



Collaborative Problem Solving: A Primer and Considerations for Application to Non-Regulated Pollutants

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Overview and Objectives

- Orient the presentation by describing:
 - Two major viewpoints on the natural world
 - Three major perspectives on how society should solve environmental problems
- Define “collaboration”
- Propose a model for conceptualizing the relationship among forms of civic engagement:
 - Collaboration
 - Alternative Dispute Resolution (ADR)
 - Public Involvement
- Initiate a conversation about how collaboration might apply to Pharmaceuticals and Personal Care Products

But First,
A Brief Commercial
Message ...

CPRC Services

- Access to neutral third parties:
 - External, through our contract/interagency agreement
 - In-house CPRC staff
- Custom design and advice
- CPS and ADR Training
- Information on Best Practices
- Process and Outcome Evaluation
- ADR Legal Counsel



Conflict Concerning the Natural World: Two Basic Viewpoints (Dryzek, 1997)

Survivalists



vs.

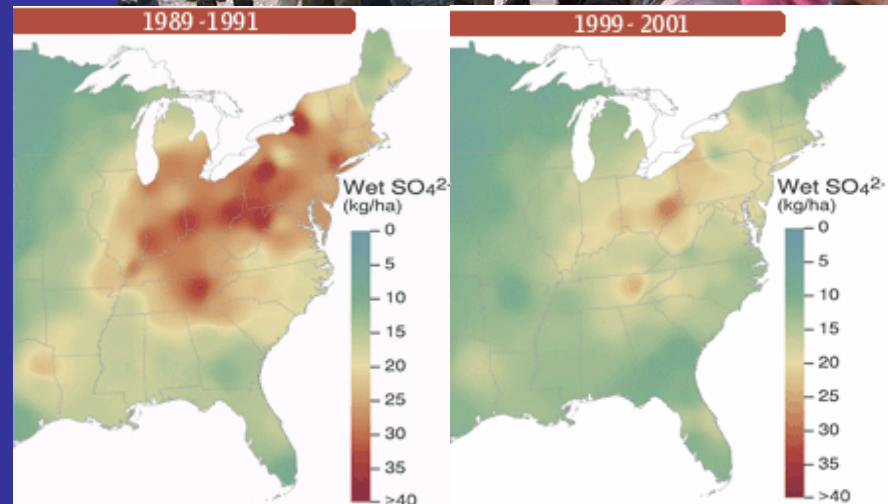


Prometheans



Three Ways to Solve Environmental Problems (Dryzek – 1997)

- Bureaucracy – “Leave it to the experts”
- Democracy – “Leave it to the people”
- Markets – “Leave it to the market”



THE GOAL ...

BETTER ENVIRONMENTAL AND NATURAL RESOURCE DECISIONS!

Examples of Decisions:

- Rulemaking
- Permitting
- Planning
- Policy/Guidance
- Voluntary Programs



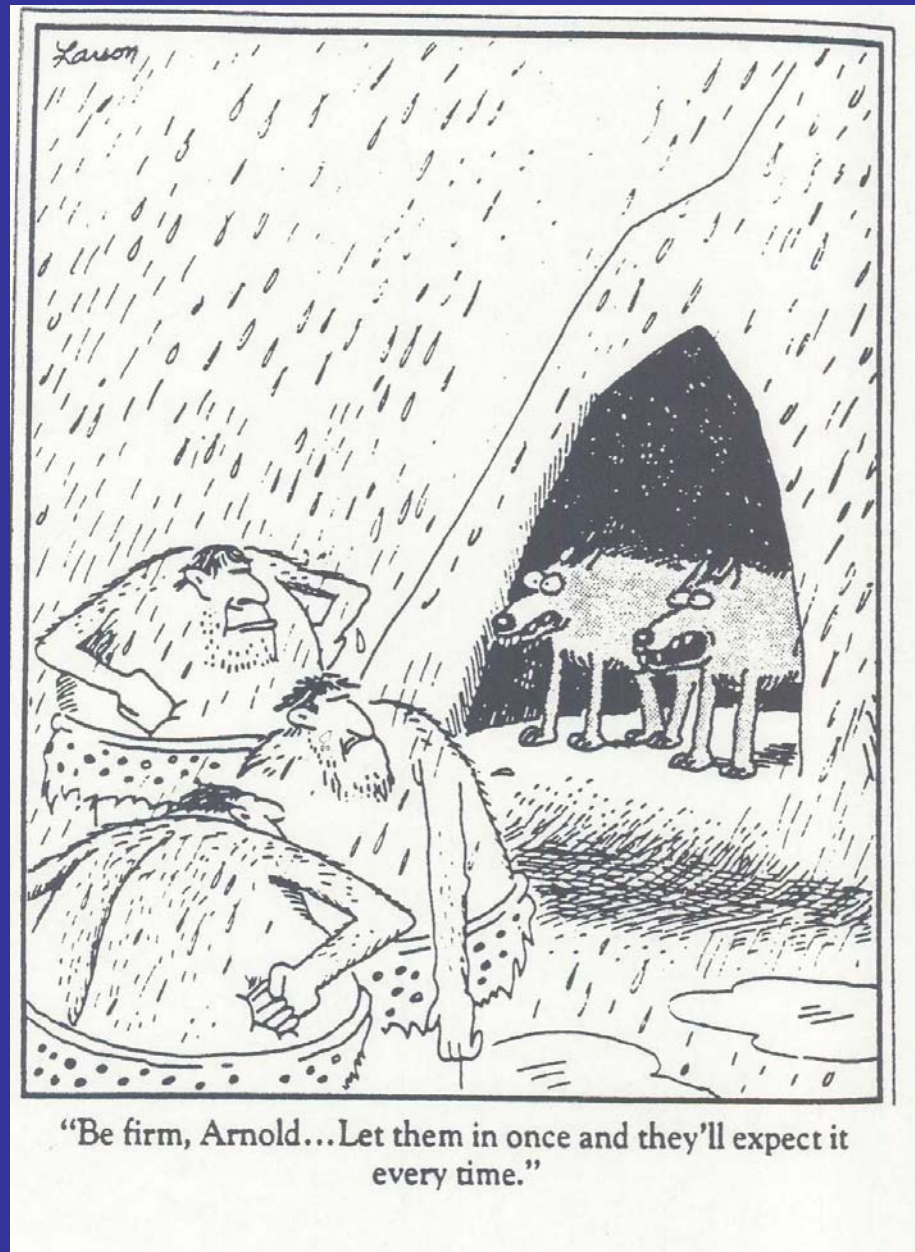
Collaboration

What is it?

Getting to Better
Environmental
Decisions ...

Requires a lot of
things, including ...

