



FY 2024 EPA ECCR Annual Report



Environmental Collaboration and Conflict Resolution FY 2024 Annual Report

Executive Summary

This report highlights the U.S. Environmental Protection Agency’s (EPA’s) key achievements in providing environmental collaboration and conflict resolution (ECCR) in fiscal year (FY) 2024 and the infrastructure that supports this work. In FY 2024, the EPA’s Conflict Prevention and Resolution Center (CPRC) provided facilitators and mediators who helped the EPA address some of its most challenging cases. CPRC provided these services either directly by its staff or, more often, through its \$85 million Environmental Collaboration and Conflict Resolution Services (ECCRS) contract. These professional facilitators and mediators assisted the EPA on dozens of high-level cases and projects, including East Palestine Facilitation, Portland Harbor Superfund Site Facilitation, Red Hill Collaborative Process Facilitation, GE-Pittsfield/Housatonic Citizens Coordinating Council Facilitation, and Tijuana River Watershed Stakeholder Engagement. The EPA continued to serve as a leader among federal agencies in ECCR use, with 146 cases and projects in FY 2024, the highest usage the Agency has reported since 2016. Each region and most program offices utilized ECCR in their work. CPRC also built the EPA’s capacity to engage in ECCR practices; staff trained nearly 600 employees in 14 training sessions, totaling nearly 50 hours of training. EPA staff and managers continued to report important benefits from using ECCR, including timely outcomes, more efficient processes, better decisions, avoidance of litigation, and the advancement of the EPA’s mission to protect human health and the environment. ECCR continues to be an essential tool used to advance the Agency’s goals, such as ensuring access to clean air, land, and water.

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Introduction

Throughout its history, the EPA has sought input from the public, worked with affected parties to reach common ground, and negotiated agreements on contentious issues as it strives to fulfill its mission. Each action the EPA takes to serve the public is the product of dialogue with interested and affected groups. Developing environmental policies and involving multiple affected groups in decision-making processes is often complicated. An impartial facilitator or mediator who has expertise in ECCR can help EPA staff and managers work more effectively with impacted groups and the public. CPRC serves as the EPA's primary office to help meet the challenges of public engagement and resolve environmental conflicts.

CPRC staff advise EPA staff and managers on topics such as public meeting design and communication with affected groups. CPRC also provides facilitators and mediators who help those impacted have a voice in the EPA's decisions, often resulting in more acceptable, cost-effective, and timely outcomes than traditional alternatives. CPRC offers services directly through its staff and through its Environmental Collaboration and Conflict Resolution Services contract, which provides every EPA office with timely access to professional facilitators, mediators, and trainers who specialize in ECCR.

ECCR professionals also mediate cases before the Environmental Appeals Board (EAB) and the Office of Administrative Law Judges (OALJ). With CPRC's services, and with mediation offered through the EAB and the OALJ, the EPA uses ECCR more than most other federal agencies. The EPA continues to be a leader in federal government ECCR practice and expertise.

This annual report is required by the Office of Management and Budget (OMB) and the Council on Environmental Quality (CEQ)¹ and is prepared by CPRC with input from its Regional ECCR Specialists and contacts from national program offices. While it is important for a cross-government understanding of the use of ECCR, this report is also a tool for EPA management, staff, and the public to understand the EPA's use of ECCR and to enlighten readers about the variety of situations in which ECCR can be used to resolve conflict and to achieve meaningful engagement with the public and other affected parties.

¹Office of Management and Budget & Council on Environmental Quality, "Memorandum on Environmental Collaboration and Conflict Resolution" (Washington, D.C., 2012), http://www.udall.gov/documents/Institute/OMB_CEQ_Memorandum_2012.pdf.

Background

Alternative Dispute Resolution (ADR) is the use of a neutral third party to conduct “any procedure that is used to resolve issues in controversy, including but not limited to, conciliation, facilitation, mediation, fact finding, mini-trials, arbitration, and use of ombuds, or any combination thereof.”² All aspects of ADR are voluntary, including the decision to participate, selection of the neutral, and the content of any final agreement. Communications during ADR processes are confidential, except for certain circumstances, allowing for more open dialogue with third party neutrals and between parties.³ ECCR is essentially environmental ADR, but it also includes proactive collaborative decision-making, with the aim of preventing future conflict. The OMB and CEQ define ECCR as “. . . third-party assisted collaborative problem solving and conflict resolution in the context of environmental, public lands, or natural resources issues or conflicts, including matters related to energy, transportation, and water and land management.”⁴

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Several statutes direct or support the EPA’s work to provide ECCR. The **Administrative Dispute Resolution Act** (1996) encourages the use of ADR in agency actions, directs all federal agencies to appoint a Dispute Resolution Specialist and promulgate an agency ADR policy, and provides guidance on the issue of confidentiality during ADR processes. The **Negotiated Rulemaking Act** (1996) encourages the use of facilitated consensus in developing federal regulations, and the **Alternative Dispute Resolution Act** (1998) directs the federal courts to establish ADR provisions and processes. The **EPA’s ADR policy** (65 FR 81858) affirms the Agency’s support for using ADR to address environmental and other conflicts.



In addition to the EPA, several federal agencies that implement environmental statutes and whose actions have significant environmental impacts also maintain ECCR services. In FY 2024, these agencies included the Department of the Interior (DOI), the Federal Energy Regulatory Commission (FERC), the U.S. Army Corps of Engineers (USACE), and several others. EPA has been and continues to serve as a government-wide model for effective use of ECCR. EPA has been a national leader in the practice, teaching, and evaluation of ECCR for more than two decades.

