Taken from Chemical and Engineering News, Feb 28, 1994

Dow CAPs pictured on p. 16
Freeport CAP facilitator quoted on pp. 9-10, 14 (box)
Facilitator of CAPs in Deer Park, Pasadena, Texas City-La Marque, etc. mentioned on pp. 9, 21.

Chemical Industry Tries To Improve Its Community Relations

Efforts to respond to community fears about chemical plant operations range from success to failure—but no one yet has given up

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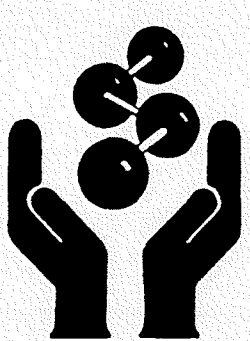


A decade ago, a number of chemical mishaps culminated in an accident in Bhophal, India, that killed thousands of people. Since then, the U.S. chemical industry and the general public have feared that another chemical disaster like Bhophal could occur in the U.S. with the same life-destroying potential. Most chemical companies have realized that their outright assurances that such an accident could not happen in the U.S. were not enough.

In response, the U.S. chemical industry's largest trade group, the Chemical Manufacturers Association (CMA), adopted a Canadian Chemical Producers Association initiative in 1988 called Responsible Care. That program's primary goal, says CMA, is "to respond to public concerns about the chemical industry with actions, not words." Responsible Care is mandatory for CMA's nearly 190 members, who account for more than 90% of U.S. basic industrial chemical productive capacity.

But although the battle cry of Responsible Care may be "track us, don't trust us," words are a large part of the program. Emergency response and pollution prevention are among the key codes of the CMA program. But the primary thrust of Responsible Care is to respond to public concerns. And encouraging dialogue with communities surrounding chemical facilities overrides every facet of Responsible Care.

"Honest dialogue between industry and the public, and between plants and local communities, is a crucial element in bringing about the industrywide cultural change required by Responsible Care," said former CMA president Robert A. Roland in CMA's 1992–93 Responsible Care Progress Report.

Responsible Care includes six codes of "management practice" addressing community concerns and emergency response, distribution, pollution prevention, process safety, employee health and safety, and product stewardship. The group codified the first element of the Responsible Care plan when it adopted the Community Awareness & Emergency Response Code (CAER) in 1989.

CAER began as a voluntary CMA program in 1985 to better coordinate emergency response between chemical plant operators and local authorities in the event of a mishap. The CAER program now includes not only emergency preparedness but also a community outreach program with the aim of assessing community concerns about a company's operations in general and, in particular, "to openly communicate relevant, useful information responsive to the public's questions and concerns about safety, health, and the environment."

A means toward that dialogue is the Community Advisory Panel (CAP) or similar public outreach group, which many chemical plant operators have set up and in which many participate. Responsible Care does not specifically require chemical companies to participate in CAPs, but more than 215 CAPs were operating in the U.S. a year ago, says CMA, and it is sure many more operate today.

CAPs are only one means of communication between chemical plant management and the surrounding community. Other plant community outreach methods include plant management meetings with environmental organizations, presentations to civic and school groups, plant tours, and community newsletters.

The other five codes of management practice that CMA adopted between 1989 and 1992 also have elements that require some degree of community involvement. For instance, the Pollution Prevention Code avows a goal of waste reduction and requires plant attention to community concerns on the issue. The Process Safety Code requires that companies design and operate plants to prevent fires, explosions, and accidental chemical releases in a manner that considers the health and safety not only of plant personnel but of the public as well.

Still, CAPs are a hallmark of the CAER program. Some CAPs have met with what participants describe as success. Others have been much less effective or have failed outright. But not one group has entirely given up on the communications process, even if that has meant finding new avenues for communications.

Ideal advisory panels

CMA envisions CAPs as something more than the old mainstay of community affairs programs. Ideally, CAPs are forums in which chemical facility operators listen to the concerns of plant neighbors. They are not one-way presentations to local civic groups, discourses on local business with chambers of commerce, or senior citizens' tours of chemical plant facilities.

David Hastings, CMA's CAER associate director of safety and plant operations, argues that in its purist form, a CAP is "a sounding board, a reality check for the plant manager, letting him know what he needs to be concerned

about" in the local community. It serves "in an advisory capacity first and foremost." Its membership should encompass a broad range of community concerns and opinions, including negative opinions, and it should be independent of the company it advises.

CAPs might advise as well as question plant management on a wide variety of issues, says Hastings, such as wastewater treatment, operations safety, incineration, and even emergency planning in the event of a chemical release or fire. They should be separate and apart from the Local Emergency Planning Committees (LEPCs)—the boards of industry and government, medical, fire-fighting, and other emergency service providers who by law (under Title III of the Superfund Amendments & Reauthorization Act of 1986) focus only on planning the delivery of services in the event of an actual emergency.

But CAP members take the chance of appearing to be captive to local chemical plants, which frequently host and provide refreshments for the monthly CAP meetings and supply a budget for CAP operation. As advisers to plant managers, CAP members risk appearing as a public rubber stamp for status quo plant operations. Some critics see CAPs merely as a way for the industry to circumvent regulatory pressure and new regulatory initiatives by creating a pool of goodwill locally that plant operators can draw on during permit approval processes.

On the other hand, if a company establishes or chooses to engage an independent volunteer CAP with a broad range of community interests, it will have to realize that CAP members may not be content to remain docile advisers. The CAP may in fact become a vehement and outspoken community body, opposing or seeking to directly limit corporate plans.

