# *"Know Your Surroundings"* Citizen and Community Involvement in Enforcement, Legislation and Rule Development

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# ***THREE MAIN TRENDS*** in Citizen and Community Involvement

1. Increased organization and use of political and media pressure to push government enforcement, resolution or other action
2. Targeted third party litigation in the absence of government enforcement
3. Active participation in rulemaking and legislative initiatives to shape the law that will apply to YOU

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# ***TREND 1***: Use of Political and Media Pressure to Push Government Enforcement, Resolution or Other Action— ***Creating the Pressure***

- Community groups understand that pressure is needed to push the desired action. How do they do it?

  ***First***: Organize effectively

  ***Second***: Define the narrative

  ***Third:*** Push the narrative out

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# ***TREND 1***: Use of Political and Media Pressure to Push Government Enforcement, Resolution or Other Action—***Creating the Pressure-Cont.***

- They use the ***void of understandable*** information
  - Best when information space is “not occupied”
  - Inconvenient/complicated science will be ignored or side-lined
  - Statements of compliance and environmental stewardship while important are not enough

# ***TREND 1***: Use of Political and Media Pressure to Influence Government Enforcement, Resolution or Other Action-***Pushing the Action***

Once the pressure is created, action is pushed in a variety of ways:

- Push for formal, visible enforcement
  - States may feel the need to show they are taking action
- Push case resolution demands in a different direction
  - Push for shutdown or demands beyond what is required to achieve compliance
  - Environmental Justice area?

# ***TREND 2***: Targeted Third Party Litigation in the Absence of Government Enforcement-***Why is it Different?***

- Different stakes and different agenda
  - The agenda may be tied to a national or local cause
  - The purpose of the case may be to push for a policy change
- Tactics
  - Government tends not to rely on social media to shape public opinion in the case (although they might react to it)
  - Third Parties tend to push for negative media coverage

# ***TREND 2***: Targeted Third Party Litigation in the Absence of Government Enforcement-***Why is it Different? -Cont.***

- Not necessarily tied to legal precedent
  - In government led actions, there is concern for precedent and impact on future cases
  - Third party litigants like to push for new precedent and may even shop jurisdictions to get it
    - **Remember**: Another form of third party action may be county or local government action to show commitment to constituents

# ***TREND 3***: Active Participation in Rulemaking and Legislative Initiatives to Shape the Law that Applies to YOU

- More than ever, they are active and in the game early
  - Pushing the “BE GREEN” button is in vogue!
- Pursuing layers of opportunity for third party enforcement, “right to know” and regulatory input
  - Saying no to these layers is tough for elected officials
  - Once in a statute, regulatory fixes are limited

# End Where We Started-*Know Your Surroundings Checklist*

- ✓ Know who is active in your community
- ✓ Know if there is “street noise” about an issue, a policy push or trend
- ✓ Know your elected officials
- ✓ Know your community leaders
- ✓ Know if there is a void of information that has to be filled
- ✓ Know if you are in an Environmental Justice Community
- ✓ Know and identify your supporters and fact ambassadors before needing them

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# Now that you Know Your Surroundings, ***What Do You Do With That Knowledge?***

- Pressure= Possible Impact on You → HEAD IT OFF!
  - Stay aware of community sentiment
  - Address any pressure/narrative reaching the regulators or elected officials
- If there is a void of information on your issue, you need to fill it
  - Hire a good public relations firm
  - Will staying quiet/laying low really help? Not usually!
  - Information MUST be understandable-you lose if the science is complicated or uncertain
  - Do not hide behind “we are in compliance”

# Now that you Know Your Surroundings, ***What Do You Do With That Knowledge?-Cont.***

- If the community is involved, in the face of enforcement, know what the community wants from you
  - Can a “give” change the nature of the action
  - Weigh the benefit and detriment of going beyond what is needed to achieve compliance
    - Setting precedent versus the worth of a resolution

# Now that you Know Your Surroundings, ***What Do You Do With That Knowledge?-Cont.***

- If you are in an Environmental Justice area, be prepared-the ask will likely be different
- Stay active in legislative/rulemaking proceedings-your voice is needed!
- Help your trade associations convey compelling information- Just saying no is not helpful

# “Know Your Surroundings”

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