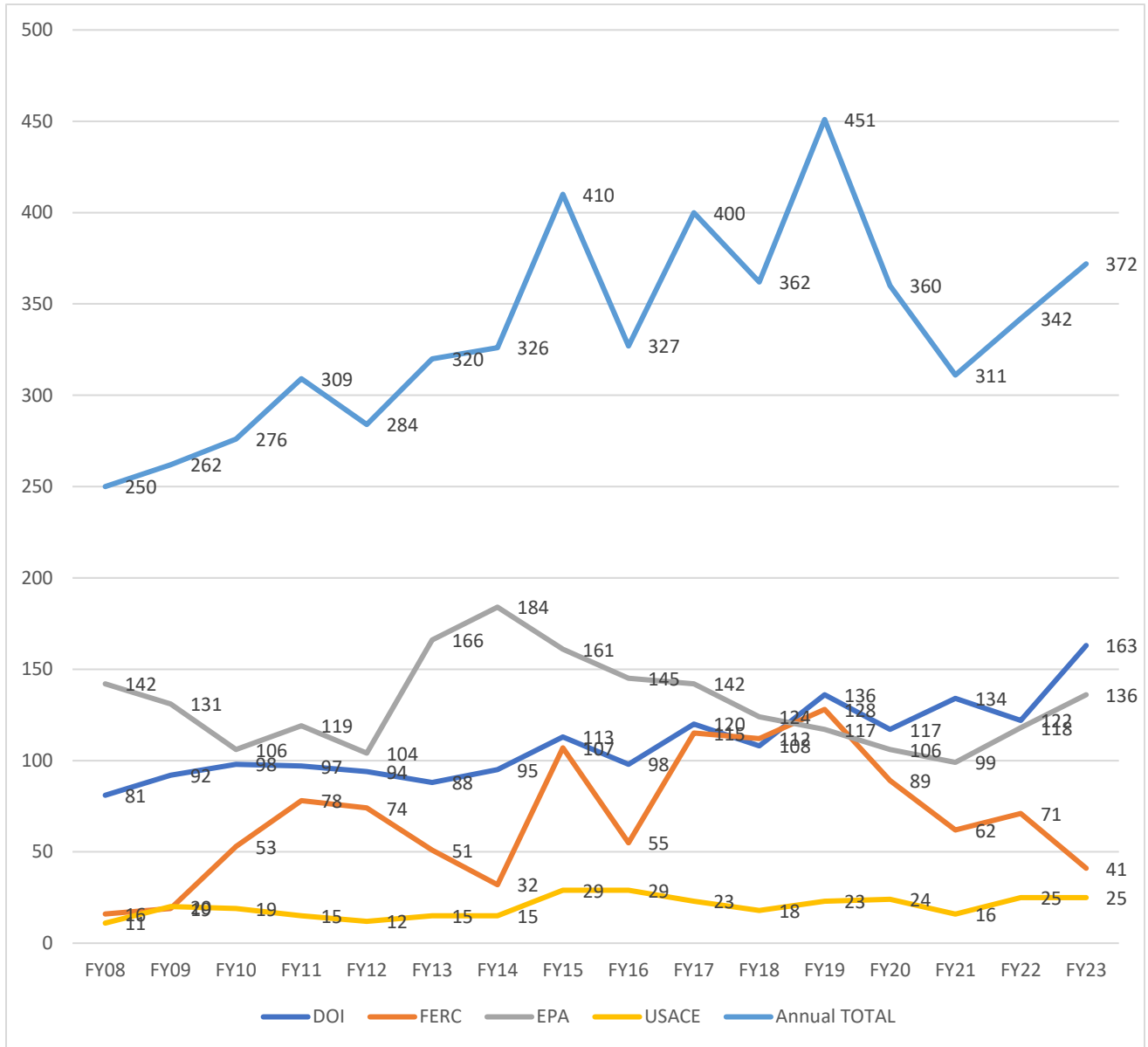
² 5 U.S.C. § 571(3) (1996)

³ 5 U.S.C. § 574 (1996)

⁴ Office of Management and Budget & Council on Environmental Quality, “Memorandum on Environmental Collaboration and Conflict Resolution” (Washington, D.C., 2012), http://www.udall.gov/documents/Institute/OMB_CEQ_Memorandum_2012.pdf.

As of 2023, the most current year for which ECCR data are available, the EPA continued to have one of the highest numbers of ECCR cases in the federal government (see Figure 1).⁵

Figure 1: Four Agency Index of ECCR Cases - FY 2008 to FY 2023



⁵ Adapted from the John S. McCain III National Center for Environmental Conflict Resolution, “Environmental Collaboration and Conflict Resolution (ECCR) in the Federal Government: Synthesis of Fiscal Year 2023 Agency Reports” (Tucson, AZ, 2023), [FY23 ECCR Synthesis Report FINAL.pdf](#).

ECCR Infrastructure at the EPA

CPRC is the Agency lead for ECCR services and training. In addition to CPRC, the OALJ and the EAB support the Agency with ECCR services consistent with the EPA's ADR policy.⁶

The Conflict Prevention and Resolution Center (CPRC) leads EPA's ECCR program and provides most ECCR services at EPA. Its director also serves as EPA's Dispute Resolution Specialist, as designated in the Administrative Dispute Resolution Act of 1996 and EPA's ADR Policy. CPRC, which is in EPA's Office of Environmental Justice and External Civil Rights (OEJECR), supports the entire Agency by helping regions and offices prevent and resolve environmental disputes. With six full-time employees, CPRC offers expert ECCR services provided by staff or through its \$85 million ECCRS contract. The contract offers access to services from private sector experts in the ECCR field. In addition to mediation and facilitation, CPRC staff and contracted ECCR experts provide training, coaching, and related services in support of ECCR.

ECCR services are also provided across the Agency by 36 skilled **ECCR Specialists**, who are in all 10 EPA regions and work closely with CPRC staff. Many are attorneys in the Offices of Regional Counsel, but others work in a variety of contexts, including public involvement. ECCR Specialists perform their role as collateral duty. They have been trained in a variety of ECCR skills, including facilitation, mediation, negotiation, and conflict coaching. ECCR Specialists advance the use and understanding of ECCR at EPA by, among other things, serving as CPRC liaisons for ECCR activities; supporting ECCR education and training; building and supporting communities of practice; tracking requests for assistance; managing ECCR cases and projects; and contributing to the development of this annual report to OMB and CEQ. When possible, they also serve as mediators, facilitators, trainers, and conflict coaches. EPA's network of ECCR Specialists grew from 30 to 36 in FY 2024, and they actively engaged in providing ECCR services; they served as facilitators for multiple cases and delivered conflict resolution trainings.