Panels vary widely

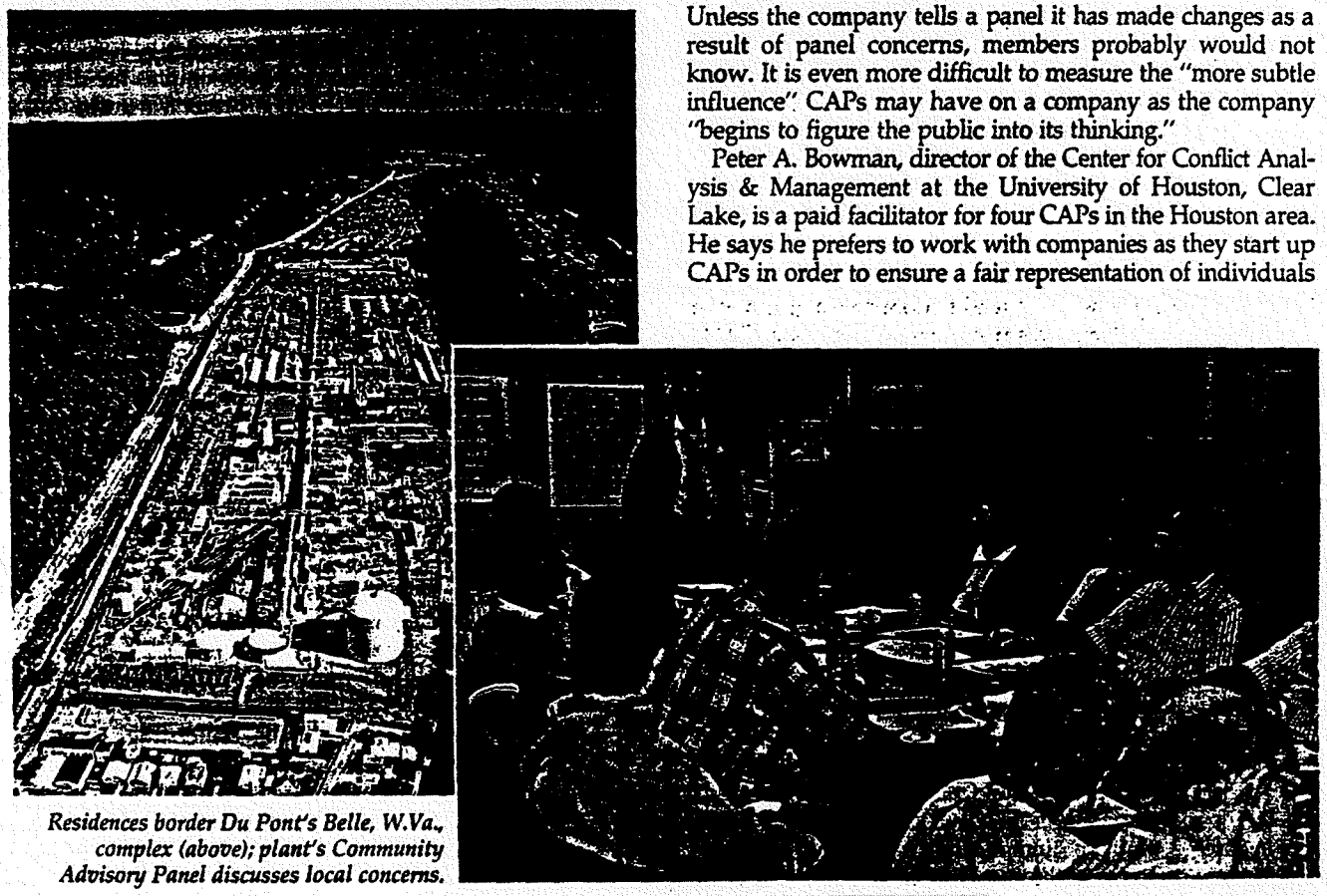
In practice, the concept of a CAP and the description of its functions is somewhat elastic. Diane B. Sheridan, a vice president of the U.S. League of Women Voters who works as a paid professional "facilitator," has helped set up and now aids in operating several CAPs mostly in and around Houston. Sheridan says the nature, composition, and concerns of each CAP differ depending on the chemical plant manager or managers it advises. CAPs may advise one or as many as 16 plant managers, depending on the number of plants in a given area and the size of nearby communities.

In some instances, company managers may assemble their own CAP; in others, a facilitator, such as Sheridan, sets up a steering committee of community leaders that then invites a broad range of interested people to join a CAP. Plant managers do not often sit on the CAP, though Sheridan says there are exceptions. Company employees are not usually CAP members either, but again, there are exceptions. The sizes of panels vary, but often have 15 to 20 people, says Sheridan. Because up to 25% of members do not attend a given meeting, the larger number ensures at least a sufficiently large attendance.

CAP agendas are up to the panels themselves, Sheridan points out. Meetings may be open, open by invitation only, or closed to the public, again depending on what CAP members themselves decide, she says.

CAP effectiveness is hard to measure, Sheridan notes. Unless the company tells a panel it has made changes as a result of panel concerns, members probably would not know. It is even more difficult to measure the "more subtle influence" CAPs may have on a company as the company "begins to figure the public into its thinking."

Peter A. Bowman, director of the Center for Conflict Analysis & Management at the University of Houston, Clear Lake, is a paid facilitator for four CAPs in the Houston area. He says he prefers to work with companies as they start up CAPs in order to ensure a fair representation of individuals



Residences border Du Pont's Belle, W.Va., complex (above); plant's Community Advisory Panel discusses local concerns.

Federal legislation helps disseminate chemical information to the public

With the passage of the 1970 Clean Air Act, increased legislation and enforcement of pollution control measures, as well as plant safety laws, empowered government oversight of the chemical industry. The same legislation also empowered community groups who could use the Freedom of Information Act (1966) to obtain documents on pollution.

