

Final Report

Monday
December 10, 1979

Part III—Section C

**Environmental
Protection Agency**

Draft Consumer Program

ENVIRONMENTAL PROTECTION AGENCY**Consumer Affairs Program in Compliance With Executive Order 12160, Providing for Enhancement and Coordination of Federal Consumer Programs**

AGENCY: Environmental Protection Agency.

ACTION: Proposed Consumer Program to Implement Executive Order 12160.

DATE: Comments must be received by March 10, 1980.

ADDRESS: Comments should be addressed to Joan M. Nicholson, Director, Office of Public Awareness (A-107), Environmental Protection Agency, Washington, D.C. 20460.

FOR FURTHER INFORMATION CONTACT: Thomas F. Williams, Deputy Director, Office of Public Awareness (A-107), Environmental Protection Agency, Washington, D.C. 20460. Telephone: (202) 755-0700.

AUTHORITY: By Administrative Directive, the Environmental Protection Agency will revise its operating procedures to incorporate the following draft consumer program.

PREAMBLE: The Environmental Protection Agency is responsible for protecting and restoring the Nation's air, land, and water systems. The laws governing EPA's environmental protection efforts are based, for the most part, on the need to protect the health and welfare of individual citizens from the serious effect of pollution. These laws affect a broad spectrum of consumer goods as traditionally understood, such as automobiles, drinking water, and pesticides, as well as the air, land, and water each of us depends on for our survival. In focusing on the health and welfare of individual citizens, EPA's programs are similar to the consumer protection programs of such agencies as the Consumer Product Safety Commission and the Food and Drug Administration, with which EPA works closely. Recognizing the impact of its programs on the public, EPA has conducted for many years, with the strong encouragement and support of Congress, active public information and involvement programs. These programs are fundamental to the decisionmaking processes of the agency, at all levels.

Executive Order 12160 provides EPA with valuable opportunities to strengthen its public representation mechanisms, and to reiterate to the public its opportunities for participation in EPA decisionmaking processes. The strong support of the President will help encourage EPA staff to take cognizance of consumer needs and consumer views in the development of its programs.

It is proposed here to implement the Executive Order by strengthening existing public information and involvement mechanisms within the Environmental Protection Agency in accordance with the requirements of the order. The vast majority of individuals now served by existing public information and participation programs are consumers as defined in the Executive Order. Efforts to distinguish, within EPA's organizational structure, between *consumer* representation and *public* representation would weaken programs of proven effectiveness. All of EPA's

authorizing laws call for public information programs, and many require public participation activities. These legislative mandates could be diluted by what would be, given EPA's responsibilities, an artificial division between the two notions.

In summary, the Office of Public Awareness and headquarters and regional program offices, in conjunction with the Administrator's Special Assistant for Public Participation, already carry out many of the programs required by the Executive Order. The staff of the Office of Public Awareness will be given certain additional responsibilities in accordance with the requirements of the order. Specifically, it will review all agency rules, policies, programs, and legislative proposals to insure that consumer interests have been adequately considered. That staff will help insure consumer participation in the decisionmaking processes of the agency. It will be given special training, as needed, to carry out these tasks. The Director of the Office of Public Awareness, in coordination with the Special Assistant for Public Participation, will be responsible for conducting training programs necessary to insure agency compliance with the Executive Order throughout the Environmental Protection Agency. The agency will conduct a reevaluation of its complaint handling procedures to insure that complaints play a proper role in the formation of agency policy. The Director of the Office of Public Awareness will be given the additional title of Special Assistant for Consumer Affairs, and in this capacity will report directly to the Administrator of the Agency. Finally, the Environmental Protection Agency will establish a high-level Consumer Affairs Coordinating Council responsible for oversight of consumer activities within the agency, and for insuring proper implementation of the Executive Order. Membership will include representatives from the program offices as well as the Special Assistant for Public Participation.

In compliance with Executive Order 12044, *Improving Government Regulations*, the Environmental Protection Agency reviewed its rulemaking procedures, and published a description of those procedures, revised in accordance with the Executive Order, in the *Federal Register* of May 29, 1979 (vol. 44, No. 1040), pp. 30988 to 30998. This document, entitled *Improving Environmental Regulations*, describes procedures to improve management oversight in the development of regulations, to involve the public and other governmental organizations in evaluating regulatory proposals, to analyze the effect of new and existing regulations, and to avoid unnecessary regulatory burdens on the public. It is recommended that the reader consult this material for a full understanding of the proposed changes to be made in accordance with Executive Order 12160. Copies of *Improving Environmental Regulations* may be obtained by writing to Public Information Center (PM-215), Environmental Protection Agency, Washington, D.C. 20460.

