


EPA United States Environmental Protection Agency 2011 Community Involvement Training Conference
Community Involvement in the 21st Century: Embracing Diversity, Expanding Engagement, Utilizing Technology

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Obstacles to Community Involvement:
Hidden Agendas and Dirty Tricks
July 20, 2011 8:00am
Carol Forrest



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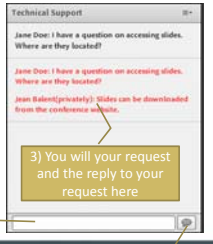
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Thank you!

Let's begin today's session!

Obstacles to Community Involvement: Hidden Agendas and Dirty Tricks

Presented by:
Carol J. Forrest,
Rose Hill Communications, Inc.

Session Format

- Interactive Lecture on Hidden Agendas and Dirty Tricks (35 minutes)
- Group Exercises—Case Studies (30 minutes)
- Group Presentations and Audience Discussion (25 minutes)

Learning Objectives

- Describe the hidden agendas concept
- Identify the characteristics of front groups and "Bootlegger & Baptist Coalitions"
- Describe the harm hidden agendas and dirty tricks can have on community involvement
- Formulate strategies to minimize their impact

Typical Sources of Opposition or Concern in Permitting/Site Cleanup

- Lack of Knowledge or Understanding
 - Residents unfamiliar with terminology or technical concepts
 - Public concerns about emissions based on a lack of knowledge about how figures compare to other sources
- Differences of Opinion
 - Residents, advocacy groups understand technical issues—but don't agree with risk data, prefer other cleanup options, want to limit emissions allowed by permit, etc.
 - Residents believe a facility belongs "somewhere else"

How I Became Aware of Hidden Agendas

- Training/experience as journalist
 - Learned to look “behind the curtain”
- Training and background in business strategy and industry analysis; “threats” and “opportunities” approach
- Community assessment/profiling work
 - Identifying stakeholders, their wants and needs
 - “What the heck is going on here?”

What are Hidden Agendas?

- Pursuit of goals by groups that either don't disclose, or seek to hide, their true motives and often, their true identities
- Most often, motives are competitive or financial in nature; political/ideological motives may also be drivers of hidden agenda activities

Why Do Hidden Agendas Matter?

- Dialogues regarding risk or other environmental issues are already complex because of their scientific and regulatory content
- Deliberate disinformation or misleading information communicated by groups whose own identities and motives may be hidden adds to the complexity of issues and can harm both public dialogues and decision-making processes

Common Forms of Manipulation

- Alliances with advocacy or community groups with the intent of hiding or downplaying a business's or other interest's competitive goals
- Creation of “Front Groups” to mask identities and motives
- Using names of real groups (without their permission or understanding) to suggest that they support or oppose an action or position

Continuum of Legitimacy

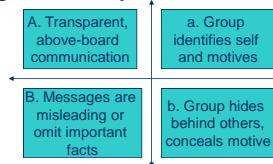
- Not about parties “weighing in”—in a Democracy, all are supposed to “weigh in,” however:
 - Positive involvement—Transparent, above-board communication, motives stated, not hidden
 - Neutral involvement—Reasonably transparent, above-board communications, motives may not be stated, but can likely be inferred by most people
 - Negative involvement—Messages, alliances undertaken to deceive and mislead, motives, groups seeking influence, not disclosed or disclosed in misleading manner

Continuum of Legitimacy-Continued

- Alliances may be difficult to place along a positive-negative continuum
- Is it an attempt to “Green Wash” or a sincere desire for change? Consider the following:
 - How willing is the organization to mislead the public?
 - Could their messages cause harm to the marketplace, the environment, or public understanding?

Continuum of Legitimacy-Continued

Rate organizations you've encountered:



Shades of Gray—Why?