As news organizations and community groups learned how to gain access to this information, many companies were forced to deal with communities who wanted to know the whys and wherefores of chemical use, storage, and transportation. Clearly, chemical company formation of plant community advisory panels is one way for the industry to provide its own perspective on publicly available evidence.

Federal, as well as state, legislation either requires information on chemical use or the nature of chemical discharge at the nation's plants. Some legislation specifically requires public access to the information. Other information filed with the Environmental Protection Agency (EPA) or the Occupational Safety & Health Administration is available via special request. Some of the more important federal legislation is:

- Emergency Planning & Community Right-to-Know law (1986; Title III of the Superfund Amendments & Reauthorization Act)—Chemical facilities must report their annual emissions of listed toxic chemicals (the Toxics Release Inventory) into the air, water, and ground. Title III section 313 requires facilities to report those emissions annually to EPA. Title III sections 311 and 312 require reporting of hazardous chemicals stored at facilities to Local Emergency Planning Committees. It also requires companies to file material safety data sheets detailing basic hazards with the committees.
- Clean Air Act (1990 amendments)—Lists 189 toxic air pollutants. The law requires chemical plants to develop risk management plans concerning the hazards posed by the plant, including the worst case scenario. The plans will have to be shared with the public by 1996.
- Clean Water Act (1987)—Allows for citizen suits if companies discharge pollutants into navigable waters in excess of permit levels.
- Occupational Safety & Health Act (1970)—Regulates worker exposure to toxic substances.
- Resource Conservation & Recovery Act (1976)—Creates a cradle-to-grave manifest system to track hazardous chemical shipments. Legislation contains a list of 400-plus discarded hazardous chemical by-products that must be treated before they can be disposed of.
- Toxic Substances Control Act (1976)—Requires notices for newly developed or newly imported chemical substances be filed with EPA 90 days prior to import or manufacture.

on the panels. It is important that employees who know community leaders and community activists make up a steering committee, and that they ask what constituent groups fairly represent the community.

Community groups that might be represented on a panel include racial minorities, blue-collar workers, students, retired people, and especially environmental activists, since CAPs deal with many environmental issues. Chamber of Commerce members are not always ideal CAP members, since they are likely to pat their chemical industry neighbors on the back, says Bowman. Although he says activists have a place on CAPs, "assertive activists who tend to dominate a group with an activist agenda," may disrupt what he sees as a CAP's purpose—coming up with a community consensus.

Bowman has no doubt that chemical companies became involved with CAPs to improve their public image. Other industries that have suffered in the public eye, such as the nuclear and tobacco industries, have not started any similar program on such a large scale in reaction to community concerns, he says. And in his judgment, chemical companies are sincere in working with CAPs. They are making their best efforts to explain their toxic releases and the nature of chemical storage at plant sites.

Disaster planning since the 1950s

To give the industry credit for its early organized efforts on behalf of a community's well-being, Jim Wick, DuPont safety, health, and environment manager, tells of efforts dating back to 1951. Then, the Sabine-Naches Chiefs Association brought together local police, fire services, and chemical plant operators in Sabine County, Beaumont, and Orange, Tex., in an effort to share resources in the event of a fire. Another such local group was the Hazardous Materials Advisory Council (HMAC) formed in 1980 in Memphis, Tenn., under the auspices of the mayor's office and county officials. It included DuPont, other local industries, and the Memphis fire department with its new hazardous materials response team.

The Memphis effort, says Wick, grew out of local concern following a 1979 accident at DuPont's distribution terminal. The accident involved a fire and exploding drums containing pesticides. The HMAC, says Wick, was an early forerunner of LEPCs. But as Wick points out, these early compacts were meant to bring industry together with local fire and disaster planning officials. They take a measured, rational approach to disaster scenarios. They are not, however, set up to deal with the emotional issues surrounding not only disaster planning, but also pollution abatement, safety, and a host of other local concerns of plant neighbors.

Dick Knowles, plant manager at DuPont's Belle, W.Va., complex, had some early experience dealing with the emotional issues. Ten years ago, as a plant manager for DuPont in Niagara Falls, N.Y., he formed a Chemical Liaison Committee with Love Canal area residents as an offshoot of the HMAC DuPont helped form in that community. That early attempt at raising emotional issues with area residents came more than a decade after the discovery that an abandoned toxic chemicals dump had allegedly affected residents' health. He has also helped form a CAP at the plant he manages today in West Virginia's chemical production center, the Kanawha Valley. He says that in his experience, the best time to form such a community group is "before a screwup," and not after, when establishing a dialogue is more difficult.

As a plant manager, he says, he has acquired the skill to listen to his plant's neighbors. That skill was not one he ever

thought he would need years ago, "but now the rules have changed; it's important." CAPs are based on a "simple idea," says Knowles. People can "sit down and talk. We can discuss difficult issues and still value each other as people," and not see one another as representative of a company logo or environmental position. Knowles attributes DuPont's willingness to be open to the CAP and the community for the success the company recently had in attaining a permit to dispose of nonhazardous sludge behind the Belle plant. There was not a single adverse comment from the public. The DuPont plant employs 950 people at its 500-acre site at Belle, whose population is 4,000.

Before DuPont formed its Belle CAP, it participated in a Community Safety Assessment Panel (CSAP) with other nearby chemical operations, but the company says local interest waned in the CSAP and so it now operates a CAP. Just as CMA's CAER program was an effort to improve industry disaster response after the Bhophal accident, the CSAPs were developed in the Kanawha Valley to address community fears following the Bhophal incident.

Kanawha Valley residents had reason to be especially concerned because Union Carbide's Institute, W.Va., plant manufactured methyl isocyanate—the same chemical released at Carbide's Bhopal plant. Ironically, shortly after the Bhopal accident, Carbide's Institute plant also accidentally released methyl isocyanate, injuring more than 100 people and adding to local concerns.

