

THE TRI, P2, AND PUBLIC DIALOGUE

Industry representatives, government agency personnel, and environmental activists alike credit the Toxics Release Inventory (TRI) with encouraging the rapid and widespread adoption of pollution

prevention and waste minimization practices. The public availability of TRI information has had another far-reaching effect: It has acted as a catalyst for increased dialogue among environmental activists, community residents, industry, and government regarding pollution prevention and a wide range of other environmental and community issues.

Even prior to the availability of TRI data, companies were seeking to reduce waste both for competitive reasons and to decrease the liability associated with the generation of hazardous wastes. Publication of TRI data provided an extra shot in the arm to pollution prevention efforts, however. Lists of top emitters caught the attention of community members, stockholders, elected officials, and employees, as well as environmental activists. And no CEO wanted to have his or her company at the top of the list.

***Public availability of
TRI data gives companies
an added incentive
to reduce waste and toxics***

Background

The Emergency Planning and Community Right-To-Know Act (EPCRA), which was passed in 1986 as Title III of the Superfund Amendments and Reauthorization

Act (SARA), placed an enormous amount of information on facility operations into the public domain. Much of this information is compiled into the TRI database, which provides data on releases and transfers of hundreds of chemicals¹ from approximately 23,000 facilities to the air, land, and water. The Pollution Prevention Act of 1990 further expanded facility reporting requirements in order to differentiate among pollution prevention, recycling, treatment, and disposal.

"Before TRI, the availability of information to the public was very spotty and depended on the largesse of the company," says Susan Hazen, Director of the Environmental Assistance Division within EPA. The Environmental Assistance Divi-

Carol J. Forrest

sion is responsible for compiling TRI data and making it available to the public. "The public's experience at obtaining information on emissions and toxics ranged from very positive to very negative, where facilities wouldn't even let them in the door. It's hard to have meaningful public involvement without good information."

The TRI has received praise from executives and board members at a number of leading U.S. companies who believe that collection and disclosure of the data have strengthened industry's overall understanding of emissions and encouraged increased dialogue with the public. The importance

placed on such dialogue is evident in initiatives such as the Chemical Manufacturers Association's (CMA) Responsible Care® program, which requires member companies to communicate with the public about a number of

aspects of their facilities' environmental performance. Much of this communication uses TRI data as a reference. The Pollution Prevention Code—one of six codes of management practices within Responsible Care®—specifically requires communication with the public regarding pollution prevention efforts.

"TRI provided a fulcrum or rallying point for pollution prevention. It encouraged us to look at our entire emissions picture," says Craig Doolittle, Pollution Prevention and Combustion Issues Manager for The Dow Chemical Company. He adds, "It also gave us a good reason to get involved in the community. Once you share information with the public, you have to do something with it."

Who Is Interested in TRI Data?

Some industry representatives question whether "the public"—as opposed to environmental activists—is interested in technically complex information such as the TRI data. This is a question that must be considered on several

levels. At the policy level, EPCRA came about as a result of the public's desire to know what chemicals are stored in their communities and emitted into the environment. As Hazen says, EPCRA reflects "the right and responsibility of the public to know what is stored in or emitted into their communities."

When looking at specific behavior, however, "the public" is difficult to define. For example, some business persons, regulators, and legislators tend to view environmental activists—who typically have a strong interest in TRI—as a discrete group set apart from "the public." A more accurate model would show a continuum of public interest, with activists occupying a position marked by a greater than average interest in, or willingness to take action on, environmental issues.

Such positions are not static, however. As a number of high-profile incidents have shown, certain environmental issues or events, such as major accidents, spills, or the discovery of serious contamination in a community, have the capacity to mobilize a much wider segment of the public than those who typically identify themselves as activists. In some communities, large TRI numbers have also caught the attention of a much broader segment of the community than those who traditionally respond to environmental issues. Thus, TRI data have the potential to interest many more members of "the public" than those who identify themselves as activists.