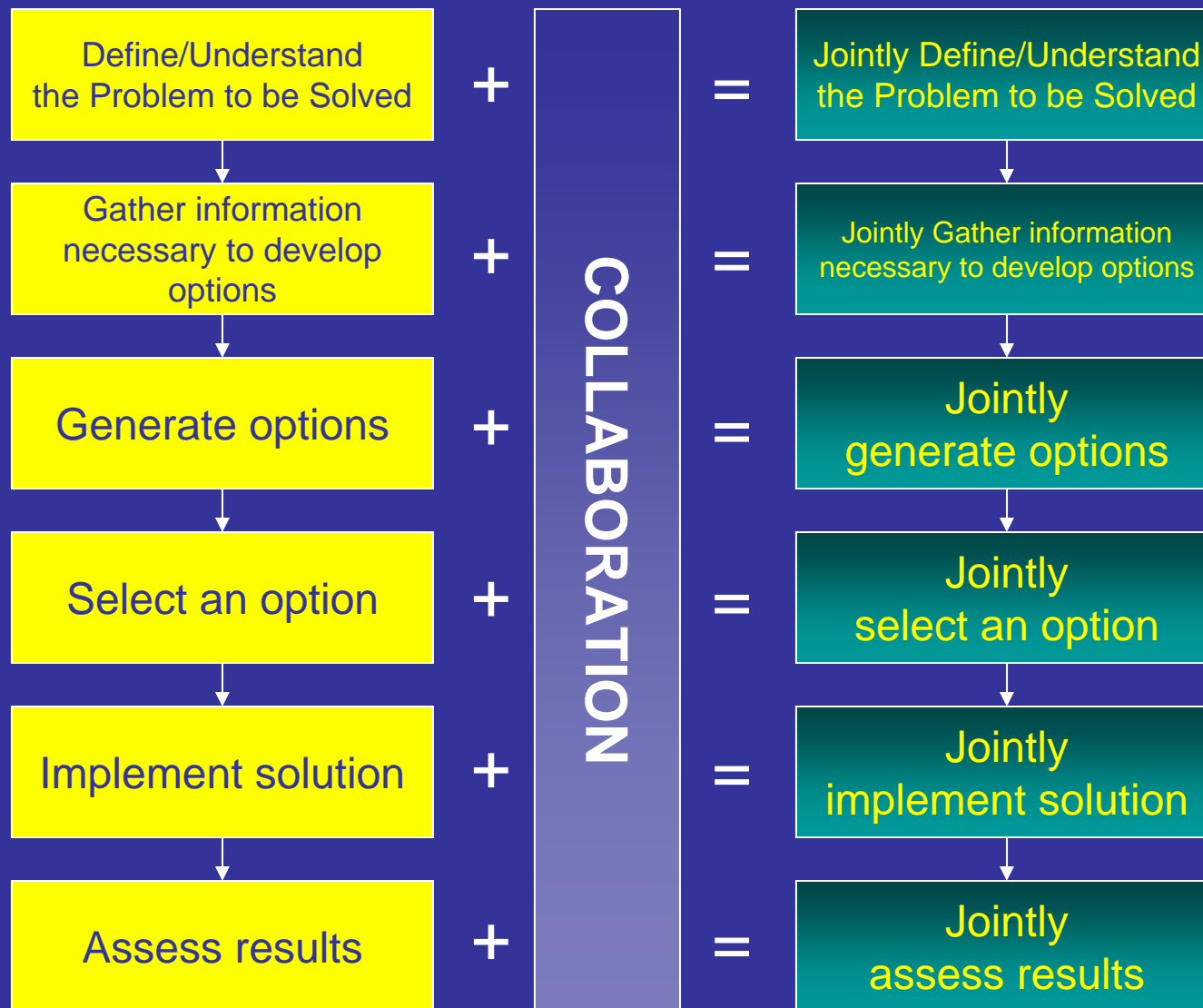
An Appropriate
Decision Making
PROCESS



Which of the following is a process?

- A. Collaboration
(the act of working jointly)
- B. Collaborative attitude
(mental state)
- C. Collaborative behavior
(generic actions that build trust)
- D. Collaborative culture
(combination of attitudes and behavior)
- E. COLLABORATIVE PROBLEM SOLVING

Collaborative Problem Solving is a Decision Making Process



What is the relationship among
types of civic engagement
processes?*

*collaborative problem solving, public involvement, and
alternative dispute resolution

Some Key Terms

- **Public Involvement**

- “The full range of actions and processes that EPA uses to engage the public in the Agency's work ... the Agency considers public concerns, values, and preferences when making decisions.” - **EPA Public Involvement Policy, May 2003**

- **Alternative Dispute Resolution**

- “Any procedure that is used to resolve issues in controversy, including but not limited to, conciliation, facilitation, mediation, fact finding, minitrials, arbitration, and use of ombuds, or any combination thereof. All of these techniques involve a neutral third party.” - **EPA ADR Policy, December 2000**

- **Collaborative Problem Solving**

- “Bringing affected stakeholders and their resources together to solve problems that can not be solved individually.” **CPRC Draft Strategic Plan, May 2005**

Rx: Use when individual action unlikely to succeed

Collaborative Problem Solving

(joint action to solve a problem that no single stakeholder can solve)

Traditional Public Involvement Activities

- Conferences
- Workshops
- Listening sessions
- Public meetings
- Public notice and comment

Rx: Use when there is low trust and/or High process complexity

Alternative Dispute Resolution

(neutral third party)

Rx: Use when legitimacy is needed

Public Involvement

(agency decision, members of the public involved voluntarily)

Collaborative Problem Solving (Agency-supported)

- Intra-agency partnerships
- EPA-State co-regulator partnerships
- Federal interagency partnerships
- Public-private partnerships