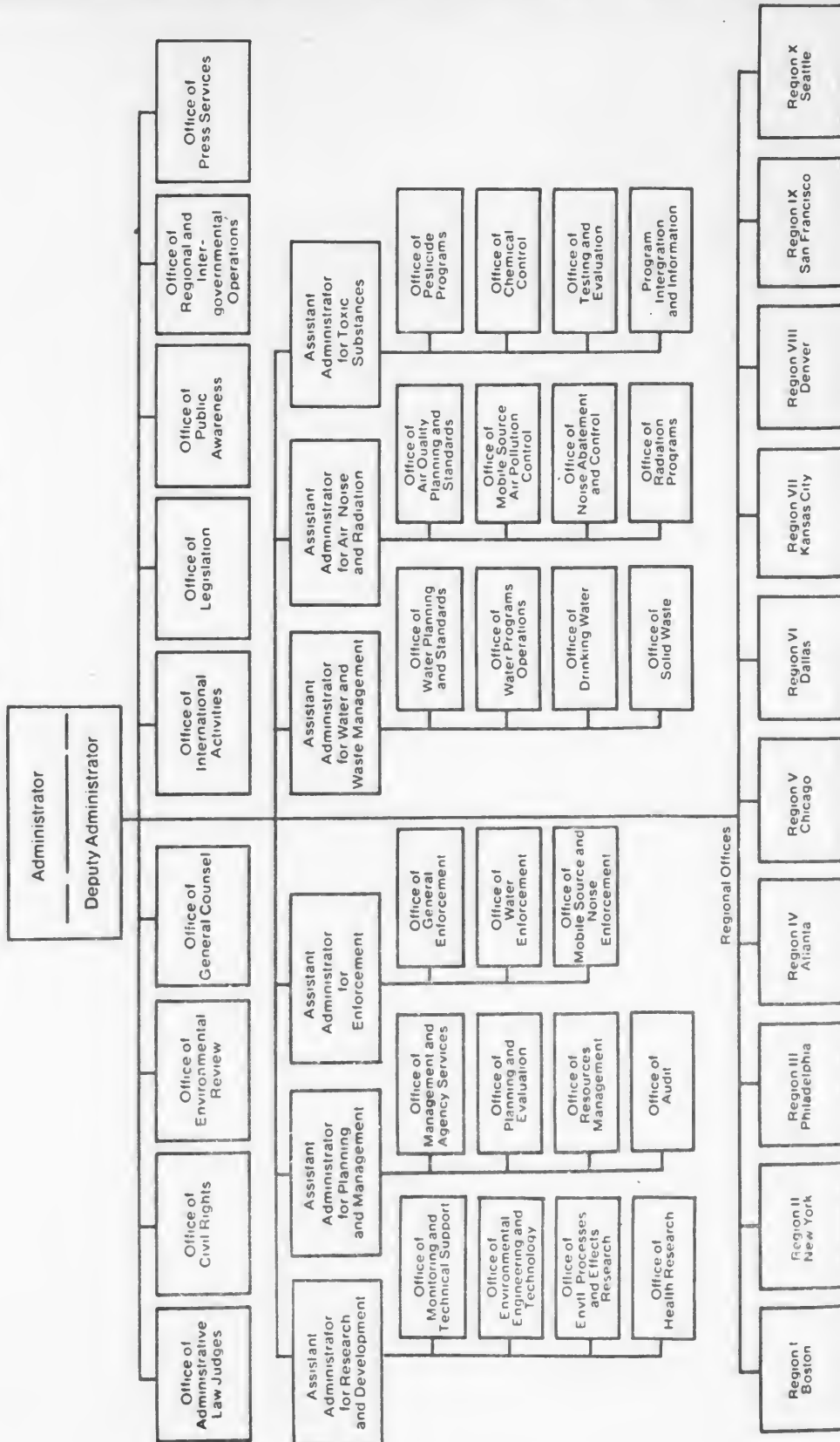
I. CONSUMER AFFAIRS PERSPECTIVE**Requirement**

Agencies shall have identifiable, accessible professional staffs of consumer affairs personnel authorized to participate, in a manner not inconsistent with applicable statutes, in the development and review of all agency rules, policies, programs, and legislation. (Subsection 1-401(a))

The consumer affairs staff of the Environmental Protection Agency will be the staff of the present Office of Public Awareness. That office is a staff office to the Administrator, and in this capacity, the Director reports to the Executive Assistant to the Administrator. In her new capacity as Special Assistant for Consumers Affairs, the Director will report directly to the Administrator. The place of the Office of Public Awareness within the Environmental Protection Agency is indicated on the accompanying organization chart.