First community forums

After the Bhophal and Institute methyl isocyanate releases, plant neighbors "wanted to know what was going on behind the plant fence," says Thad Epps, Kanawha regional director of public affairs for Union Carbide. Residents, with help from local political, business, and industrial representatives, and from the University of Charleston, fostered the CSAP, a community-run forum open to the public and press.

The concept of CSAPs predates CMA's CAPs, says Paul L. Hill, president of the National Institute of Chemical Studies (NICS), in Charleston, W.Va. "They are meant to be open to everyone, like a New England town meeting," he says. NICS is a "third-party broker" and acts as a bridge between the chemical industry and its surrounding community, he explains. DuPont, Monsanto, and Union Carbide provided much of the original funding for NICS. The Environmental Protection Agency and other federal agencies now provide 80% of NICS's annual $1 million budget.

There are differences between CMA's CAP model and NICS's CSAPs, says Hill. A community resident—not a facilitator, plant manager, or company public affairs representative—chairs and runs a CSAP. Area plant managers attend monthly meetings and public affairs personnel or attorneys are not allowed to stand in for them. Meetings are documented and minutes are available for public scrutiny. "We believe public involvement is paramount," Hill says. NICS publishes a "Citizens' Guide for Environmental Issues," which provides a summary of environmental laws and issues and gives chemical definitions. Its printing is underwritten by EPA.

Pam Nixon, a member of the Institute CSAP and a community activist, says the CSAP forces companies to realize their responsibilities to residents. The Institute CSAP covers plants that Rhône-Poulenc, Union Carbide, FMC, and Arco Chemical operate; Institute has about 600 residents and is part of the greater Charleston area (population 250,000). Whenever a chemical release affects the community (once or twice a year), companies are held responsible for hospital bills residents may incur as a result.

In December, the Institute CSAP heard a report from Van Long, plant manager of Rhône-Poulenc's Institute plant, on an investigation of the Aug. 18, 1993, explosion in a thiodicarb insecticide unit. Communities adjacent to the plant had selected an "independent"consultant to investigate the accident that killed one worker, injured two others, and sent nearby residents scrambling for cover from black smoke issuing from the site. But Nixon says the consultant only reviewed Rhône-Poulenc's report on the accident, and "disclaimed" any original investigations of the incident. The Occupational Safety & Health Administration (OSHA) just this month proposed $1.6 million in fines against Rhône-Poulenc and says Rhône-Poulenc's report on the accident was "inaccurate." Rhône-Poulenc is contesting OSHA'S fines, and disputes OSHA's assessments of the report. Nixon says the Institute CSAP is keeping close tabs on these developments.

Small community panels

Although CSAPs have been around in the Kanawha Valley for about seven years, such groups are relatively recent occurrences in other communities. Ciba-Geigy's CAP in McIntosh, Ala., has been in place for about two years, says Jill R. Haynes, community relations supervisor at the plant. The six-member CAP includes the town mayor, a policeman, and four others who are "racially and ethnically representative" of the 400 or so people who live in and around McIntosh and Ciba's 1,400-acre plant. No environmental activists are on the CAP, and Haynes adds that she is not

A Community Advisory Panel in action at DuPont's Conoco subsidiary in Lake Charles, La.

aware of any who reside in the area. A retired Ciba employee serves as the group's facilitator.

McIntosh Mayor Carroll Daugherty says the CAP has helped keep the community informed, reducing local fears about the plant's impact on the environment. The CAP has also helped increase the amount of business the company is doing with local people. Daugherty, whose construction firm works for Ciba and other area companies such as UOP, Coastal Refinery, and Scott Paper, says he is confident the company is operating above environmental "guidelines." He admits, though, that "not being a scientist or chemist, you have to take their word for it."

Daugherty's only quarrel is with EPA which, he says, has held back on approving remediation plans for a Superfund site at the plant. Ciba, he complains, has spent $6 million to $7 million on studies and "not a shovelful has been moved" in a project expected to cost $175 million. He is convinced that mercury at the Superfund site is monitored and is not migrating to area homes outside the plant, but he is still concerned about the effect of the two Superfund sites in the area, including Ciba's, on local property values.

Though CAP meetings generally are not open to the public, Daugherty says the public was invited to an open meeting of the CAP this month. When closed monthly meetings are held, plant personnel brief the CAP on current operations, and "then they leave and we have our own meeting. Most people who live here work at the plant" and do not want any plant management to be in on discussions for fear of possible retribution, he notes. The local cable station also interviews CAP members and airs their comments.

Stance Rigney, McIntosh fire chief and a first-line production supervisor at Ciba's 1,300-employee plant, says the community's LEPC operates independently of the CAP. About 19 other volunteer fire departments, eight or nine of whose chiefs are also Ciba employees, participate in the LEPC. County taxes, local fund raising, contributions, and donations of equipment from Ciba have helped the county of 10,000 prepare for local emergencies in coordination with area chemical plants, says Rigney.