CPRC also provides ECCR support to EPA's Office of External Civil Rights Compliance (OECRC), which enforces several civil rights laws, most notably Title VI of the Civil Rights Act of 1964. Title VI prohibits discrimination on the basis of race, color, or national origin, including limited English proficiency, by recipients of federal financial assistance. CPRC assists OECRC by offering mediation and facilitation to parties involved in Title VI complaints. In FY 2024, CPRC provided ECCR services to help resolve six Title VI complaints through facilitated dialogues as part of the Informal Resolution Agreement (IRA) process.

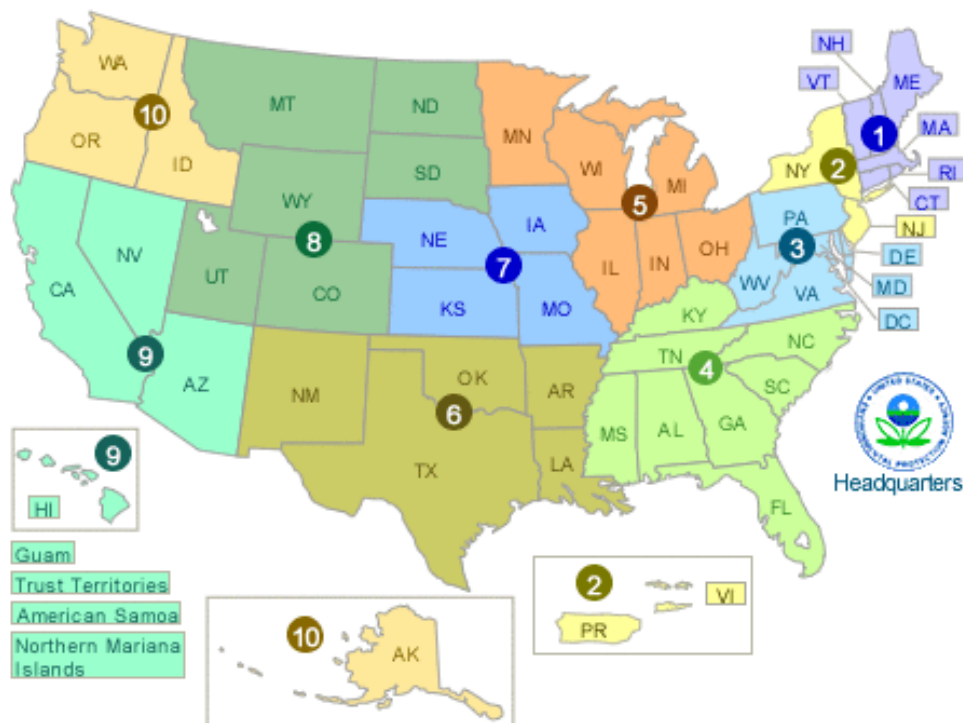
The Office of Administrative Law Judges (OALJ) is an independent office in EPA's Office of Mission Support (OMS). In accordance with the Administrative Procedure Act (1946), the administrative law judges (ALJs) conduct hearings and render decisions in enforcement and permit proceedings between the EPA and those regulated under environmental laws. The ALJs also may conduct hearings related to findings by OECRC of a violation of Title VI of the Civil Rights Act. All litigants before the ALJs are offered the

⁶ U.S. Environmental Protection Agency, "Policy on Alternative Dispute Resolution," *Federal Register* 65, no. 249 (2000): 81858 – 81860, https://www.epa.gov/sites/production/files/2018-04/documents/epa_adr_policy.pdf.

opportunity to resolve cases through ECCR. During FY 2024, two cases were supported by ALJs serving as neutral third parties.

The Environmental Appeals Board (EAB), administratively housed in OMS and reporting to the Office of the Administrator, hears appeals of permitting decisions and administrative penalty decisions. A wide range of affected parties appeal to the EAB, including companies, state and local governments, Tribes, non-governmental organizations, and citizens. The EAB offers parties the option to resolve disputes using ECCR with the assistance of an EAB judge and EAB senior counsel who serve as mediators. The EAB's ECCR program has fostered negotiated settlements that speed up resolution of EAB cases and conserve government resources. In FY 2024, EAB judges have served as neutral third parties for five cases, four of which have been resolved.

Figure 2: EPA Regions



FY 2024 ECCR Use at the EPA

Since 1978, the EPA has used ECCR to fulfill its mission to protect human health and the environment. Using ECCR allows the EPA, its partners, and the public it serves to more effectively engage with one another and develop a common understanding of environmental issues, prevent conflict, address differences, and resolve disagreements. **In FY 2024, the use of ECCR at the EPA increased by more than 7% from FY 2023.**

Noted Benefits of ECCR

- *Furtheres EPA's mission and strategic goals*
 - *Improves relationships*
 - *More productive conversations*
 - *Greater efficiency*
 - *Better outcomes*
-

Over the years of reporting on ECCR, EPA's program and regional offices have noted its many benefits. They've reported that ECCR helped them establish collaborative processes to resolve environmental problems in support of clean air, land, and water for all. ECCR has been used to improve collaboration and working relationships, which has resulted in more meaningful engagement with a broad range of affected groups, including federal, state, Tribal, and community partners. In FY 2024, multiple projects served as examples that both advanced EPA's mission and involved extensive collaboration with many impacted parties. These cases included support for Superfund site revitalization in Lake Sandy Jo, Indiana (pages 11-12), for water quality related permitting in Region 1 (page 10-11), for government-community collaboration in Africatown, AL (page 12), and for addressing wildfires and smoke management in the Pacific Northwest, this year's case highlight (page 14).