A report issued in July 1995 by Unison Institute/OMB Watch, which jointly operate the Right-To-Know Network (RTK NET), provides case studies as well as a generalized, numerical breakdown of users of the TRI data. RTK NET is a collection of databases, including the TRI, available to the public via modem. According to the report, which is titled "The Right Stuff: Using the Toxics Release Inventory," there are more than 3,000 users of RTK NET divided almost equally between public interest and business users.

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"The Right Stuff" breaks down the use of the data into several major categories. Among public interest users, uses of the data are reported to include:

- educating the public
- "citizen empowerment" to address such issues as chemical use or emissions from facilities and the transfer of wastes from out-of-state sources
- demonstrating and battling environmental injustice in the siting or operation of facilities in minority or low-income neighborhoods
- litigation against polluters
- campaigns to encourage pollution prevention

A review of the cases included in the report shows that while pollution prevention is listed as a separate category, it is also a major component of many other uses, including public education, citizen empowerment, and environmental justice.

RTK NET can be accessed via modem by dialing 202-234-8570 and logging in under "public" (entered in lowercase letters) and following the directions. Unison Institute/OMB Watch's phone number is 202-234-8494.

Communicating with the Public About TRI Data

Although a number of leading manufacturers have embraced the disclosure of environmental performance data as a positive and necessary step toward establishing good relations with communities where facilities are located, such disclosure can be unsettling to companies in industries that lack experience addressing public questions about environmental performance and issues.

According to EPA's Hazen, much of the concern about TRI has to do with questions regarding how people will use the data. "In many industries, the attitude still is, 'I'm not going to give you information unless you will use it responsibly—and I will define the term "responsibly.'" Many com-

panies still don't think the community should have this information."

The "neutrality" of TRI data allows the information to be put to a variety of uses, or manipulated to illustrate any number of different points of view, by community members, environmental activists, public interest groups, industry, or government. As a result, although the quality of the data is sometimes criticized, the real bone of contention is typically the manner in which the data are used. Despite the public availability of TRI data, gaining access to the information and interpreting it is still left primarily to interest groups pursuing specific agendas. Thus, it behooves companies to take a proactive stance and provide their own explanations of what their TRI numbers mean.

For example, large emitters that issue press releases or hold community meetings or briefings to explain their emissions numbers and describe the measures being taken to reduce them generally receive less criticism than large emitters that fail to provide such information. "They go the extra yard and explain their numbers to the community," Hazen says, adding, "This is typically very effective. I do not have these people knocking on my door and complaining about misuses of the data."

Taking a proactive approach is doubly important in light of the sensational manner in which TRI data are sometimes presented by the media. Despite ongoing efforts by EPA to provide explanatory information on what the numbers mean, the media's desire to report "big numbers" often leads reporters to aggregate data to form numbers that look exceptionally large. According to Hazen, this is especially common in regard to underground injection.

"These numbers, in particular, are sometimes misused," says Hazen, "but we cannot refuse to provide this information to the

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community. Instead, we include explanatory information and urge facilities that are using underground injection to communicate with area residents and the media.”

Good Disclosure versus “Public Relations Fluff”

Many environmental activists dismiss company communications on waste minimization and pollution prevention efforts as “public relations fluff” designed to manipulate public opinion and, ultimately, environmental policy. For example, The Working Group on Community Right-To-Know provides a list of questions that community members can pose to facility managers to determine whether reductions their companies report are “real” (due to pollution prevention) or “phantom” (due to accounting methods or transfers between media). Thus, companies need to provide accurate, objective information accompanied by good explanations when describing waste minimization and pollution prevention activities.

The first rule of communication regarding environmental performance is to tell the truth. If a company is discovered to be falsifying its numbers or putting out misleading information, any other attempt it makes to communicate with the public will become suspect.

In addition, two major issues typically must be addressed to ensure good communication. The first has to do with framing and presenting the information—and how these elements affect the audience’s perceptions. For example, a company that enthusiastically emphasizes only “good news” (e.g., reductions in some areas) may be perceived as trying to overshadow “bad news” (e.g., no reductions, increases, or accidental releases in other areas). Although companies certainly want to communicate “good news,” infor-

mation should be provided in a balanced, objective manner that avoids a tone that is too self-congratulatory. “Bad news” must not be omitted, lest community members discount the “good news” or believe that the company is deliberately attempting to hide pertinent information. Omission is often perceived as lying.