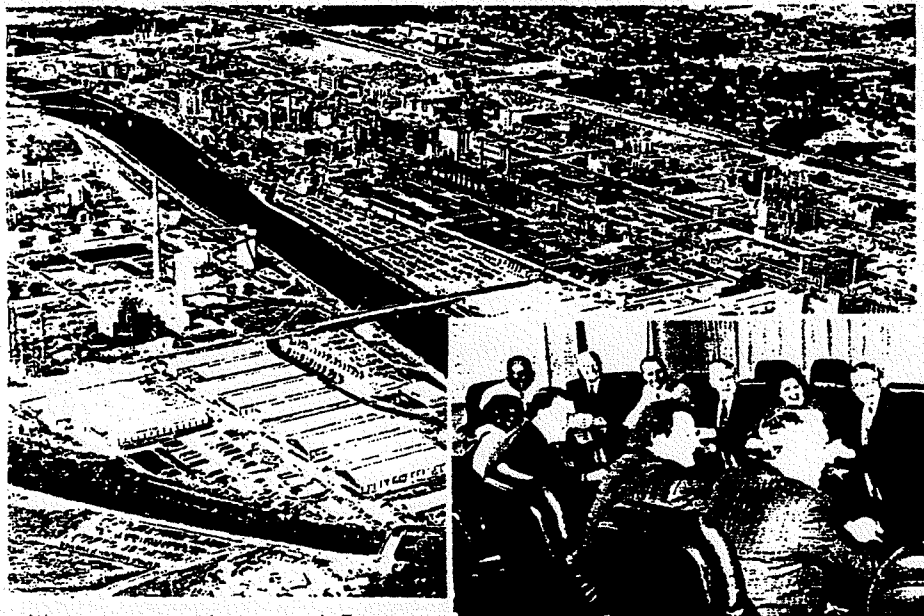
Small communities may be so grateful for the jobs that a chemical plant brings into an area that they may be reluctant to question the plant's operation too closely. Although no one says that is the case with Ciba's McIntosh plant, it is a concern in the similarly small town of Seadrift, Tex. (population 600), in Calhoun County (population 10,000), where Union Carbide operates an industrial chemicals, solvents, and olefins facility employing 1,000 people on its 3,400-acre site on the Gulf Coast.

According to Diane Wilson, who formed what she says is the only environmental group in the area—the Calhoun County Resource Watch—most residents are afraid to speak out against the hand that feeds them. After a March 1991 explosion that killed one and injured 32 workers at the plant, Wilson and her 70-member group tried to get Carbide to release information to the public about the accident as well as safety audits, worst case scenarios, and information on toxic chemicals (C&EN, Oct. 5, 1992, page 30).

After confrontations between Wilson's group and plant officials, and also involving Union Carbide's chairman, Robert D. Kennedy, Wilson believes Carbide is still pretty much ignoring her. A recently formed CAP at the plant does not include her or any members of her group, because, Wilson says, the consultant who helped form the panel was afraid she would dominate the group. "Responsible Care is a great idea," says Wilson, "but it is still in their heads and not in the way they do things."

For the company's part, a Union Carbide spokesman says the Seadrift CAP meets monthly and is operating effectively. Dave Wingate, human resources manager at the plant, says the CAP includes members of two environmental groups—the Sierra Club and the Gulf Coast Conservation Association, a sports fishermen's group. Although the CAP does not include Wilson, Wingate suggests that CAP members "could" decide to invite her in the future. For now, the company has an "agreement" with Wilson to "meet and exchange data and work toward common goals."

But to hear her tell it, Wilson says she is still concerned about the effluent released from the



Kingsport community surrounds Eastman Chemical's Tennessee facility (above); the plant's Community Advisory Panel.

Cautions, considerations in setting up advisory panels

Setting up an active Community Advisory Panel (CAP) entails a number of cautions, say communications experts. According to Caron Chess, director for Environmental Communications at Rutgers University, New Brunswick, N.J., there are many reasons why a CAP could "explode in a company's face."

Those reasons may vary depending on the company's historic relationship with the community in which it operates, its record on the environment, and its success in dealing with CAPs, says Chess. Although companies that form CAPs may not be able to change their history or past environmental record, they can decide whether their CAP will provide just another opportunity to schmooze with their supporters in the community, or be a forum for listening and improving communications with the community as a whole.

If the company appoints only its supporters to CAPs, it creates just another buffer between the company and the community, says Chess. Companies ought to have definite CAP goals and these goals should be in writing. Companies should also be "absolutely clear" on their willingness to take criticism from outsiders. If the company implies it will take its CAP's advice and does not do so, it will only make its relationship with the CAP and community worse. In addition, a company manager should deal directly with the CAP, and not a public relations official whose job may be "to keep the community off the manager's back."

Chess thinks the Chemical Manufacturers Association's (CMA) CAP experiment is "laudable," but believes there is little real evaluation of "this grand experiment." CMA's own self-evaluation really doesn't answer questions of what works with CAPs. Chess and Frances Lynn of the University of North Carolina, Chapel Hill, have started a two-year study with funding from the Hazardous Substance Management Research Center, Newark, N.J., which is in turn funded through the National Science Foundation. The object is to do a systematic study of CAPs that have a positive impact in their communities and that people outside the company and CAP say are exemplary.

Peter Bowman, director of the Center for Conflict Analysis & Management at the University of Houston, Clear Lake, says that evaluating the success of a CAP is often problematic. Sometimes it is hard to identify the CAP's advice, which "is often implied in an attitude, such as a general pressure on the company to reduce toxic emissions."

In other cases, says Bowman, it is hard to raise tough issues because panel members may be appreciative of the jobs the company brings into the community, or because the ordinary citizen on the panel may be psychologically impressed with company officials, or because panel members lack the technical expertise to understand plant operations.

Joanna D. Underwood, president of the New York City-based environmental group Inform, says CAPs can work well. But, she says, for CAPs to work companies must get a better feel for the breadth of citizens' concerns, know that toxics emissions numbers are widely reported and that communities will push for reductions, look with fresh eyes at their products, and remain open to suggestions.

plant, which may affect not only the town's drinking water supply but also the sea life in Galveston Bay. Wilson's group is made up largely of commercial shrimp fishermen. They have had their worst fishing season ever and suspect Carbide may be a large part of the problem. She does give the company credit for signing onto a state program to limit pollution and resolve conflict with the community, but is waiting for some results.