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United States Environmental Protection Agency



BILLING CODE 6560-01-C

Size and Resources

The Office of Public Awareness has a permanent, full-time staff of 48 and an annual budget of \$2.8 million. Program officers in headquarters and regions also have public information and participation personnel, and the total agency expenditure for these functions is several times that of the Office of Public Awareness.

The Director of the Office of Public Awareness is responsible, in cooperation with the appropriate Assistant Administrators of the agency, for the development and implementation of annual Public Awareness/Participation Support Plans for each major law administered by EPA, and additional Plans for agency-wide issues and for the Offices of Research and Development, Planning and Management, and Enforcement. Assigned to work with each of the six Assistant Administrators in the development and implementation of these plans are Office of Public Awareness Associate Directors. The Associate Directors are responsible for integrating, in the Public Awareness/Participation Support Plans, the objectives of the program offices, at both national and regional levels, with the needs and perceptions of public constituency groups. The Associate Director thus acts as an advocate for the public and consumer within the program offices. Public Awareness/Participation Support Plans are implemented utilizing the personnel and resources of both the Office of Public Awareness and the program offices.

Another major component of the Office of Public Awareness is the Constituency Development Unit, which is responsible for insuring adequate two-way information flow, as well as participation opportunities for the major constituency groups, such as the elderly, youth, labor, agricultural groups, and minorities, impacted by EPA programs.

A third component of the Office of Public Awareness is the Information Development Unit, which is responsible for developing and reviewing the documents, radio and television spots, films, and other information materials called for in the Public Awareness/Participation Support Plans.

The Administrator's Special Assistant for Public Participation works in close partnership with the Director of the Office of Public Awareness. The Special Assistant is responsible for the development of public participation activities in Agency programs. She chairs a Public Participation Task Force comprised of public participation representatives from the headquarters and regional program offices, as well as agency staff offices. The Director of the Office of Public Awareness is a member of the Task Force.

Through internal training of officials in the Office of Public Awareness, the Environmental Protection Agency will develop a cadre of specialists qualified to perform the review functions required by the Executive Order. The public awareness and public participation responsibilities of the Director of the Office of Public Awareness and its Associate Directors already require a high level of knowledge of consumer interests and concerns. Through the Constituency Staff

of the Office of Public Awareness, these officials maintain close contact and communication with a wide spectrum of consumer groups. This enables these officials to be apprised of concerns of those groups regarding the Environmental Protection Agency's regulations and policies.

Responsibilities

The consumer affairs staff of the Environmental Protection Agency will have a number of responsibilities in addition to those required by this section of the Executive Order. These responsibilities are those described above for the major operational units of the Office of Public Awareness, and further described below under the Consumer Participation, Informational Materials, and Complaint Handling sections.

Relationship With Other Consumer Personnel and Agency Operating Units

These relationships are fully described in the Size and Resources subsection above.

Participation in Development and Review of Agency Policies, Programs, and Legislation

The Environmental Protection Agency is a regulatory agency which develops and implements regulations in accordance with Congressional mandates. Thus, the focus of this section will be on participation in agency rulemaking and legislative proposals, as "policy decisions" and "program decisions" are virtually always made in the context of the rulemaking process.

1. Notification

When a program office of the Environmental Protection Agency intends to issue a significant new regulation, the Assistant Administrator of the program office sends a standard *notification form* to senior management. This notification form tells these persons that a regulation is contemplated and allows them to plan accordingly. To insure that consumer interests are represented at the earliest possible stage, Environmental Protection Agency procedures will require that the Director of the Office of Public Awareness be sent all such notification forms.

2. Stage at Which Participation Begins

Upon reviewing the notification form, the Director of the Office of Public Awareness may choose to be represented on a *work group*. This is a group of specialists drawn from various offices within EPA to advise and assist the lead office in preparing each significant regulation and its support material. Participation in these work groups, when appropriate, by officials of the Office of Public Awareness will insure that the consumer perspective is properly represented at the earliest possible stage of EPA rulemaking.

3. Methods of Participation

The program office developing a regulation is responsible for preparing a *development plan*, which identifies the purposes of the proposed regulation.

major alternatives to it, public participation measures desirable as part of the review process, and methods for identifying interested and affected parties of the regulation. Consumer affairs specialists will play an important advisory role in the preparation of these plans, as well as in the preparation of the subsequent *decision package*, in which a copy of the proposed rule is included along with analyses of the rule's impact on various sectors. EPA operating procedures will require that the economic analysis in such decision packages include a discussion of the impacts, if any, of proposed regulations on consumers. These decision packages are reviewed by agency officials in the next stages of the decisionmaking process, which occur twice for each regulation, once for the *proposed* rule, and once for the *final* rule.