The use of ECCR also led to **more efficient and cost-effective processes**. When the Agency used an impartial third party, it provided structure and focus to negotiations and moved cases along more quickly. Offices also noted that, compared to litigation, ECCR provided an opportunity for early resolution of enforcement cases, which resulted in cost savings.

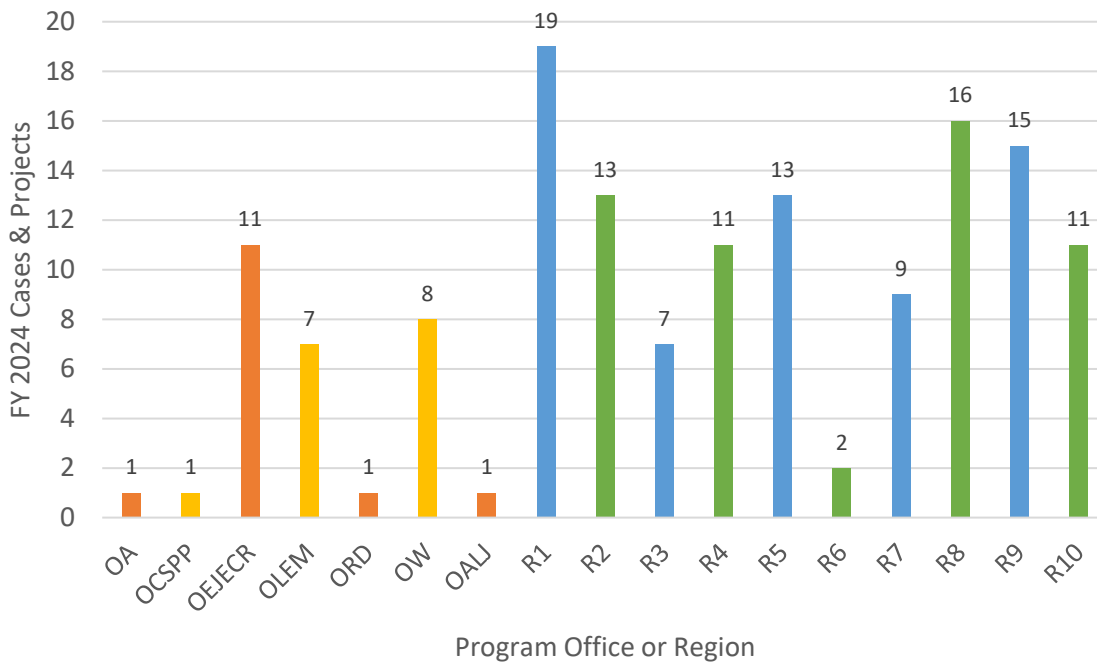
Finally, ECCR resulted in **more effective outcomes**, some of which could not have been achieved without impartial third-party assistance. ECCR helps the Agency make sound decisions, work with affected groups more productively, and attain sustainable environmental outcomes. For example, in FY 2024, CPRC provided facilitation support for the Urban Waters Federal Partnership (UWFP) National Workshop, which brought together more than 230 individuals representing different federal, state, and local government agencies and non-governmental organizations. The UWFP program works "to help communities restore and protect water quality and revitalize adjacent rural, suburban, and urban neighborhoods throughout

the watershed".⁷ This workshop fostered deeper collaboration to support information exchange, peer learning, and ongoing efforts to translate partnership to impact.

Overall Use of ECCR at the EPA

The EPA increased its use of ECCR in FY 2024; there were 146 cases and projects in FY 2024, up from 136 in FY 2023. In FY 2024, EPA used ECCR in all ten regions and several program offices for a broad range of applications. Figure 3 illustrates the current level of ECCR use across EPA's program offices and regions.

Figure 3: FY 2024 ECCR Use by EPA Program Office and Region



Note: Cases or projects that were tied to a specific location are included in the counts for the regions; those counted as program office cases were national or programmatic in scope or were led by a program office.

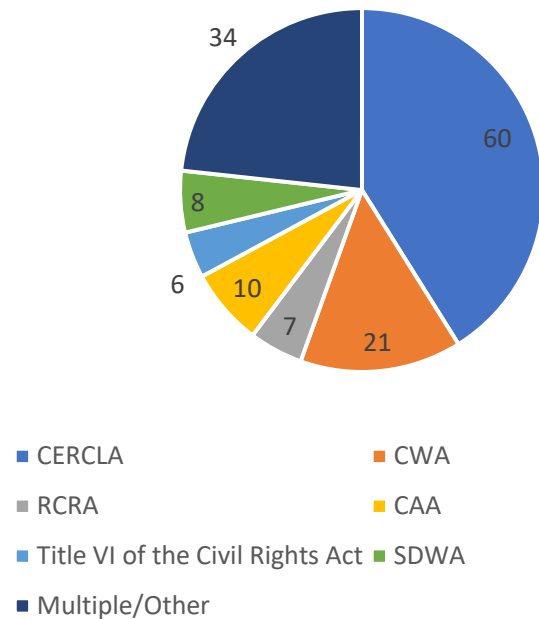
The EPA also used ECCR in a wide variety of circumstances. For example, the EPA used ECCR to mediate disputes over Superfund cleanups, gather public input during complex meetings, and mediate environmental enforcement disputes in EPA regions. In these matters, facilitators and mediators designed and led meetings so EPA staff could focus on technical and substantive issues and keep projects moving forward.

⁷ U.S. Environmental Protection Agency, "Urban Waters Federal Partnership Factsheet," (Washington D.C., January 2024), [urban_waters_fact_sheet_2024_grcode-draft.pdf](#).

The 146 cases in FY2024 addressed a broad range of matters across the country, including Superfund cleanups, brownfields redevelopments, cooperative federalism, permitting, and civil rights.