Some members are frustrated

In Allen County, Ohio, where BP has a refinery and chemicals plant, government officials formed a 12-member Environmental Citizens Advisory Council (ECAC) that included members of a local environmental group who later decided to withdraw. Unlike Seadrift, where Wilson contends she was rejected from the CAP, Noreen Warnock, a member of the Allen Citizens for the Environment (ACE), was invited to join the ECAC but later decided to withdraw along with another ACE member. Warnock was not satisfied with the depth of discussions concerning BP's plans for dealing with its waste emissions.

David L. Rosebrock, health commissioner for Allen County and chairman of the ECAC, says the ECAC was formed in 1989 when BP in Lima, a city in Allen County, proposed test runs of a mobile hazardous waste incinerator. BP employs about 1,000 people on a 1,000-acre site outside Lima, which has a population of about 45,000. BP's predecessor, Standard Oil of Ohio, has had operations in Lima since 1886. The county formed the ECAC group to include local health, safety, and fire officials, along with three citizens, two of whom were Warnock and another member of her group. Meetings are generally open to the public, and BP safety and environment officials from both BP's refinery and chemicals operations are almost always present, as is the plant manager. Minutes and reports originating from meetings are on file in the city library.

Warnock says she initially joined the ECAC because she suspects children living in residential areas adjacent to the plant could be harmed by airborne contaminants from the plant. Her own infant developed serious respiratory problems when she lived about two miles from the plant. She has since moved to a house 16 miles from the plant.

Warnock and her group "felt our process was too slow," says Rosebrock. Warnock agrees, describing her membership on the ECAC as "a frustrating experience." She says that her group has found a better means to reach BP. With help from the New York City-based environmental group Inform, ACE has been able to meet directly with BP officials in daylong sessions to discuss waste reduction at the source of manufacture. "BP is becoming more aware of our concerns," she says. "It took six years of pressure, and probably only because of the pressure have they started to respond."

A spokeswoman for BP says the ECAC was formed in part at the company's suggestion. It has helped "increase the level of emotional comfort" surrounding BP's operations in the community. Doing so, she acknowledges, has

Dow has 16 Community Advisory Panels worldwide

● **Community Advisory Panels**

Gayles Ferry, Conn.
Allyn's Point Plant
Ironton, Ohio
Hanging Rock Plant
Pittsburg, Calif.
Torrance, Calif.
Joliet, Ill.
Plaquemine, La.
Midland, Mich.
Freeport, Tex.
Fort Saskatchewan, Alberta
Samia, Ontario
Barry, Wales
Rheinmuenster, Germany
Stade, Germany
Aratu, Brazil
Guaruja, Brazil
Altona, Australia

● **Under consideration**

Terneuzen, the Netherlands
King's Lynn, England

not been easy because the public is not "scientifically literate," and it is difficult for facility operators to describe environmental issues in nontechnical terms.

Although Warnock and her group withdrew from their local version of the CAP and found other means to pursue environmental issues with BP, in another case—that of Dow's Midland, Mich., CAP—a committed environmental activist has decided to remain on the CAP despite her belief that the company does not fully respond to concerns. When it comes to dealing with some issues, such as helping local suppliers do business with Dow, the company has responded, says Mary Sinclair. On environmental matters, she says, she has "reached a stone wall."

Sinclair applauds Dow's decision to form a task force to examine the safety of chlorine derivatives and start an environmental technology center that would transmit its findings to company facilities. But when she asked Dow what it was doing to phase out chlorine, the company gave her CAP a presentation that acknowledged the dangers of chlorine and then continued with a presentation on "how wonderful chlorine was." The presentation, she says, defended the manufacture of chlorine and derivatives, in part based on the number of jobs it brought into the community. Dow employs 3,500 people on its 1,600-acre manufacturing site in the Midland community of 38,000.

"I want to see the CAP work," says Sinclair. She does not want to go through the "bruising" adversarial conflict she had with Dow when she opposed the construction of a nuclear power plant in Midland some years ago. Sinclair says Dow excluded the local media in a meeting she had with company officials and an outside expert concerning the chlorine issue, and she considers the CAP "a perversion" of the open forum it ought to be.

Jerry Ring, the Dow manager of public affairs who acts as the company liaison to the CAP, says Sinclair "asks good questions and challenges us. This is why we put the panel together. If we weren't challenged, we wouldn't learn anything." Ring says the company may not necessarily take its panel members' recommendations, but "it is important that we consider" their views.

The Dow Midland CAP has 16 members, says Ring, and has monthly meetings. Larry Washington, general manager of the Michigan division, attends all meetings. To ensure the CAP that the Tittabawassee River (which runs through Dow's plant) is healthy enough for swimming and fishing, Dow arranged for a meeting with a water quality expert and state natural resources officials to answer panel questions. Other topics the CAP has covered are employee health, child care, and plant safety and security.

Community squabble in Richmond, Calif.

One of the less successful CAPs is the one that reviews Chevron's refinery and chemical operations in Richmond, Calif. (population 60,000), a largely poor, minority community. Chevron's plant covers 3,500 acres on San Francisco Bay, and has 3,000 employees. The city also hosts many other chemical operations including Henkel, ICI, General Chemical, and Rhône-Poulenc.

When the company recently filed for a permit with the local planning commission to begin a $660 million refinery ex-

pansion, the CAP asked for a number of things before the project would proceed, including $60,000 to engage an outside consultant to review the company's project, installation of up-to-date remote-sensing monitors on the company's fence line to track emissions, and $2 million a year for 30 years to fund a health clinic and other community programs.

With the help of several organizations, including a state environmental group based in San Francisco—Citizens for a Better Environment (CBE) of California—the CAP succeeded in getting the planning commission to attach 11 of 12 land use conditions to the permit. Chevron, however, succeeded in removing most of those conditions, including the requirement for an outside consultant to track the project, at a city council session late last month. The CAP cried foul, claiming the company negotiated secretly with city council members to fund those members' pet projects, but gutted most of the land use requests.