The final stages of EPA rulemaking include a review of proposed rules by a *Steering Committee*, composed of representatives from each of the six program offices, and of appropriate staff offices. EPA operating regulations will require that the Director of the Office of Public Awareness be represented on the Steering Committee.

Before approval of the proposed rule by the Administrator, a *Red Border Review* is conducted by senior management. This is an internal review in which officials comment on proposed regulations and suggest modifications they believe necessary. The Director of the Office of Public Awareness, who is now part of the Red Border Review procedure, will insure, at this stage, that consumer concerns, as analyzed by the consumer affairs staff and as expressed in consumer participation forums, are properly called to the attention of the Administrator before a final decision is made.

Legislative proposals are developed by the Administrator and program offices in conjunction with the Office of Legislation. EPA operating procedures will insure that the Director of the Office of Public Awareness and Special Assistant for Consumer Affairs will be consulted in the development of these proposals.

II. CONSUMER PARTICIPATION

Requirement

Agencies shall establish procedures for the early and meaningful participation by consumers in the development and review of all agency rules, policies, and programs. Such procedures shall include provisions to assure that consumer concerns are adequately analyzed and considered in decisionmaking. To facilitate the expression of those concerns, agencies shall provide for forums at which consumers can meet with agency decisionmakers. In addition, agencies shall make affirmative efforts to inform consumers of pending proceedings and of the opportunities available for participation therein.

The Environmental Protection Agency has established procedures for the early and meaningful review of agency rules, policies, and programs by the public. Requirements for such procedures are

contained throughout EPA's authorizing legislation and regulations. To insure early notice to the public, the Office of Planning and Management regularly publishes a Regulatory Agenda which gives six-month advance notice of proposed rulemaking. Public Awareness/Participation Support Plans require activities to notify the public of upcoming decisions concerning agency rules, policies, and programs and to inform the public of opportunities to participate in those decisions.

It is our judgment that the existing public and consumer participation procedures of the Environmental Protection Agency meet, and indeed exceed, the requirements of the Executive Order. These procedures are outlined in detail in the document *Improving Environmental Regulations*, cited above. The most pertinent part of EPA's policies, as promulgated in that document, are as follows:

"For each Significant regulation, EPA will:

"(1) Draw up a plan for external participation (as part of the development plan) that shows in detail how interested and affected parties will be identified and notified.

"(2) Provide early notice that regulation development is under way. This includes publishing a Federal Register notice (usually an Advance Notice of Proposed Rulemaking), which informs the public that work is beginning, provides the general approach and schedules, and identifies particular area where additional information is needed. This notice describes the purpose, schedule, issues, available alternatives, analyses, external participation measures, and the name, address, and telephone number of an EPA contact person for the regulation. EPA will mail this Notice directly to interested and affected groups and will use appropriate news articles and radio and television spots to provide timely notice that regulation development is beginning.

"(3) Meet to discuss issues and alternatives during the development of the regulation with representatives of consumer, environmental and minority associations; trade, industrial, and labor organizations; public health, scientific and professional societies; educational associations and other appropriate individuals or groups of interested and affected parties from outside the Agency.

"(4) Hold open conferences, workshops, hearings, meetings, and arrange direct mailings as appropriate to supplement other opportunities for public participation, and keep a mailing list of those interested in receiving draft regulations and background materials.

"(5) Provide suitable background information prior to any meeting to those who will be attending. This information may include such material as a description of EPA's regulation development process; a summary of the draft regulation and key supporting materials; a list of major issues; and the name, address and telephone number of persons who can supply additional information.

"(9) Write the regulation and explanatory materials clearly. To help lead officials write regulations that

people can understand, EPA is developing a style book for regulation writers, selecting several regulations and developing them as models of good writing, and hiring editors to assist work groups write selected regulations.

"(10) Make available a draft of the Regulatory Analysis (when one is required) by the time we publish a Notice of Proposed Rulemaking. The Federal Register preamble will have a summary of the Regulatory Analysis and information on how the public can obtain it. (Note: EPA will make public a final Regulatory Analysis when it publishes the final rule.)

"(11) Provide at least 60 days for public comment, measured from the date the proposal is published, and refrain from requiring commentators to supply multiple copies of their comments. When a 60-day comment period is not possible the proposal will contain a brief statement of the reasons for using a shorter time period.

"(12) Summarize outside comments, indicate EPA's response to major points and distribute both to interested and affected individuals and groups. (We summarize comments and our responses in preambles to our final regulations.)"