As in past years, in FY 2024, the EPA used ECCR most frequently to address issues under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, commonly known as Superfund, used in approximately 41% of cases) and the Clean Water Act (CWA, used in approximately 14% of cases), as seen in Figure 4. Cases classified as “multiple” were predominantly facilitated processes involving communities with several environmental issues.

Figure 4: FY 2024 ECCR Cases & Projects by Statute



In FY 2024, CPRC provided services for 72% of EPA’s ECCR cases. CPRC handled 101 cases on behalf of client programs and regions and partnered with other providers on an additional four cases. ECCR Specialists and other EPA facilitators handled 10 cases in FY 2024. The Environmental Appeals Board mediated five ECCR cases, and Administrative Law Judges mediated two cases. Of the CPRC cases, six were Title VI civil rights complaints where OECRC used CPRC facilitation assistance to include recipient agencies and complainants in meaningful dialogue with EPA about the complaints. Highlighting EPA’s commitment to interagency partnership, 46 cases involved some component of interagency collaboration. Furthermore, EPA was involved in 11 environmental enforcement matters in litigation that were mediated with the assistance of the U.S. Department of Justice (DOJ). Other federal agencies mediated or facilitated five cases to which EPA was a party. Finally, EPA was involved in nine ECCR cases that were handled by a combination of means (for example, multiple parties paid for a facilitated or mediated process, or another federal agency led the process).

EPA senior leaders continue to use ECCR to help the Agency achieve its mission. Senior leadership actively engaged in and strongly supported the use of ECCR in several high-profile cases and projects in FY 2024, including:

- East Palestine Facilitation
- Fifth Ward/Kashmere Gardens UPRR Site Facilitation
- St. Regis Site Situation Assessment
- Scituate MA Title VI Facilitated Informal Resolution Agreement
- Circular Economy Stakeholder Engagement
- GE-Pittsfield/Housatonic Citizens Coordinating Council Facilitation
- National Water Reuse Action Plan Facilitation
- Portland Harbor Superfund Site Facilitation
- Red Hill Collaborative Process Facilitation

- Tijuana River Watershed Stakeholder Engagement
- Trash Free Waters Facilitation and Public Involvement

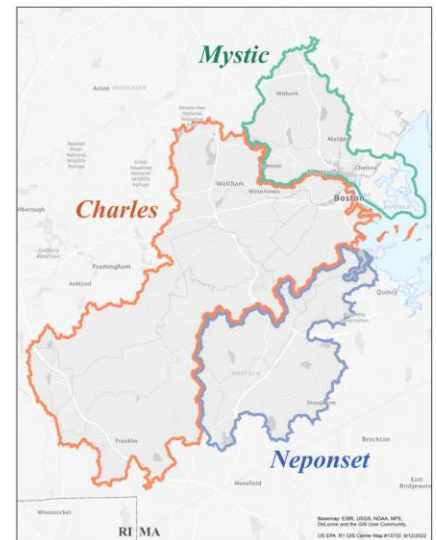
In FY 2024, the EPA used ECCR in air, water, and land cases and projects under the Clean Air Act (CAA), CWA, Superfund, the Resource Conservation and Recovery Act (RCRA), and the Safe Drinking Water Act (SDWA). EPA also used ECCR in multiple cases involving Title VI of the Civil Rights Act, two cases involving the Toxic Substances Control Act (TSCA), one case involving the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), one case involving the Emergency Planning and Community Right to Know Act (EPCRA), and additional cases involving other statutes.

Air - The air program at EPA continues to consistently use ECCR services, both for facilitating efforts to reduce air pollution in communities and for mediating cases in litigation. EPA used ECCR in 10 air cases in FY 2024. For example, CPRC supported communication between the Mandan, Hidatsa and Arikara Nation, operating as Thunder Butte Petroleum Services, and EPA Region 8 regarding the proposed construction of a crude oil topping plant on the Fort Berthold Reservation in North Dakota. The facilitated process was designed to provide multi-media technical assistance to the Tribe to support compliance with permitting requirements to avoid unnecessary delays in the permitting process.

Another example of how ECCR has been able to support clean air is the *Pacific Northwest Task Force on Prescribed Fire and Smoke Management* in Region 10, which is featured as this year's Case Highlight on page 14.

Water - Historically, the EPA has used ECCR to resolve issues with water-related cases more than any other media, except land (i.e., Superfund and RCRA), and this continued to be the case in FY 2024. EPA has many different water programs, and contentious disputes often arise in the context of water permitting, planning, and enforcement actions. Of the 29 water-related (both CWA and SDWA) ECCR cases in FY 2024, 21 arose in eight of EPA's 10 regions and eight were programmatic or national in scope. These cases included mediation involving the Standing Rock Sioux Tribe (pages 12-13), watershed or community water-resource planning, compliance and enforcement issues, storm and hazard mitigation planning, policy dialogue facilitation, and engagement with interested and affected parties.

In FY 2024, EPA Region 1 used ECCR to help shape a new National Pollutant Discharge Elimination System (NPDES) permit to regulate stormwater runoff in the Charles, Mystic, and Neponset River watersheds in Massachusetts. The permit development process began when Region 1 received three petitions from environmental groups several years earlier asking EPA to investigate, and subsequently find, that a wide range of commercial, industrial, institutional, and multi-family residential



[Understanding the Impact of Residual Designation Authority Permits on your Community](#)

Image: EPA

properties in these watersheds are significant contributors of pollutants causing or contributing to violations of water quality standards, thus requiring CWA NPDES permits for their stormwater discharges.

Region 1 had not regulated private sources of stormwater pollution in the past; to support this effort, the region obtained the services of a third-party ECCR professional to engage with relevant groups over a period of four years, culminating in 2024, to share information about the environmental necessity for these permits, seek feedback on permitting implementation issues, and incentivize external collaboration on how to support EPA's permitting effort.