- Use of underhanded tactics may reflect:
 - Lack of understanding of, or trust in, community involvement process/belief that the public is always “unreasonable”
 - Lack of understanding of community or stakeholder concerns; can often be corrected by providing client with insights into those concerns and/or stakeholders’ experiences
 - “Bullying” management style that values confrontation or manipulation over collaborative problem-solving
 - One may find that individual departments respond differently within same organization; environmental or plant personnel may wish to work with community, legal or public affairs may not

Bootleggers & Baptists (Odd Alliances)

- Concept described by economist Bruce Yandle
 - “Bootleggers and Baptists—The Education of a Regulatory Economist” (1983)
www.cato.org/pubs/regulation/regv7n3/v7n3-3.pdf
- Baptists push for elimination of alcohol sales on Sunday for moral reasons
- Bootleggers go along—not out of moral considerations, but if legal sales are curtailed, they can make money by selling alcohol illegally
- Bootleggers “cloak themselves in virtue without disclosing their true motive” (Yandle)

Bootleggers & Baptists—Environmental Version

- Waste Management, Inc. donations to Audubon, NWF, NRDC, others.
 - “We’re in a position to benefit from the same objectives that [environmental groups] are pursuing....Stricter legislation is environmentally good and it also helps our business.”
William Y. Brown, former director of environmental affairs.
(From J.H. Adler, “Environmentalism at the crossroads: Green Activism in America”) cited in Barnett & Terrell (see next slide for citation)

Bootleggers & Baptists-Reasoning

- “Often people want relief not from regulation but through the protections regulation can provide,” Bruce Yandle.
 - From A.H. Barnett & T.D. Terrell (2001) “Economic observations on citizen-suit provisions of environmental legislation,” *Duke Environmental Law and Policy Forum*

Bootleggers & Baptists—Reasoning

- In business strategy, erecting barriers to keep competitors from entering (or continuing to operate within) the marketplace creates a competitive advantage
- Likewise, exacting a “cost” from competitors or organizations that “won’t play ball” is another time-honored strategy for achieving a competitive advantage

Bootleggers & Baptists—Another Example

- Safety-Kleen, the Hazardous Waste Treatment Council (trade group), and various environmental advocacy groups attempted to classify Used Oil as a hazardous waste under RCRA (early 1990s)
- Stated goal was to keep used oil out of the environment
- Business goal—regulating used oil as hazardous waste would have created huge advantage for S-K because it already owned and operated more than 180 RCRA-permitted facilities

Safety-Kleen Example

- Was this a “Hidden Agenda” case?
- No—Safety-Kleen was transparent and above-board about what it wanted
- Good arguments for regulating used oil as a haz waste or non-haz waste on both sides
- Ultimately, U.S. EPA opted for non-haz classification, but with environmental safeguards included (40 CFR 279)

Bootleggers & Baptists—The Dark Side

- Association for Responsible Thermal Treatment (ARTT) (a commercial haz waste incineration trade group) and American Lung Association versus cement kilns burning hazardous waste derived fuels
- Strong competitive motive (commercial haz waste incinerators losing business, market share to kilns)
- Some legitimate concerns about burning hazardous wastes in facilities other than permitted incinerators (sham recycling)

ARTT's Efforts

- Issued disinformation against cement kilns (although the Boilers and Industrial Furnaces Rule [40 CFR Part 266, Subpart H] set strict standards for haz-waste burning cement kilns and other combustors, ARTT continued to insist that cement kilns were unregulated because the BIF Rule was a separate set of regulations from the rules governing haz waste incinerators [40 CFR 264.340 through 264.351, Subpart O])
- Formed alliances with American Lung Association chapters
- Used a Front Group

ARTT, ALA & PEEP

- ARTT was unsuccessful at blocking the burning of haz waste in permitted cement kilns at the federal level. It then began to use allies/front groups to attack “vulnerable” haz waste-burning kilns on the local level
- ALA's reputation damaged; court case involving PEEP revealed ARTT's funding of the group
 - For more information, see J.T. Bennett, 1995, January, “Selling its reputation: The American Lung Association” Alternatives in Philanthropy.
www.legacy.library.ucsf.edu/tid/glt18d00

Recent Issue in Illinois

- Asian Carp in the Illinois River have created concerns for Lake Michigan
- Industry fights closure of shipping canal because companies use barges to receive and ship product (barge transportation is cheaper than rail or truck), downplays risk or environmental impact of carp, suggests other methods to keep carp contained
- Rail carriers have weighed in, joined with proponents of closing the canal into Lake Michigan (Guess why?) (This is an example of a relatively transparent alliance)