In order to insure a consistent, uniform approach to public/consumer participation in the Agency, the Public Participation Task Force is developing a Public Participation Policy which is in the final stages of internal approval before being placed in the Federal Register for comment. The proposed policy emphasizes the following elements, which are spelled out in greater detail in the regulations above: identification of interested and affected members of the public (1); outreach to them in terms of early and sufficient information so they can participate in forthcoming decisions (2); two-way communication between program officials and the public (3, 4, 5, 9, 10, 11); responsiveness to public recommendations and concerns in final decisions (11, 12); and feedback to the public on the results of their participation (12). The proposed policy calls upon the Assistant Administrators and Regional Administrators to set priorities, allocate resources, and assure that the policy is applied in their jurisdictions.

EPA's established structures and procedures encourage public and consumer access to decisionmaking within the headquarters organization as well as in EPA's ten regional offices and the 50 state governments having a prime role in implementing most of EPA's environmental laws. Many of the major laws implemented by EPA contain specific provisions for public participation in the development of policy and regulations. Hence, in addition to the efforts of the Office of Public Awareness and the Special Assistant for Public Participation, program managers in headquarters and in the regions are responsible for insuring adequate budgets and personnel resources to carry out public participation activities. Regulations requiring such activities apply as well to state and local governments receiving financial assistance under EPA's programs.

EPA's public participation policy provides an overall framework of purpose, objectives, procedures and responsibility, and outlines the general scope of activities to which it will be applied. It leaves, however, considerable discretion to Assistant Administrators, Regional Administrators and Deputy Assistant Administrators to develop more specific program guidance and to determine the extent of the decisions which will be covered by the policy. This flexibility provides room for the differences among programs. For example, the Office of Water and Waste Management has recently developed and implemented, after extensive comment from all sectors of the public, regulations for public participation in its programs. These regulations were first proposed in the Federal Register on August 2, 1978, and the final regulations were published on February 16, 1979.

Another ongoing method by which EPA insures consumer participation is by the award of contracts and grants to public interest organizations of many varieties, which conduct public education and participation programs for their constituent members and the general public. Such grants are awarded by the Office of Public Awareness as well as by program offices in the areas of air, water, drinking water, solid and hazardous waste management, noise, pesticides, and toxic substances. All elements of the public have easy access to agency decisionmakers. In part, this is a result of the decentralization of EPA authority, which results in major decisions occurring in more easily accessible regional offices. Various program managers are required by regulation to provide participation opportunities. These are facilitated by the Constituency Staff of the Office of Public Awareness and public participation staffs in the programs.

III. INFORMATIONAL MATERIALS

Requirement

Agencies shall produce and distribute materials to inform consumers about the agencies' responsibilities and services, about their procedures for consumer participation, and about aspects of the marketplace for which they have responsibility. In addition, each agency shall make available to consumers who attend agency meetings open to the public materials designed to make those meetings comprehensible to them. (Subsection 1-401(c))

It is our judgment that the current programs of information production of the Environmental Protection Agency are in compliance with the requirements of the Executive Order. Nevertheless, the Executive Order provides information specialists within the agency with a valuable opportunity to reassess the currency, relevance, and completeness of information available to consumers.

As described in the Section Consumer Affairs Perspective, above, Office of Public Awareness Associate Directors work with program offices in the development and implementation of annual, cooperative Public Awareness/Participation Support

Plans, which are designed to help the program offices achieve their goals.

In developing these plans each fiscal year, existing informational materials are reviewed for their currency and determinations are made as to the appropriate information tools necessary to convey specific messages or information about programs in the upcoming fiscal year. As public awareness/participation is a dynamic activity, the plans are amended as necessary when program objectives are influenced by current events.

A wide variety of informational materials are produced and distributed to explain the broad range of activities and regulation undertaken by the agency in carrying out its responsibilities for implementing the environmental laws enacted by Congress. These materials are produced by the Office of Public Awareness in headquarters and in the regions, and by headquarters and regional program offices.

Publications, slide presentations, exhibits, radio and television public service announcements, fact sheets, films, print ads, brief documentaries, full length public television documentaries, speech reprints, the *EPA Journal* (published ten times a year), articles for placement in newspapers, magazines, and newsletters, are developed on air pollution, water quality, drinking water, waste management, pesticides, toxic substances, radiation, and noise pollution. Similar tools are developed explaining the planning and management, enforcement, and research and development activities of the agency. Materials are often produced to convey to the public in lay terms results of technical environmental research and development. Materials are also produced to convey cross-cutting issues such as energy, economics, health, regulatory reform initiatives, and public participation initiatives.