Building upon initial engagement with affected parties in 2020, the third-party neutral conducted another round of outreach in 2024, including presentations and focus group sessions. This resulted in a second report that focused on permit implementation challenges and included solutions identified by relevant groups. Through these extended efforts, the EPA heard from numerous municipalities, watershed groups and other NGOs, potential permittees (which included colleges and universities, hospitals, and large and small private landowners) about the benefits and challenges embedded in this new permitting effort. Ultimately, the terms of the draft permit were informed and improved by these important interactions between affected parties.

Land - For decades, EPA's most frequent use of ECCR has been supporting Superfund cleanups. Superfund cleanups involve planning, community involvement, outreach about complicated scientific matters, and sometimes contentious negotiations and litigation. The EPA most often uses ECCR to provide support to facilitate challenging public meetings, establish and facilitate community advisory groups (CAGs), provide conflict coaching so EPA staff involved in site cleanups can work more effectively with those affected, and mediate disputes over responsibilities and terms of cleanups. In FY 2024, the EPA provided ECCR support for 60 Superfund cases, which included facilitating various community involvement processes, leading situation assessments, conducting allocation negotiations with potentially responsible parties, and helping to resolve conflicts and improve collaboration between the EPA and other federal agencies at Superfund sites on federal facilities.

ECCR can play a pivotal role in any stage of a cleanup process, including shifting from the remediation phase to determining appropriate new uses of sites, when possible. For example, EPA Region 8 staff collaborated with CPRC to bring together parties affected by the Lake Sandy Jo Landfill site in Gary, Indiana. While the EPA cleanup of the site was completed in 1994 and several portions of the site have been removed from the Superfund National Priorities List, redevelopment of the area failed to progress.

This ECCR project brought together the Office of Research and Development (ORD), EPA Region 5, the Office of Land and Emergency Management (OLEM), and partners from the State of Indiana and the community in the City of Gary. Through co-developed virtual workshops with the support of an outside facilitator, partners explored goals for redevelopment and how ecosystem services (ES) could address these concerns. ORD examined partner and community project goals, determined how ES could align

with the goals, and applied ORD ecosystem service tools to the decision framework. Using ecosystem modeling tools, the team assessed the value of trees, air quality improvements, and other ES to inform discussions and compare potential future site scenarios. Ultimately these efforts supported the Gary Common Council (i.e., city council) issuing an ordinance (PD Ordinance No. 9478 (C.P.O. 2022-01)) to encourage potential developers to consider ES at the site. By facilitating effective collaboration around these ideas and community goals, this ECCR project advanced redevelopment of a decades-old Superfund site which will result in substantive economic benefits to the community formerly burdened with this unused parcel of land. This transferable approach also demonstrated the ES approach for Superfund site revitalization which can support other areas in need of redevelopment.

Support for Local Collaboration – As noted above, ECCR can be an essential element for engaging meaningfully with communities and other affected parties dealing with multifaceted environmental hazards and other concerns. An impartial facilitator can help the EPA design processes that better ensure communities are heard and their concerns are addressed. In FY2024, several cases supported meaningful engagement with communities through ECCR practices, including Africatown, located outside Mobile, Alabama.

Africatown faces several serious environmental concerns, notably high rates of air quality issues, proximity to hazardous waste, and drinking water noncompliance. To help address these complex environmental issues, the EPA organized a facilitated roundtable discussion in Africatown, convening over 40 community-based organizations, in May 2024. Participants discussed community environmental concerns, including public health and air quality issues, and learned about federal, state, and local proposals to respond to those concerns. The EPA and other government agencies, such as the U.S. Army Corps of Engineers, the Alabama Department of Environmental Management, and the County/City of Mobile, fielded questions and listened to community concerns.

The success of the roundtable discussion has prompted the affected parties and the EPA to continue using facilitation to identify next steps for collaboration and conflict prevention. This ongoing process to unify community partners and government works toward controlling human exposure to releases through cleanup actions and institutional controls. This case highlights the role of ECCR in supporting processes that bolster cross-agency partnership and cooperative federalism



Homes on a street in Africatown, AL.
Photo: EPA Region 4.

Engagement with States, Tribes, and Local Governments - As one of the Agency's experts in public participation, CPRC staff and ECCR Specialists routinely provide ECCR services to all EPA programs and

regions to increase transparency and meaningful public engagement. Facilitation services provide critical support for collaboration between local, state, Tribal governments and the EPA; such collaboration is key to efficiently securing clean air, land, and water and other agency priorities.

In FY 2024, Region 8 collaborated with CPRC to design a process with the Standing Rock Sioux Tribe (SRST) to address concerns regarding the permitting renewal of a concentrated animal feeding operation (CAFO), Wulf Cattle, on the Standing Rock Sioux Reservation in McLaughlin, South Dakota.

Region 8 and the SRST held six government-to-government consultation meetings, in addition to several legal and technical discussions. The SRST and Region 8 also separately met with Wulf Cattle to discuss its permit appeal and options for resolving it. Considering the complexity of the situation and all interests involved, on September 27, 2021, Region 8 ultimately withdrew the Wulf Cattle permit due to plans to participate in mediation with the SRST. Between October 2022 and January 2024, Region 8 and the SRST worked with a third-party mediator provided through CPRC's contract. Discussions have continued with the SRST since mediation ended in January 2024.

The mediation process enabled Region 8 and the SRST to agree on several matters, including updating permitting language related to Tribal sovereignty, requiring additional monitoring, and planning to assist the SRST with sampling the creek that runs along the Wulf Cattle property (Oak Creek) in 2025. While there was not agreement on all issues, this process enabled Region 8 and the SRST to collectively identify a path forward, and now Region 8 is updating the draft NPDES permit in preparation for public notice. Additionally, the updated permit provisions have informed Region 8's draft permit for a different CAFO on the reservation and have prompted the development of a Regional-ORD Applied Research project to monitor the air quality in McLaughlin beginning in 2025. These additional outcomes highlight the potential of mediation to not only resolve conflicts, but also to positively impact related matters beyond the scope of a mediation.