The second communication issue concerns the level of detail to be disclosed. The appropriate level of detail depends on the knowledge and interests of the audience. For example, many community members may be interested only in whether facility management expresses commitment to reducing emissions and is managing hazardous materials and wastes in a manner that minimizes the likelihood of spills and other accidents. This audience may be more than satisfied with a one-page statement of policy from the plant manager and general information on emissions and transfers. These people may not want to read more detailed material. Conversely, activists or persons who are knowledgeable about facility operations may consider a simple, one-page statement to be “public relations fluff.” As a result, some facilities provide the same basic information in separate documents—one in overview form and the other as a detailed report—to suit the level of interest and knowledge of different stakeholder groups. If such an approach is used, care must be taken to ensure that the materials do not appear to be telling different stories to different audiences. It is particularly important to make sure that the general, simplified statement does not present a false impression.

It is important to note that huge emissions decreases are not necessary to win public approval of plant operations. This misconception sometimes encourages overstatements of pollution prevention or waste minimization achievements that, if discovered, will severely damage a company’s credibility. EPA’s Hazen points out, “Communities can be very understanding, even in cases in which a facility can only hold the line on emissions or re-

Huge emissions decreases are not necessary to win public approval of plant operations.

duce them by a half a percentage point. The key in such cases is for the company to communicate to the public that they are doing their best."

Environmental Activists' Use of TRI Data

Environmental organizations throughout the United States are undertaking a variety of initiatives to encourage pollution prevention based in large part on TRI data. These initiatives range from approaching facilities to discuss their TRI numbers, holding meetings for the community about TRI and pollution prevention, and offering technical assistance, to "hardball" tactics, such as negotiating legally binding "Good Neighbor" agreements with facilities, filing citizen's lawsuits, and intervening in zoning and permitting activities.

Bob Eisengrein, Technical Manager, Acton Citizens for Environmental Safety (ACES), in Acton, Massachusetts, works both with community residents, to educate them about toxic chemicals, and with local facilities, to find ways to reduce the use of toxics. ACES completed a report called "Toxics in Acton" in 1992. Of the four companies profiled in the report, three invited Eisengrein to present the report and discuss its contents with them. Eisengrein, a retired engineer, attributes his success in initiating these dialogues to "knowing industry and speaking their language." He says he approaches facilities "not as an activist, but as a mediator who is interested in learning and reporting responsibly."

Eisengrein is one of a number of engineers who work on pollution prevention issues through the Environmental Careers Organization's (ECO) Technical Advisor Program. The Technical Advisor Program recruits and places retired engineers and scientists in nonprofit and community-based organizations involved in reducing industrial toxics use. Joanna Hoelscher, Program Director of Citizens for a Better Environment (CBE) in Illinois, states that their ECO Technical Advisor has offered assistance to several primary and secondary metal finishing companies in the Chicago area by identifying pol-

lution prevention opportunities. Most are small companies that lack the technical expertise the ECO volunteer brings, and have been enthusiastic about the assistance offered by CBE. But other companies have refused assistance, some out of concern over working with an activist organization.

Such concerns have arisen in large part because of instances in which activist organizations have used TRI data to place pressure on companies through legal or regulatory means. For example, Hoelscher says that CBE of Illinois reviews SIC code data and matches it to TRI filings. In cases where it appears that companies should have filed Form Rs but have not done so, CBE issues a 60-day notice of intent to sue. "We do this to bring them into compliance," says Hoelscher. During negotiations to settle such suits, CBE pushes for companies to commit to pollution prevention.

Denny Larson of CBE in California says that his organization also attempts to negotiate directly with industry, but that they use lawsuits when necessary "for legal leverage." He points out that, with all the other news items and distractions that demand corporate and public attention, lawsuits are often necessary for a community environmental problem "to make it up on the screen." California CBE also intervenes in the permitting and zoning processes to press for increased community involvement and reductions in toxics use.