EPA informational materials typically include a description of environmental problems facing consumers, and accounts of specific agency programs, activities, or regulations designed to meet those problems, along with a discussion of steps consumers can take to protect their health or protect or enhance their environment. Frequently, this material provides information concerning how consumers may become involved in the public participation processes of the agency. Consumers are provided brief explanations of provisions of law or regulations calling for public involvement, and of the types of public meetings or hearings EPA conducts in compliance with these provisions. Some material is produced solely to help consumers wishing to become involved in agency decisionmaking. Consumers may be further directed to EPA regional Public Awareness Office for additional information or for assistance on public involvement procedures.

Informational materials are often developed for a specific constituency, such as youth, agricultural workers, pesticide applicators, and mechanics. To further enhance awareness and understanding of the agency's activities, materials are often produced in both English and Spanish.

Materials developed under Public Awareness/Participation Support Plans are reviewed by program representatives for technical accuracy, by editorial and constituency specialists and by other Office of Public Awareness officials to insure that they are comprehensible to consumers and accurately reflect agency information policies. Office of Public Awareness Associate Directors review all public information documents produced by the agency, and forward them with recommendations for approval or disapproval to the Director of the Office of Public Awareness.

Usefulness of Current Material

Periodic reviews of materials are conducted by Office of Public Awareness Associate Directors and Constituency representatives, as well as by program officers, to determine whether those materials are obsolete or in need of revision. At the present time more than 150 publications and 35 audiovisual presentations are available from EPA headquarters, and more from regional offices. For Fiscal Year 1980, Public Awareness/Participation Support Plans call for production of 73 new publications and 13 new audiovisual presentations at EPA headquarters.

Plans for Improvement

Numerous informational materials exist, or are in the process of development, for most agency programs. However, efforts are now being made to develop a series of informational materials in areas where consumers have not traditionally had an interest, such as planning and management and research and development, and in other previously neglected programs, such as radiation, where current events have increased public interest.

Executive Order 12160 clearly emphasizes the need for consumer education about all of the agency's activities. New efforts will be made to insure that all EPA informational materials convey the intent of the Executive Order. The Office of Public Awareness will produce informational materials to convey information concerning the EPA's response to the Executive Order to the public.

Distribution of Materials

1. Printed Materials

Initial distributions of printed materials are routinely sent from EPA headquarters, in bulk, to the EPA's ten Regional Public Awareness Offices, 27 laboratories and field offices, ten regional libraries, Visitors' Center, Public Information Center, and Printing Management Office, which handles subsequent nationwide distribution of publications. These entities are responsible for redistributing publications within their jurisdictions, or for providing them to organizations for distribution to consumers.

In addition to the above distribution, mailings of materials are made to individuals and organizations on selective Office of Public Awareness mailing lists. These lists consist of over 100 categories of individuals and contain over 67,000 individual addresses. These

mailings naturally tend to generate even further interest in EPA materials, as the categories include national organizations, their newsletters and magazines, and newspapers and magazines with general distribution.

EPA frequently purchases mailing lists from private sources such as Dun and Bradstreet, and from specific groups and organizations whose members may be particularly affected by EPA activities.

Last year, the Office of Public Awareness initiated monthly mailings of printed materials to over 350 State and local public information officers to assist them in carrying out their environmental responsibilities. These information officers have commented that such mailings have materially increased their effectiveness.

Another mechanism employed by the agency when it needs to reach consumers quickly is supermarket distribution through the facilities of Supermarket Communications, Inc. This company has display racks of publications in over 3,500 supermarkets throughout the country. A one month campaign routinely results in the dissemination of over one million copies of a document.

Each regional office also has a distributional network for informational materials produced in the region.

2. Press Services

EPA Press Officers, at headquarters and in the ten regional offices and four major laboratories, are responsible for providing information, through the media, to consumers concerning current EPA rulemaking and other major activities of the agency.

News releases are issued as frequently as necessary, often several each day. Copies of headquarters releases are carried to the National Press Building and are thus made available to every major newspaper having a Washington office. In addition, copies of releases are routinely mailed to the nearly 3,000 daily newspapers and over 8,000 weekly newspapers throughout the country. Releases are sent out to wire services and specialized magazines, newsletters, and newspapers when appropriate.

Press conferences are held on major agency actions and are open to the public as well as the media. In order to more fully explain complicated environmental decisions to the media, press briefings are often held a day or two before a major action is announced in a press conference.

To insure that agency officials are kept current on consumer views, as expressed in the media, concerning agency regulations and other actions, the Office of Press Services compiles a daily briefing book from several major newspapers, and a weekly briefing book on environmental articles taken from newspapers from throughout the Nation.