Neutral-Assisted Dispute Resolution

- EPA facilitated Superfund allocation
- Mediated settlement negotiations
- Workplace mediation



Neutral-Assisted Collaborative Problem Solving (Agency-supported)

- Facilitated partnerships
- Facilitated intra-agency partnerships

Neutral-Assisted Dispute Resolution

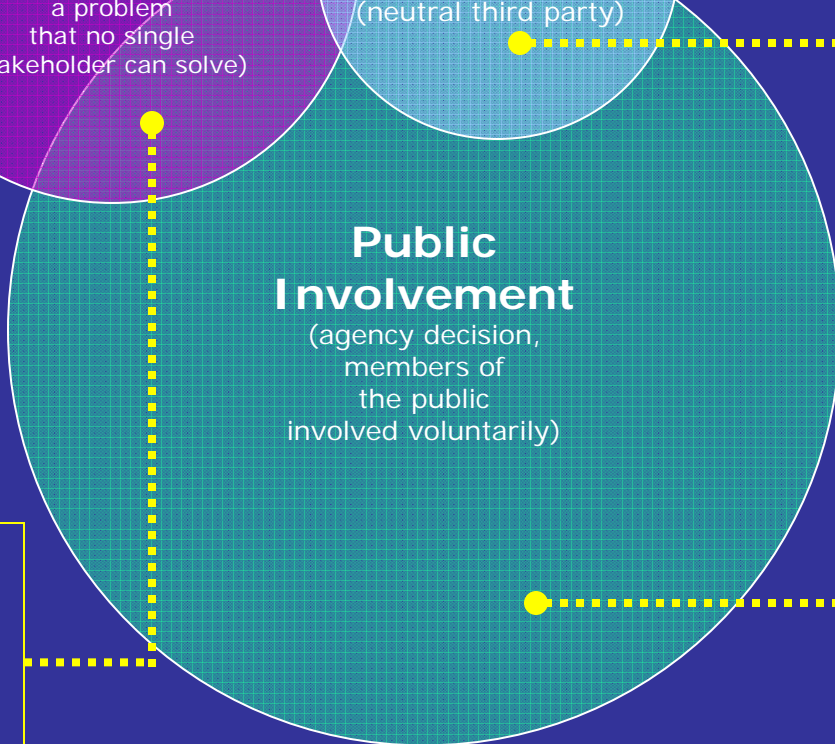
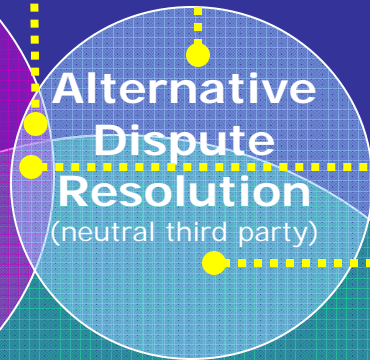
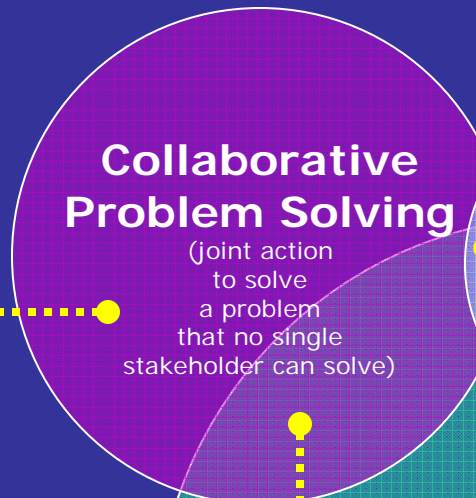
- EPA facilitated Superfund allocation
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Neutral-Assisted Collaborative Problem Solving Involving the Public in Agency Decisions

- Facilitated policy dialogues
- Facilitated negotiated rulemaking

Agency-supported Collaborative Problem Solving (unassisted)

- Intra-agency partnerships
- EPA-State co-regulator partnerships
- Federal interagency partnerships
- Public-private partnerships



Neutral-Assisted Public Involvement

- Facilitated public meetings
- Facilitated workshops
- Facilitated listening sessions
- Facilitated conferences