Obviously, industry does not care for such tactics. With all of the competitive and regulatory pressures facing businesses today, such legal challenges are viewed as especially burdensome. Activists appear to differ as to whether the "carrot" or the "stick" provides a better approach. Some, such as Hoelscher, believe both are necessary. "We don't start out being adversarial, but what do you do if the company won't engage in a positive dialogue?" asks Hoelscher.

CBE pushes for companies to commit to pollution prevention.

Such mixed messages create misgivings among many business persons about the benefit of public dialogue on pollution prevention—or at least dialogue with activists. On the other hand, activists are concerned that they will not be heard unless they take strong actions. It is hoped that, as positive dialogue and good facility-community relationships become more common, they will serve as models for behavior that can reduce the uncertainty surrounding such relationships and provide guidelines to help facilities, activists, and community members work together productively. The use of such models would no doubt free up time that would otherwise have to be spent on process so that efforts can instead be applied to addressing environmental issues.

What Companies Are Doing To Promote a Dialogue

With the availability of TRI data, many manufacturing facilities have recognized the need to establish ongoing, positive relationships with their communities. A number of chemical manufactur-

ers have pioneered community outreach techniques that are now models for companies in other industries. Several of these chemical companies had been actively pursuing community outreach even before the inception of TRI. Examples of some of the community outreach activities used by Eastman Chemical Company and The Dow Chemical Company appear as sidebars to this article.

A cornerstone of many facilities' community outreach programs is the community advisory panel (CAP). CAPs are composed of area residents, who are intended to reflect a cross section of the community, and are an integral part of the Responsible Care® initiative, as well as the outreach strategies of other non-chemical manufacturing companies. These groups provide facility management with insight into community concerns and act as channels of information about the facility to the rest of the community. One important role for CAPs is exploring how the facilities they work with are using and managing toxics and preventing pollution.

CAPs are criticized by some activists, who characterize them as panels filled with friends of facil-

Eastman Chemical Company

Eastman Chemical Company uses a number of community outreach tools, many of which convey information on the company's pollution prevention efforts or increase awareness of the importance of activities such as recycling. Key outreach vehicles include:

- *Community Advisory Panels.* Eastman's four main manufacturing facilities in the United States have CAPs, which receive updates on the company's TRI data, as well as facility-specific information, each year. In the case of Eastman's Kingsport, Tennessee, facility, CAP members meet every other month, or as needed. "We take a lot of issues to them," says Fletcher Dean, Public Affairs Representative for Eastman. "For example, we'll ask, 'what's the best way to present this information to the community?' And they tell us. They are very blunt—they will hold us to task and tell us what we do right and what we do wrong."
- *Facility Tours.* In addition to standard facility tours offered year-round, the Kingsport plant offers special environmental tours for the public each summer. According to Dean, approximately 200 people take the environmental tours each year. "We show them how we manage wastes—unique types of waste management processes, our pollution prevention initiatives, the wastewater treatment facility, and our acetone recovery project," says Dean.
- *Environmental Annual Reports.* Environmental reports for each of the company's facilities, as well as for the corporation as a whole, are prepared and made available to the public annually. The reports use the Responsible Care® codes as a format to convey environmental, health, and safety performance data. They include specific information from the TRI, as well as explanations of how emissions are being reduced.
- *Education Initiative.* Eastman facilities provide speakers who can go out and talk to community groups about the company and all aspects of its operations. In addition, Eastman's engineers and scientists assist schools with student projects, demonstrations, and programs, such as "Science in the Summer."
- *Sponsorship of Consumer Recycling Programs.* Eastman's Kingsport facility sponsors the nation's largest stadium cup recycling program, helping to recycle PET plastic cups at all University of Tennessee sporting events under a program called "Good Sports Always Recycle." Additionally, the facility gives \$500 grants to the top ten schools in the state as measured by recycling efforts.

ity management or as nonrepresentative of the community. Since a nonrepresentative CAP cannot fulfill the vital role it is designed to play, companies that are serious about community outreach should take great care to recruit strong, representative groups. In cases where this has been done, CAPs have provided valuable assistance in promoting open and productive dialogues with the community.