FY 2024 ECCR Case Highlight

Demonstrating the importance and potential of ECCR's impact, a professional facilitator worked with EPA Region 10 to bring together leaders of land management, air quality, and public health agencies to address the wildfire crisis in the Pacific Northwest. While land managers have been directed by Congress to drastically increase the pace and scale of forest fuels reduction, primarily through prescribed burning, controlled burns still produce additional air pollution and associated health risks. Given these circumstances and the many federal, state, and local agencies involved, Region 10 has developed several initiatives to deepen coordination, increase adoption of forestry smoke management practices, and improve public health protections.



Prescribed burn information
Photo: EPA Region 10.



Prescribed burn
EPA Region 10

Region 10 relied on expert facilitation services to convene federal, state, and Tribal partners around these issues. The facilitated meetings resulted in significant milestones in coordination, including a *Joint Statement of Intent to Cooperate on Prescribed Fire and Smoke Management* signed by eight land management, health, and air agencies in Oregon and Washington, two prescribed burning/public health pilot projects (one complete in West Bend, Oregon, another underway in Central Washington), and a new *Pacific Northwest Task Force on Prescribed Fire and Smoke Management*. The Task Force is co-led by the EPA Region 10 Administrator and the USFS Region 6 Regional Forester and made up of executive-level leaders of agencies and Tribes in Oregon and Washington who will provide guidance and support to promote acting with urgency, trying innovative approaches, and evaluating new approaches to restore forest health and protect the public. The facilitators helped EPA Region 10 build relationships across agencies with diverse missions, establish new structures for coordination, and plan for durability across leadership changes. With longer term engagement of the facilitators embedded into the project design, these impacts will extend beyond FY2024.



Prescribed burn
EPA Region 10

ECCR Training at the EPA

In FY 2024, CPRC and the ECCR Specialists led the Agency's ECCR training activities to strengthen EPA staff's skills and promote the use of ECCR. In FY 2024, CPRC and ECCR Specialists trained 599 EPA personnel, in 14 sessions, totaling nearly 50 hours of training. CPRC staff and ECCR Specialists delivered the following trainings virtually and in person in FY 2024: *Negotiate Better: An Interest Based Approach*, *Harnessing Intense Emotions: De-escalation in Communication*, *Narrative Tools for ECCR*, *Engaging Constructively in Difficult Conversations* and *Bridging Cultural Divides*. In addition, ECCR Specialists in Region 2 led a facilitation training to grow the pool of regional facilitators, and specialists in Region 5 delivered interest-based negotiation training to regional water enforcement personnel.

CPRC consistently reviewed trainings and updated training content after each delivery to continuously improve trainings. In FY 2024, CPRC updated its Public Involvement training to align with EPA's Meaningful Engagement Policy. Additionally, CPRC initiated a process to develop a basic ECCR training that will be available on demand to all EPA employees. CPRC anticipates completion of the new training in FY 2025.

CPRC provided training for 200 EPA employees during its 17th annual Conflict Resolution Day program on October 24, 2023. CPRC holds this annual event to increase EPA staff and managers' awareness of ECCR services at the EPA and improve their ECCR knowledge and skills. In FY 2024, CPRC hosted one session, *Trauma Informed Care for Engagement with Communities and Tribes*, led by Dr. Hassan Batts, an expert in public epidemiology.

Finally, OLEM's Office of Superfund Remediation and Technology Innovation offered 19 ECCR-related training courses to Superfund employees across all ten EPA regions. The courses were designed to meet the needs of Superfund site teams and focused on required community involvement activities, meaningful public engagement practices, effective spokesperson training, and plain language communication.

"I now have a clear understanding of how to structure my public involvement for a particular case. The impact will be that everyone can understand up front what type of public involvement is expected and what are the desired outcomes."

- EPA Public Involvement Trainee

ECCR Evaluation at the EPA

As part of its commitment to continuous improvement, CPRC continued to conduct survey-based evaluations in FY 2024, the 17th year of its evaluation program. CPRC evaluated one Title VI facilitated IRA case in FY 2024, two EAB cases, and one facilitated process in Region 9. Through the survey responses, CPRC found participants were largely satisfied with the process and, notably, identified a positive change in their ability to work together and trust each other.

CPRC continued to evaluate its Environmental Collaboration and Conflict Resolution Services contract by annually surveying the dozens of task order contracting officer representatives who use it. Their input helped CPRC improve the quality, efficiency, and effectiveness of the contract's use.

Finally, in FY 2024 CPRC completed the development of an evaluation framework to guide decision-making on the evaluation of cases and trainings. In addition, CPRC streamlined its surveys by strategically reducing the overall number of surveys and reducing the length of the remaining surveys to make them more concise. Taken together, CPRC expects these achievements to improve the efficiency of the evaluation program and increase survey responses.

Opportunities for ECCR at the EPA

While the EPA has used ECCR effectively in a variety of cases, as described above, there are still opportunities for greater use of ECCR in the Agency. ECCR could be used more effectively in the EPA to support collaboration between the EPA and its partners at the state and federal levels. In multiple contexts, including permitting, ECCR services such as mediation and facilitation can provide opportunities for the EPA to engage in joint problem-solving and conflict resolution with state and federal partners to produce outcomes that attend to all parties' interests and needs.

In addition, there are opportunities to improve engagement and resolve conflicts between the EPA and industry. Although CPRC has provided facilitation and mediation support in cases involving industry, particularly in the context of Potentially Responsible Parties at Superfund sites, CPRC's services have not been utilized in most situations where there is conflict or the potential to build better relationships with industry. Broader awareness of ECCR and CPRC's role in bringing ECCR services to the EPA would likely increase opportunities for CPRC to provide greater assistance in this arena.