Collaborative Problem Solving Involving the Public in Agency Decisions (unassisted)

- Federal advisory committees
- EPA-led "shuttle diplomacy" on rule/policy development

Traditional Public Involvement Activities

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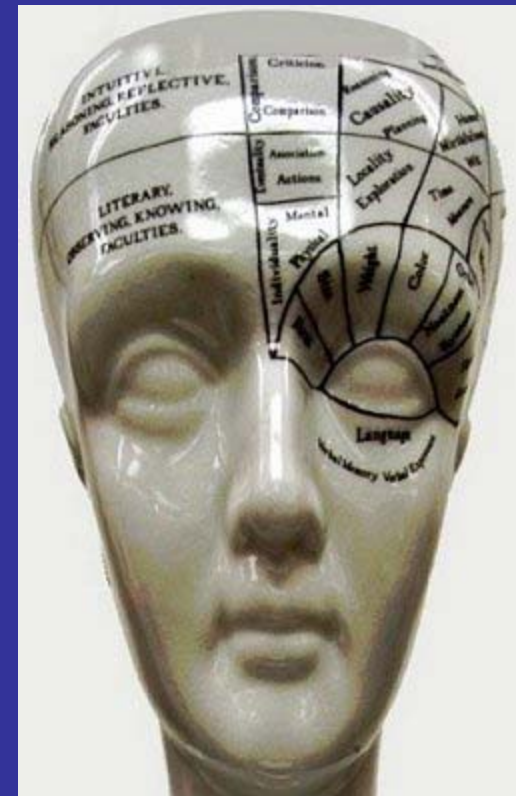
What path makes sense for PPCPs?

- Experts?
- Markets?
- Democracy?
 - ADR?
 - Public involvement?
 - CPS?
- If decision makers decide to pursue collaborative problem solving ...



Some Ideas on CPS and PPCPs

- Is there a shared problem?
What is it?
- Who could convene the collaborative process?
- Who would provide leadership?
- How will different interests be represented?
- Is there a common information base?



Shared Environmental Problem

- Must be seen by all or most stakeholders as an issue that needs to be jointly addressed
 - BATNA – Best Alternative to a Negotiated Agreement
- Perception of a shared problem comes from:
 - Common pain
 - Sense of opportunity
- Sometimes there is a need to raise awareness first
- The problem must be “bounded” and/or “chunked”

Convener

- Legitimizes the process
- Encourages stakeholder participation
- Handles initial costs
- Key concerns:
 - Make strategic convening decisions
 - Maximize credibility of the process

Leaders

- Reiterate benefits of collective action
- Note the drawbacks of independent action
- Emphasize personal and professional commitments
- Need:
 - Capacity (time, resources, skills)
 - Authority to make decisions

Effective Representation Means:

- Authority to speak for interest
- Critical mass of stakeholders
- Balancing interests
- Managing group size
- Early stakeholder involvement for ownership
- Establishing lines of accountability

Common Information Base

- Assists in identifying a shared problem and possible solutions
- Addresses information asymmetries
- Consider:
 - Engaging in joint fact-finding
 - Aligning scientific analysis with policy deliberation
 - Providing capacity for stakeholders where needed
 - Sharing information about substance and process widely

Consider a Situation Assessment

- Identify key issues
- Determine why these issues are important
- Identify affected parties
- Design the best approach for addressing the issues

Conducting Situation Assessments

- Neutral third party conducts confidential interviews of all affected parties
- Neutral third party recommends a process design
- Parties decide whether and how to proceed

General Take Home Messages

- There is an inherent societal conflict about how environmental problems should be solved
- Civic engagement must co-exist with other approaches to environmental problem solving
- CE processes take three forms: CPS, ADR, and PI
- CPS, ADR, and PI processes can be used alone or in combination with each other
- Because solving environmental problems is the focus, CPS is the best definition of “collaboration”

PPCP Take Home Messages

- Experts and Democracy both likely to play a role
- Public involvement will also occur
- Collaborative Problem Solving may be useful if:
 - The problem to be solved is effectively defined
 - A common information base is developed
- This workshop is a positive step in that direction!

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