Chris Howe, a government affairs manager for Chevron, says the year-old CAP has become a political forum out for its own gains and has not been the advisory committee Chevron sought. The city council, he says, only removed conditions that had no relevance to the refinery project. "It is difficult for us to recognize that a group we cooperated with" opposed Chevron's permit application, "but we still hold out some hope for the CAP."

Groups outside Richmond, including CBE of California, have made the debate more rancorous and contentious than it needs to be, Howe says. He also believes that Chevron is caught between the neighborhood groups represented on the CAP and local elected officials. Since getting the permit for its expansion from the city council, the company has agreed to fund $2.4 million to operate a new health clinic in Richmond and purchase a mobile health van, and to provide $650,000 for a new siren warning system, $400,000 for the Police Athletic League, and $300,000 for a city emergency coordinator.

Denny A. Larson, campaign director of CBE of California, says Chevron formed its CAP in Richmond after an accident in 1991 spread 40 tons of catalytic cracker dust containing nickel and alumina silica over a 16-square-mile area. His group describes its interest in the Richmond CAP and the dispute with Chevron as an effort to secure "environmental justice." A press release from CBE describes the permit conditions the CAP sought as "offsets" to make up for the increased toxic emissions community groups contend they would have to endure as a result of the refinery expansion.

Sarah Eeles, a Richmond resident and CAP member, says she and most of her neighbors joined the CAP not sure of what a CAP was, but knowing enough that they would not become "mouthpieces for the company." The biggest success of the CAP is that the plant's "top brass" attends meetings, but it has been difficult to start dialogue. She says it is "still not clear what Chevron's objective is" in forming the CAP since it appears difficult for the company's management "to ask for or listen to our advice."

Advisory panels are not always necessary

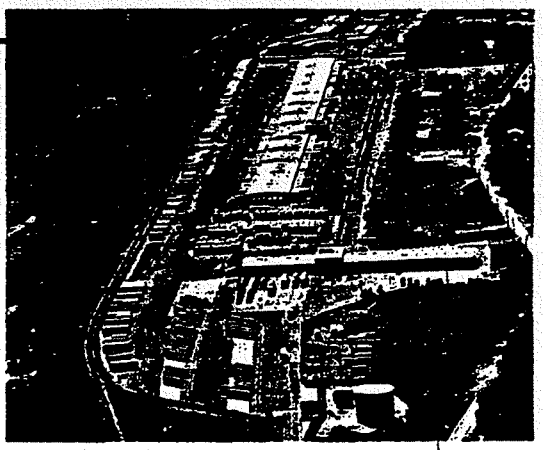
Orange County, New York (population 308,000), 50 miles north of New York City, is not a chemical industry manufacturing center. It is, however, a major trucking thoroughfare; the New York State Thruway and routes 84 and 17 are major arteries serving traffic between New England, points south, and Canada. A chemical spill at the site of a truck accident or a truck cargo transfer point is an ever-present danger.

County officials have recently become concerned about threats from chemical spills because of a smoldering hazardous chemical fire last October at Yellow Freight's Maybrook, N.Y., 300-trailer-capacity distribution center. In such a case, a community advisory panel is not nearly as important as good emergency coordination between truckers and county emergency services to prevent chemical accidents from becoming deadly.

According to Sandy Stanish, manager of environmental services for the trucking firm Yellow Freight, based in Overland Park, Kan., the accident convinced the company and county officials they may not be fully prepared in the event of a worse fire. While Yellow Freight and the county got the October incident under control without serious repercussions, the two groups say there is still a problem. Their ability to respond to a chemical hazard is now limited, in part because no companies with the resources to advise on chemical spills are very close by, says Stanish.

Yellow Freight can track hazardous materials shipped on its trucks, access material safety data sheets for those shipments 24 hours a day, and engage a certified local contractor to respond in the event of an accident, says Stanish. But she acknowledges that the county and Yellow Freight must be prepared to coordinate chemical or other serious emergencies in small communities that border major thoroughfares.

According to Orange County executive Joe Rampe, the county has a hazardous materials team in place, but it is only capable of giving technical assistance in an emergency. He says the county needs a fully trained hazardous materials team and better coordination with fire departments and other emergency services. He adds he is looking for funding for this planning effort from companies that ship hazardous materials through the county, because it is in the best interest of both the county and those companies. This effort, he points out, is just in its infancy.



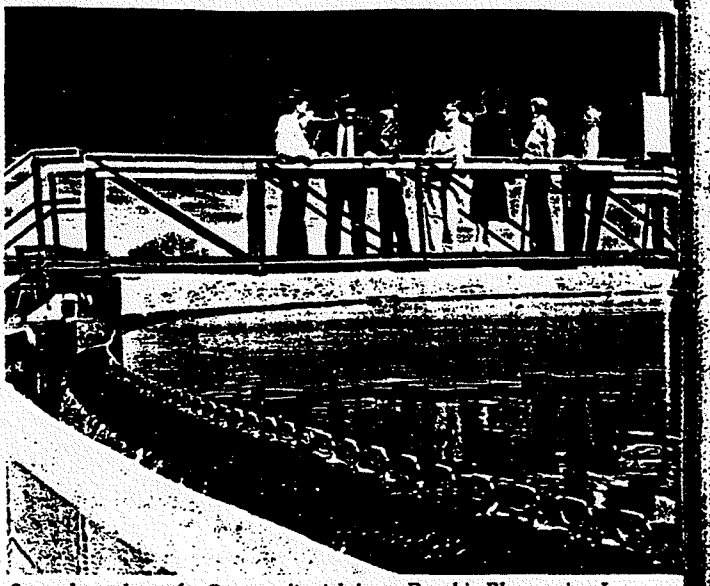
Stanish says meetings are under way to coordinate emergency response efforts between state police, ambulance services, area hospitals, fire officials, the county executive, and county legislators. The hope is, she says, that a formal county local emergency planning committee will get under way and that training and drills will eventually include how responders should enter a truck trailer after an accident.