3. Audiovisuals

A variety of audiovisuals, such as films, radio and television public service announcements, full length public television documentaries, exhibits, slide presentations, etc., are developed by the Office of

Public Awareness and are seen and heard by consumers in a variety of ways.

Television public service announcements are sent to over 800 program managers of television stations, and radio spots are mailed to over 6,000 program managers of radio stations throughout the country. Brief documentaries for use on local and national news programs are also given nationwide distribution.

The agency awards grants to public television stations to defray some costs of producing documentaries on environmental issues. These shows are promoted initially throughout the 280 station PBS system, and then are subsequently placed in a motion picture distribution house for further distribution to public, commercial, and cable television stations. These grants also encourage public television stations to produce special public participation programs, such as talk shows with community leaders, business leaders, and concerned citizens, in which local issues are discussed using the documentary as a resource. These programs further emphasize the need for consumer participation in environmental decisions that might directly affect consumers and their communities. A show on drinking water produced in 1977 is still being shown, and has been seen by an estimated 20 million people. A public television show on chemicals in the environment has recently been released, and a show on hazardous waste is scheduled to be released in late 1979.

The documentary films produced for television, and other films produced by the agency, are distributed either through private distribution houses or through the National Audiovisual Center of the General Services Administration. The films are also promoted by headquarters and regional personnel, and are seen by thousands of school and community groups throughout the year. A short, animated film on water pollution has had enormous success as use as a short subject in movie theaters.

Slide presentations are produced in sufficient quantities so that supplies can be placed in EPA regional offices for use by their various constituencies. These presentations are also shown by many national organizations who assist the agency by conveying specific messages.

IV. EDUCATION AND TRAINING

Requirement

Agencies shall educate their staff members about the Federal consumer policy embodied in this Order and about the agencies' programs for carrying out that policy. Specialized training shall be provided to agency consumer affairs personnel and, to the extent considered appropriate by each agency and in a manner not inconsistent with applicable statutes, technical assistance shall be made available to consumers and their organizations. (Subsection 1-401(d)).

As described above, EPA already has, in the professional staff of the Office of Public Awareness and in public participation staffs within its programs, a

staff well-trained and experienced in public information and participation processes. Through the Constituency staff of the Office of Public Awareness, and through other programs, EPA now provides technical and financial assistance to organizations of individuals affected by EPA programs. This assistance helps insure that the public will be able to participate knowledgeably and effectively in EPA decisionmaking. EPA recognizes a responsibility not only to allow public participation, but to encourage it with all available means at its disposal.

Specialized Training for Consumer Affairs Personnel

The Director of the Office of Public Awareness and Special Assistant for Consumer Affairs will be responsible for providing specialized training, as required, to consumer affairs personnel within the Environmental Protection Agency.

The Office of Public Awareness will develop information, in various media, for EPA staff relating specifically to Executive Order 12160, describing how it is being implemented and how staff members are responsible for insuring consumer representation in their programs. EPA's existing training component will develop, in-house and through contracts, training modules on the Executive Order and related consumer matters, which will be given to all EPA employees.

The Public Participation Task Force is currently developing a series of public participation training activities for the programs and regions so that EPA managers will be suitably prepared to implement the proposed Public Participation Policy. Consumer concepts and skills will be incorporated in the training package.

Selecting Consumers and Organizations To Receive Assistance

Technical assistance in the form of grants to prepare written material, conduct workshops and conferences, and participate in EPA's decisionmaking processes is provided through headquarters and regional program offices and through the Office of Public Awareness in accordance with Public Awareness/Participation Support Plans. Decisions on such grants are made by program officers and by the Director of the Office of Public Awareness.

V. COMPLAINT HANDLING

Requirement

Agencies shall establish procedures for systematically logging in, investigating, and responding to consumer complaints, and for integrating analyses of complaints into the development of policy. (Subsection 1-401(c))

The Environmental Protection Agency's established complaint handling procedures substantially comply with the requirements of the Executive Order. All consumer complaints will continue to be received and processed by the Public Information Center, which is presently responsible for complaint handling.

Sources of complaints received by consumers include those sent to the Office of the President of the United States and his staff, and those which are sent directly to EPA regional or program offices. Less than one percent of complaints is received by telephone, and if pursued by the caller, these complaints are handled in the same manner as written complaints.

Upon receipt at the consumer complaint desk of the Public Information Center, complaints are categorized into major areas of agency concern: air, water, noise, waste, pesticides, radiation, toxic substances, and general. Once categorized, complaints are logged into a permanent record of receipt. The format for acknowledgements and responses is EPA Standard Form 5180-1. It indicates the date of receipt and deadline for reply, which has been established as nine working days after receipt. Complaints are copied and filed by a control number, which is indicated on the attached form.