Labor Unions and Environmental Claims

- Unions have assisted in the creation and shaping of important regulations and safety programs
- Unions, as providers of “goods” (labor), compete, just like other suppliers
- Questions arise: Are environmental claims, calls for EIS, legitimate from the HS&E standpoint, or are unions attempting to exact costs from parties that won't work with them?
- Must assess on a case-by-case basis

Front Groups

- “An organization that purports to represent an agenda while in reality it serves some other party or interest whose sponsorship is hidden or rarely mentioned”
 - Definition from The Center for Media and Democracy. Visit www.prwatch.org and www.sourcewatch.org for more information

Front Groups = Bad For Public Dialogue

- Front groups may be used to pursue agendas in many areas (e.g., environmental, tort reform, health care debate)
- Their existence muddies legitimate debate; public tends to assess messages, in part, according to whom they believe they are coming from
- Use of Front Groups on the upswing?
- Internet allows proliferation, but it also makes them easier to unmask

Front Groups: Smart PR or Unethical?

- Public Relations Society of America roundly condemns their use:
 - “The ethical communicator is obliged to reveal all information needed for informed decision making.... Withholding or deceptively concealing sources or sponsors of information or their intentions or motivations fails to satisfy the principles of truth in advancing the interest of clients and of serving the public interest as responsible advocates.” (From “PRSA Condemns the Growing Use of Disingenuous Editorial Content, Deceptive Commentary on Blogs and Other Venues,” August 27, 2009)

Using real Organizations as Unwitting Front Groups

- Shenanigans surrounding American Clean Energy and Security Act
- Political, but motives were largely financial
 - Letters sent to congressman allegedly from Creciendo Juntos and Albermarle-Charlottesville chapter of NAACP
 - Lobbying firm, when caught, said it was “a mistake”
 - McNeill, B. (2009, July 31) “Forged letters to congressman anger local groups,” *Charlottesville Daily Progress* www2.dailyprogress.com
 - Strom, S. (2009, August 4) “Coal group is linked to fake letters on climate bill,” *New York Times* www.nytimes.com/2009/08/05/us/politics/05charity.html

Using Real Organizations as Unwitting Front Groups

- Attempted takeover of the Sierra Club Board of Directors by members of a “nativist” anti-immigration organization
 - Group sought to “insulate nativists from charges of racism....a cynical effort by nativist activists to seduce environmentalists to join their cause for purely strategic reasons,” From *Greenwash: Nativists, Environmentalism and the Hypocrisy of Hate*, Mark Potok, Editor, Southern Poverty Law Center publication www.splcenter.org/get-informed/publications

Citizen Suits as Preludes to Civil Court Cases

- Citizens suits are typically filed by advocacy groups or citizens for “injunctive relief” (e.g., cessation of polluting activities)
- Citizens suits may be used or encouraged by attorneys to build “evidence” and recruit plaintiffs for large, civil cases

Interesting Aspect of Civil Court Cases

- The article, “Betting on Justice: Borrowing to Sue,” by Ben Hallman and Binyamin Appelbaum, November 15, 2010, describes bankrolling of other people’s lawsuits as an “investment”
- Article was the result of review undertaken by the *New York Times* and the Center for Public Integrity, www.iwatchnews.org/2010/11/15/2320/betting-justice-borrowing-sue

Handling Hidden Agenda Situations

- May not always be in a position to expose perpetrators (e.g., employers may not want to create additional problems with unions that have made unfounded claims)
- My personal opinion—reveal the motives of those who are making claims
 - Can be tricky—may wish to take your information to the media or to local officials and let them confirm it
 - If a PR firm is involved, report them to the Public Relations Society of America

Group Exercises

- Case:
 - Does the case suggest that a hidden agenda is at work?
 - What makes you think so?
 - How will you find out?
 - What might you do about it?

For More Information

- Article “Hidden Agendas: How Dubious Motives Can Lurk Behind Environmental Issues—and Complicate Public Dialogue,” by Carol J. Forrest, *Environmental Quality Management*, Spring 2010
 - www.rosehillcommunications.com/Spr-Forrest.pdf
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