Eeles says Chevron did not consult with the panel before submitting its permit to the planning commission. And after the permit was filed, the plant manager evaded negotiating with the panel but was available to "make a deal" with the city council. She thinks the "CAP is a very healthy thing," but adds sardonically that it has "changed everything but our mode of thinking."

Despite the bad blood that has developed between CAP members and Chevron, most CAP members and Chevron officials say they are still willing to give the process a chance.

On the opposite end of the spectrum is Eastman Chemical's experience with its CAP in Kingsport, Tenn. (population about 45,000). The company's 1,000-acre site there employs 13,000 people. Its four-year-old CAP has 16 members and now meets every other month, because monthly was too frequent, says community relations manager Bill Edwards. The company selected members who had no direct affiliation with Eastman, who lived in the community, and who had no reticence about sharing their opinions on the company, Edwards says. Five initial panel members themselves decided to rotate off the panel, and remaining panel members approved Eastman's selection of new members. Bill Garwood, president of Eastman Chemical's Tennessee Eastman division, attends all meetings.

Panel members have questioned the company about odors, noise, air, and water pollution. Environmental concerns remain the principal preoccupation of the CAP, says Edwards. Hazardous waste incineration, emergency preparedness, and



Several members of a Community Advisory Panel in Plaquemine, La., review the water treatment facility at Dow's Louisiana division.

response to accidents and injuries at the plants have been concerns of the panel as well. Edwards says the panel advised Eastman that although its programs were good, no one in the community, including Eastman employees, knew enough about them. Eastman has started "environmental tours" of the plant for all employees and has a tour program for community residents during the warmer months.

Edwards says the company has purchased a number of full-page advertisements in the *Kingsport Times* with pictures of CAP members "so people in the community would know about the panel." As a result, friends and neighbors have contacted panel members about concerns. Although CAP meetings are not automatically open to the public and media, Edwards points out that the CAP has never rejected a request by anyone interested in attending.

Roy Settle, a district conservation officer with the Soil Conservation Service of the U.S. Department of Agriculture, says he was concerned that sitting on Eastman's CAP would appear to be an endorsement of the company. He told Edwards that if at any time it appeared that way, "I would resign." And he adds, "I do not think they have tried to take advantage of me."

Settle says Eastman has spent money on a number of CAP recommendations. The dialogue is good and he "respects Eastman for seeking out people that were not 'yes' people." He is impressed with Eastman's computer warning system to track the movement and toxicity of any accidental plant release, and its alert system for neighbors in the event of an accident. Settle would like to see the company make more of an effort to reduce air emissions. "Businesses are realizing more their impact on the community besides the dollars they bring into the local economy," he says.

Conner Caldwell, Kingsport fire chief and a CAP member, explains that the CAP effort is separate from the LEPC's function. The former is an effort to improve communications with citizens and the latter is a matter of emergency preparedness, involving over 100 people whose efforts include dealing with hazardous materials, evacuations, and the media. Eastman, he

adds, took a lead role in forming the LEPC long before it was required by federal regulation.

Caldwell says malodorous emissions from the plant "are always a problem." On the CAP's recommendation, Eastman has now added full-time personnel to work on odor reduction. Caldwell is not concerned about Eastman's management of its hazardous waste incinerator. As for Eastman's ability to notify its neighbors in the result of a hazardous release, he "would love a warning system in every home." He has in mind a radio system that would interact with the countywide emergency alert system now in use.

Faye Young, an Eastman CAP member who lives half a mile from the plant and directs a 24-hour human crisis line, says CAP members ask Eastman officials many questions and keep their ears open to find out what neighbors want to know. She says the company provides emissions data to the CAP on a regular basis. "They show us what they are doing" to reduce those emissions "and what plans are" for further reductions. The company is "diligently trying" to improve the community's attitude toward Eastman.

Eastman's Edwards says Rohm and Haas helped his company with its early efforts to set up CAPs at Eastman sites. According to John McKeogh, Rohm and Haas director of communications, he worked on behalf of his employer to try to defeat the first "right-to-know law" in the U.S., passed in Philadelphia in 1980. The company learned from the experience that it had to "put a human face on what we do," says McKeogh. By the time Congress passed similar federal legislation in 1986, Rohm and Haas had advisory councils in all of its plants.

Although some may believe that a CAP's primary objective is to help a company better disseminate information to the public, that is a secondary concern, says McKeogh. A CAP's primary focus is to "enable a community to have an impact on the thinking of chemical company management," he says. In his experience, it has been important to include at least one person who has been critical of the company on each CAP.

McKeogh explains that the company does not necessarily change its critics to supporters, but those critics have "moved from critical with a venom to critical for a constructive purpose." If a CAP "just advances the company's causes . . . you probably do not have a good CAP." The company and its community "do not benefit from cheerleaders."

Environmental groups remain among the chief critics, but it is interesting that even the most critical would somehow like CAPs to succeed. Fred Millar, director of the toxics project for the environmental group Friends of the Earth, in Washington, D.C., believes most CAPs are merely an industry effort to "preempt an activist government." Millar says that taken at face value, the idea of a CAP is good, but in practice, companies tend to dominate CAPs and the outcome is almost always disheartening.

But aside from what companies, environmental critics, and individual panelists may say about their expectations for the ideal CAP, it is important, says CAP facilitator Sheridan, to recognize that each CAP will be different. Each chemical plant is different, as are its operators, products, and pollutants. As no two people are alike "no two CAPs are alike or have to be alike," she says. □