As the Eastman and Dow examples show, effective community outreach programs also incorporate other activities and forms of communication in addition to CAPs. These activities can include tours and open houses, written environmental annual reports, and annual meetings that serve as "reports to the community," as well as service to the community in the form of educational outreach and assistance in recycling or managing wastes. Some activities directly facilitate a dialogue on pollution prevention and other aspects of facility operation. Others help create an environment that encourages community members to approach facilities with comments or requests for information.

"The best community relations is win-win," says Craig Doolittle of Dow Chemical. "You view each other with the same respect with which you would want to be viewed. Community members should have a platform to voice their opinions—and they need to see that their input is having an effect. It takes time to build trust, but it's worth it."

The Role of Employees

Community outreach efforts often have an unforeseen, positive impact on an important segment of the public which is often overlooked: facility employees. Employees are key sources of information to the community on all aspects of facility operations. They should be able to be articulate about facility pollution prevention and environmental protection initiatives.

Dow's regular employee training is an example of a program that is designed to address employ-

The Dow Chemical Company

The Dow Chemical Company's Plaquemine, Louisiana, manufacturing facility engages in a number of community relations activities. Some of these activities are specifically designed to promote a dialogue, while others are simply acts of good corporate citizenship.

- The Plaquemine facility has an active, 16-member CAP that currently meets at six-week intervals. One of the ideas generated by the CAP was the "Dow Live" television show, which now airs quarterly on Sunday mornings on the local ABC affiliate. "Dow Live" is the top-rated show in its time slot, indicating that the community is quite interested in the Plaquemine facility and its operations.

The first half of the show, which may be either 30 or 60 minutes in length, is recorded, and typically features one of the facility's production plants or a plant-wide issue. The second half of the show is conducted live, and allows the audience to phone in questions to a panel of participants. The panel typically consists of representatives from the facility's public affairs and environmental departments, as well as the Responsible Care® coordinator. A CAP member or a participant with some specific expertise, such as a toxicologist, usually rounds out the panel. The questions phoned in by the audience are not screened or time-delayed. Although many of the questioners ask about environmental issues, some address community or company issues as well.

- Dow conducts independent opinion polling of the community to determine what community members think of the company, the facility, and its performance. According to Associate Environmental Consultant Bob Kalish, the polls indicate that Dow is doing a good job of controlling pollution and improving communications with the public. Dow also maintains a hot-line that community members can call when they have concerns.
- Dow's on-site, permitted hazardous waste incinerator is put to some special uses on behalf of the community. For example, with the permission of the Louisiana Department of Environmental Quality, Dow collects and burns household hazardous wastes such as insecticides, paints, and photographic chemicals. Dow also incinerates laboratory wastes (other than biological wastes) from public and private high schools throughout Louisiana, and drugs that have been seized by law enforcement agencies.

ees' environmental and health concerns. It educates them about their facility's environmental performance, its plans to reduce emissions, and its public service program, as well as covering topics such as the waste minimization hierarchy and Responsible Care®. Dow's training also includes practical information, such as health monitoring and procedures for responding to or reporting spills. This comprehensive training ensures that Dow's employees can speak knowledgeably about their facility's environmental performance to friends, neighbors, and other community members. Dow also provides additional training to selected "Dow Ambassadors," who are then made available to speak to school or community groups or others

who want more information about the facility's activities.

Says Doolittle, "It was such a delight when we began to open up about what we did. Especially for the company environmental people, it was really good to be able to talk about what we were doing in a proactive manner."

State P2 Programs and Community Outreach

Several states have included some aspect of community outreach in their pollution prevention programs. For example, the Massachusetts Toxics

Use Reduction Institute, which is part of the state's pollution prevention program, has begun addressing the issue of community-facility dialogue. "We are mandated under the Massachusetts Toxics Use Reduction law to provide services to industry and to provide services to communities," says Janet Clark, Technology Transfer Coordinator at the

Institute. "During the first four years, we concentrated on helping industry reduce toxics. Now, we have moved to better address service to the community." Clark notes that when the Institute conducted a community session as part of a conference on industrial toxics use reduction in the spring of 1995, it was well-attended. "Companies wanted to better understand community concerns and what they needed to know to interact with communities." The Institute's program to foster industry-community interaction will include information resources, training, and grants.