Community Engagement Stakeholder Meeting at the East Palestine Memorial Public Library
Photo: EPA Region 5

Conclusion

In FY 2024, the EPA remained a lead federal agency in the provision of ECCR services and CPRC offered easy access to high quality ECCR services to help the Agency achieve its mission and strategic goals. As described above, ECCR was used in every EPA region and most programs to assist with cases across all media in EPA (land, water, air, and chemicals), as well with as the resolution of civil rights cases. ECCR services help the EPA to engage meaningfully, effectively, and efficiently with the public, states, Tribes, and industry to facilitate informed, transparent, and fair decision making. As the Agency strives to ensure access to clean air, land, and water, ECCR processes are essential tools for making progress on those goals. ECCR helps the Agency to plan as well as prevent and resolve disputes so that we better serve all communities in the United States.



Appendices

Appendix A - OMB & CEQ Questionnaire

In collaboration with the John S. McCain III National Center for Environmental Conflict Resolution (the Agency which collects and summarizes these reports for OMB and CEQ), EPA continued to produce a reformatted ECCR Annual Report. EPA did this to make the report more understandable and useful for the reader. Below are the summarized questions from the OMB and CEQ questionnaire and references to where the corresponding answers can be found in this report (in *italics*).

1. Agency Submission Information

Name of Department/Agency responding: U.S. Environmental Protection Agency

Name and Title/Position of person responding: Gina Langan Garcia, Director, Conflict Prevention and Resolution Center

Division/Office of person responding: Conflict Prevention and Resolution Center, Office of Environmental Justice and External Civil Rights

Contact information (phone/email): 202.564.0838, langangarcia.gina@epa.gov

Date this report is being submitted: March 14, 2025

Name of ECCR Forum Representative: Gina Langan Garcia

2. ECCR Capacity Building and Investment:

Describe any **NEW, CHANGED, or ACTIVELY ONGOING** steps taken by your department or agency to build programmatic and institutional capacity for environmental collaboration and conflict resolution in FY 2024, including progress made since FY 2024.

Please also include any efforts to establish routine procedures for considering ECCR in specific situations or categories of cases, including any efforts to provide institutional support for non-assisted collaboration efforts.

Please refer to the mechanisms and strategies presented in Section 5 and attachment C of the [OMB-CEQ ECCR Policy Memo](#) for additional guidance on what to include here. Examples include but are not restricted to efforts to:

- Integrate ECCR objectives into agency mission statements, Government Performance and Results Act goals, and strategic planning;
- Assure that your agency's infrastructure supports ECCR;
- Invest in support, programs, or trainings; and focus on accountable performance and achievement.

- ECCR programmatic FTEs
 - Dedicated ECCR budgets
 - Funds spent on contracts to support ECCR cases and programs
- a) Please refer to your agency's FY 2023 report to only include new, changed or actively ongoing ECCR investments or capacity building. **If none, leave this section blank.** Please describe the trainings given in your department/agency in FY 2024. Please include a list of the trainings, if possible. If known, please provide the course names and total number of people trained. Please refer to your agency's FY 2023 report to include ONLY trainings given in FY 2024. **If none, leave this section blank.**

Description of EPA infrastructure on pages 5 and 6

EPA ECCR trainings on page 15

3. ECCR Case Example

Using the template below, provide a description of an ECCR case (preferably **completed** in FY 2024). If possible, focus on an interagency ECCR case. Please limit the length to **no more than 1 page**.

- Name/Identification of Problem/Conflict: *[Please add case "title" here]*
- Overview of problem/conflict and timeline, including reference to the nature and timing of the third-party assistance, and how the ECCR effort was funded.
- Summary of how the problem or conflict was addressed using ECCR, including details of any innovative approaches to ECCR, and how the principles for engagement in ECCR outlined in the policy memo were used.
- Identify the key beneficial outcomes of this case, including references to likely alternative decision-making forums and how the outcomes differed as a result of ECCR.
- Please share any reflections on the lessons learned from the use of ECCR.

Other ECCR Notable Cases

Briefly describe any other notable ECCR cases in FY 2024. **(OPTIONAL)**

ECCR case example on page 14

Other notable ECCR case examples on pages 10-14.

4. ECCR Case Numbers

Final ECCR Case Numbers for EPA on pages 8 and 9

Appendix B – Abbreviations

ADR - Alternative Dispute Resolution

ALJ - Administrative Law Judge

CAA – Clean Air Act

CAG - Community advisory group

CAFO – Concentrated animal feeding operation

CEQ - Council on Environmental Quality

CERCLA - Comprehensive Environmental Response, Compensation, and Liability Act, also known as “Superfund.”

CPRC – The EPA’s Conflict Prevention and Resolution Center

CWA - Clean Water Act

DOI - U.S. Department of the Interior

DOJ – U.S. Department of Justice

EAB – The EPA’s Environmental Appeals Board

ECCR - Environmental Collaboration and Conflict Resolution

ECCRS – Environmental Collaboration and Conflict Resolution Services

EPA - U.S. Environmental Protection Agency

EPCRA - Emergency Planning and Community Right to Know Act

ES – Ecosystem services

FERC - U.S. Federal Energy Regulatory Commission

FIFRA - Federal Insecticide, Fungicide, and Rodenticide Act

FTE - full-time employee

FY - fiscal year

IRA – Informal Resolution Agreement

NPDES – National Pollutant Discharge Elimination System

OALJ – The EPA’s Office of Administrative Law Judges

OEERC – The EPA’s Office of External Civil Rights Compliance

OEJECR – The EPA’s Office of Environmental Justice and External Civil Rights

OLEM – The EPA’s Office of Land and Emergency Management

OMB - Office of Management and Budget

OMS – The EPA’s Office of Mission Support

ORD – The EPA’s Office of Research and Development

RCRA - Resource Conservation and Recovery Act

SDWA – Safe Drinking Water Act

SRST – Standing Rock Sioux Tribe

TSCA - Toxic Substances Control Act

USACE - U.S. Army Corps of Engineers

UWFP – Urban Waters Federal Partnership