and our Range Rule Web site to

advertise the public forums as widely as resources permitted.

The forums themselves turned out to be somewhat anticlimactic, however. Public attendance was light in Jacksonville and Baltimore. There was a somewhat larger public turnout in Kansas City and Reno. Several members of environmental groups critical of Department policy came to the session in Reno, but the turnout was not as great as some had anticipated.

As a result, a few environmentalists criticized the Department for its public involvement efforts. Some felt the public forums were not advertised aggressively enough, that there should have been public forums at other locations, or that the Range Rule team did not engage in dialogue concerning local issues in areas where military ranges and unexploded ordnance issues have sparked debate. There was some criticism because we were unable to provide all of the information requested, such as the exact location of all the former military ranges throughout the country.

Some of the criticism stemmed from the fact that our initiatives to reach out to the public did not reflect recommendations we received from environmental groups early in our planning. However, even if we had committed the additional resources needed to conduct focus groups or used other costly methods to determine public interest, or conducted a more aggressive national campaign, it is unlikely that our public involvement program would have met with everyone's approval. The expectations

of those who gave us advice often went beyond what we could realistically accomplish with the resources at hand. Keeping in mind the public's right to know and to have a voice in decisions that affect them, we strove to do the best we could while being mindful of budget constraints and responsibility to taxpayers.

One gauge of the affect of public involvement during development of the Range Rule is the number of comments received on the proposed rule. By the time the public comment period had ended, the Range Rule team had received numerous sets of public comments, comprising about 200 typewritten pages. Comments came from regulatory officials, environmental groups, private industry and concerned citizens in several states.

The official public-comment phase of the rule-writing process ended within the prescribed 90-day period, but that did not end the development of the Range Rule. The team of attorneys, environmental protection specialists and technical experts developing the rule continue to address the public comments received.

Following the final public forum in Reno, in December 1997, the Defense Department's team of experts working on the Range Rule began a "partnering" effort with the EPA, state representatives, Native American tribal representatives and some public-interest groups to work jointly on a Range Rule Risk Methodology. The "R3M," as it is called, is intended to be a scientific methodology for calculating explosive-

safety and other risks posed by unexploded ordnance and "munitions constituents" on ranges covered by the Range Rule. This partnering group has met in Reno, Las Vegas, Baltimore, Washington, DC, and Edgewood, MD, to work out the details of a risk methodology and management strategy. Despite some initial disagreements about how to evaluate and manage risks, Defense Department rulemakers and the other members of the "R3M" partnering group have cleared several hurdles to developing an agreed-upon risk methodology. The EPA has stipulated that the Range Rule Risk Methodology must be complete before the rule can be final.

The Army, which is heading the Range Rule effort as the largest user of military ranges, is currently projecting that the rule will be finalized by August 2000. Although the proposed rule was published about two years ago, the Defense Department has been preparing responses to the hundreds of pages of typewritten comments received from regulatory officials and the public, and incorporating many of the comments into its rule.

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