Illinois' PIPP Program

The Illinois Environmental Protection Agency (IEPA) runs a voluntary program involving approximately 200 facilities in the state called Partners in Pollution Prevention (PIPP). When PIPP was first created, IEPA, which has a strong tradition of com-

munity relations, decided to include community outreach as a component of the program. "Since PIPP is a voluntary program, we cannot force companies to perform community outreach. We could say, however, that we strongly encourage them to do so," says Keri Luly, Assistant Manager for the Office of Pollution Prevention.

"We told companies that discussing pollution prevention was a golden opportunity to talk to their communities, because they are telling them good news," says Luly. "But we also told them that they needed to be prepared, because once they started the dialogue, they may hear some things from the community that they hadn't expected. They must be ready to act upon problems or concerns described by their neighbors. The companies that are involved in PIPP tend to be progressive, however, so they are more willing to embark on community outreach than some other companies." Participants in PIPP are required to fill out annual reports that include questions regarding such outreach efforts as facility tours or CAPs.

To help PIPP participants that had not yet taken the initial leap into community outreach—or that wanted to strengthen their programs—IEPA's Office of Pollution Prevention and Office of Community Relations conducted six seminars on community relations at locations throughout the state in May 1995. The seminars, which were co-sponsored by the League of Women Voters of Illinois, provided basic information on community outreach to help PIPP members establish meaningful relationships with their communities. IEPA also works with companies individually to help them design effective outreach programs.

IEPA grants a "Star Partners Award" to companies that do an outstanding job in pollution prevention and that take P2 beyond their own facility boundaries by mentoring IEPA and other companies, in addition to engaging in community outreach. Nalco Chemical Company, which has a facility in Bedford Park, Illinois, is one of seven

The seminars provided basic information on community outreach to help PIPP members establish meaningful relationships with their communities.

PIPP participants that have earned the award.

Nalco is widely recognized as having one of the leading community outreach programs in Illinois. The primary vehicle the company uses to obtain input from the community is its Community Advisory Group (CAG), which was formed in 1991. Pollution prevention is one of the topics that is discussed by the group. According to Paul Pederson, Environmental Superintendent at Nalco's Bedford Park facility, the CAG has provided feedback to the company's internal PIPP steering committee and has been periodically briefed on the progress of the facility's pollution prevention initiatives.

CAG facilitator Marilyn Rosenzweig, of the League of Women Voters of Illinois, says "The group accomplished what it set out to do—which was to build a communication bridge between the community and Nalco." In fact, the dialogue was so successful that by 1994, the CAG members themselves suggested expanding the group's focus to include other industry participants besides Nalco. Says Rosenzweig, "The members of the CAG were so impressed by the openness and honesty of Nalco. They felt they learned a lot from them and wanted to learn more about the other facilities in the area."

In addition to the CAG, Nalco also engages in various chemical education endeavors. These activities include instructing local grade school students on chemical safety awareness, offering career guidance for students interested in science, and other educational partnerships.

Conclusion

The public availability of TRI data has transformed the public-industry dialogue about environmental performance and pollution prevention. The past decade has seen a profound shift in the definition of "the community" to include industrial neighbors. While many members of the public do not themselves seek out TRI data, opinion polls suggest that Americans believe they have the right to be informed about—and comment on—the environmental performance of facilities in their communities.

Despite some recent legal and legislative challenges to certain aspects of TRI, the genie is already out of the bottle. Forward-thinking companies are engaging in positive and open dialogues with community residents about all aspects of environmental performance. Since environmental protection is now widely recognized as a core value among the majority of Americans, the need for companies to communicate with the public about environmental issues will no doubt continue to grow.

Note

1. In addition to the more than 300 chemicals previously on the TRI list, 286 new substances were added to the list on November 30, 1994.

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