Complaints are referred to one of four public information specialists, each of whom is in charge of assigned areas of interest. These specialists then determine the nature of the complaint and either answer it themselves, or refer it to the appropriate regional or program office for further consideration and reply.

The Public Information Center requires that a copy of the eventual reply be filed with the original complaint as verification. In some cases, when complaints are not promptly handled by the office to which they are sent, the Center will reroute the complaint to a more relevant authority. This is seldom required, however.

Once the complaint is answered, the material if filed in an inactive complaint file.

A weekly report is compiled which details the subject matter of public inquiries and indicates correspondence received, complaints, and other inquiries. Cumulative statistics are maintained of outstanding inquiries.

VI. OVERSIGHT

Requirement

The head of each agency shall designate a senior-level official within that agency to exercise, as the official's sole responsibility, policy direction for, and coordination and oversight of, the agency's consumer activities. The designated official shall report directly to the head of the agency and shall apprise the agency head of the potential impact on consumers of particular policy initiatives under development or review within the agency. (Subsection 1-402).

The Director of the Office of Public Awareness, a GS-17, will be designated as the senior-level official called for in the Executive Order. That person will be given the additional title of Special Assistant to the Administrator for Consumer Affairs. As Special Assistant for Consumer Affairs, this person will report directly to the Administrator of the agency. She will coordinate with the Special Assistant for Public

Participation in the implementation of the Executive Order.

The nature of this official's responsibilities and authority, and the ways in which the official will interact and interface with other agency offices and staff members, have been discussed above in the Consumer Affairs Perspective, Consumer Participation, and Complaint Handling sections.

EPA will establish a Consumer Affairs Coordinating Council, which will be responsible for insuring continued EPA compliance with the letter and spirit of Executive Order 12160. The Council will have oversight and coordinating responsibility over the consumer affairs programs of EPA. It will be co-chaired by the Special Assistant to the Administrator for Consumer Affairs, and by the Assistant Administrator for Planning and Management or his designate. The Office of Planning and Management has budgetary and administrative oversight for all EPA programs. The Assistant Administrator's authority over EPA internal operations will help insure swift and effective implementation of the Executive Order. Represented on the Consumer Affairs Coordinating Council will be the Special Assistant to the Administrator for Public Participation, designees from each of EPA's program offices, and the head of the Public Information Center.

Douglas M. Costle,

Administrator.

November 21, 1979.

BILLING CODE 6560-01-M



Form Approved:
OMB No. 116S79021**CONSUMER RESPONSE FORM FOR EXECUTIVE ORDER 12160**

Dear Consumer:

The _____ (agency) wants to make its consumer program better and more responsive to you, the consumer. We would like your thoughts and suggestions for improving our proposed consumer program. Please help us by answering the following questions:

1. Which of the following statements best describes your interest in our consumer program?
 - I am interested in it as an individual consumer.
 - I am concerned about it, because I represent a public interest consumer group.
 - I am concerned about it, because I represent a private company or organization.
2. After reading about our consumer program, do you think you understand how it works?
 - Yes, it is clear and I understand it.
 - Yes, I understand most of it.
 - No. Much of it is not clear to me.
3. Part of our consumer program sets up ways for consumers to help us make policies and rules. Do you feel our program makes it easier for you to participate?
 - Yes.
 - No. Why? _____
4. Our proposed consumer program outlines how we plan to get information out to consumers. How adequate do you think our plan is?
 - It seems adequate.
 - It is not adequate. Why? _____
5. We want to make it easy for consumers to bring their problems to our attention. Our proposed program tells how we intend to handle complaints from consumers. How good is our plan?
 - Adequate.
 - Not adequate. Why? _____
6. After reading our proposed consumer program, do you know whom or which office in _____ (agency) to contact if you have:
 - A complaint? Yes. No.
 - A general question about the agency? Yes. No.
 - A question about how to take part in agency proceedings? Yes. No.
7. Do you know who or which office in _____ (agency) speaks for the consumer? Yes. No. Any suggestions for improvement? _____
8. Do you have any suggestions for improving our consumer program?
 - No.
 - Yes, in the following areas:
 - Consumer participation _____
 - Informational materials _____
 - Complaint handling _____

9. Other comments or suggestions? (Use additional pages, if necessary.)

(Your name)

(Your address)

(City, state, zip)

**SEND THIS FORM DIRECTLY TO THE AGENCY PROPOSING THE PROGRAM ON
WHICH YOU ARE COMMENTING**

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