

Interim Guidance for Public Meetings During COVID-19 Public Health Emergency

PCB Cleanup, Storage, and Disposal Program¹

As of May 4, 2020

In keeping with EPA's commitment to provide meaningful public engagement in the environmental decision-making process, while also ensuring the health and safety of our staff and the communities we serve, the Office of Resource Conservation and Recovery (ORCR) is providing interim guidance for conducting public engagement in the polychlorinated biphenyls (PCB) cleanup, storage (prior to disposal), and disposal approval process during the Coronavirus Disease 2019 (COVID-19) public health emergency.

EPA, as a practice, conducts community engagement, including public meetings, for certain PCB cleanup, storage, and disposal approvals that could affect the community. EPA uses national and regional policies, as well as site-specific considerations like community interest, to guide when and to what extent community engagement may be appropriate for each relevant PCB cleanup, storage, and disposal approval that the Agency issues.

This interim guidance provides alternative approaches, recommendations and resources to help ensure public participation when in-person meetings are not an option. It is developed in consideration of current guidance from the Centers for Disease Control (CDC)² and may be updated based on new information.

Interim Guidance

- EPA recommends that Regions use virtual alternatives, where feasible, in lieu of in-person public meetings, site visits, and other facility-related face-to-face public interactions. Regions should not hold in-person public interactions, consistent with current Federal, State, tribal, and local COVID-19 guidance on events, mass gatherings, and social distancing. Regulators should check the CDC Website³ for the latest federal guidance and maintain awareness of the most current guidance from state, local, and tribal public health and governmental officials. Since many of these guidelines are being updated frequently to respond to changing conditions, EPA advises regulators to avoid in-person events during this period of significant uncertainty to avoid any last-minute changes to meeting plans. The Agency will assess the continued need for and scope of this policy on a regular basis and will update it if the EPA determines modifications are necessary.
- ORCR fully encourages EPA staff to keep in contact with affected communities using other communication channels such as fact sheets, phone, social media, etc., as well as using virtual tools such as on-line meetings, webinars, conference calls, and call-in numbers.
- In circumstances when public meetings have typically been held in-person, following EPA policy, Regions should use, where possible, virtual public meeting tools.
- When considering using a virtual meeting tool, Regions should consult with appropriate state officials, especially at facilities where state-regulated activities could overlap.

¹ <https://www.epa.gov/pcbs>

^{2,3} <https://www.cdc.gov/coronavirus/2019-ncov/community/large-events/index.html>

- Regions should ensure meetings are properly planned to promote access and effective communication, to the extent practicable when using a virtual meeting tool (see tools referenced below).
- Even while EPA is encouraging the use of technology for virtual meetings and communications, staff should keep in mind that some individuals may have only limited or no access to internet or other technologies, or to necessary Agency documents (e.g., Administrative Record File), especially during a time of social distancing. For example, libraries that serve as information repositories or that provide a method of internet access may be closed. Therefore, Regions should take steps to ensure, as practicable, that participants can follow the substance of discussions even if they lack full access to the technology and/or Agency documents (e.g., by also providing access via telephone and/or mailing necessary documents).
- PCB Regional Coordinators should also consider postponing public meetings and other site-related public interactions when there is no viable alternative for a meaningful public discussion due to lack of internet or other technology.
- A memorandum from EPA’s General Counsel on Virtual Public Hearings and Meetings can be found at: https://www.epa.gov/sites/production/files/2020-04/documents/ogc_virtual_hearing_memo_4-16-2020.pdf.

Public Meetings

Virtual public meetings should be held, when possible, as a substitute for in-person public meetings during the COVID-19 public health emergency. Information on tools to enable virtual meetings is contained in the attachment “Hosting Virtual Events.”

- Prior to issuing a final approval for a PCB commercial storage or fixed-site disposal facility, EPA publishes the draft approval and conducts public engagement. This engagement often includes a presentation by the facility and an open Q&A session in a public meeting, and the opportunity to submit comments on the draft approvals.
- Public meetings are also provided by the Agency when there is a high level of public interest (based on requests) during the draft approval stage, a major approval modification, or renewal involving a major modification. They may also be held on a voluntary basis and strategically planned to promote community engagement.
- Public meetings should be announced at least 30 days prior to the event. The public meeting notice may be combined with the draft approval notice.

Tools and Resources

For more information that may be relevant to the PCB cleanup, storage, and disposal program, please consider the following resources.

- The EPA’s public participation guidelines for RCRA Public Meetings are detailed on Chapters 2, 3 and 4 of the *2016 Edition of the RCRA Public Participation Manual*, which is available at: https://www.epa.gov/sites/production/files/2019-09/documents/final_rcra_ppm_updated.pdf.
- For further information or assistance, please contact Karen Swetland-Johnson at swetland-johnson.karen@epa.gov or Lilybeth Colón at colon.lilybeth@epa.gov.