

Part Five

Conclusions

Environmental protection is no longer simply a command and control regulatory system and U.S. EPA officials can no longer afford to be the only environmental decision makers. Environmental protection now requires “cleaner, cheaper, and smarter” approaches, not just environmental compliance. This research suggests that environmental advocates can learn much from the CSI experience, first by reviewing the lessons learned in creating the CSI consensus building process, and then by analyzing what an appropriate role orientation for EPA officials could be in this process. There are three overarching questions that guided this research effort:

1. What is an appropriate role orientation for EPA officials in the next generation regulatory system?
2. How can EPA officials contribute to a consensus building process?
3. What specific skill sets are needed by EPA officials in collaborative public decision making?

To address these questions, two analytic frameworks were used—a consensus building model proposed by Susskind (1999), and a mediation competency model suggested by Honeyman (1988, 1990). DFO actions were compared and contrasted against these frameworks, providing an opportunity to examine DFO capabilities to build consensus among stakeholders, as well as explore the skill sets they developed as the consensus process evolved. These frameworks helped create the role orientations that were used to categorize DFO activities.

This concluding section explores the lessons learned about the DFO experience in CSI from the perspective of public officials in the next generation system of environmental protection. Chapter 11 contains the findings and recommendations from this research study in the form of five role orientations: environmental officials as facilitative leaders, public administrators, resource managers, facilitators, and mediators. Each of these roles are explored and analyzed for their relevance in collaborative environmental negotiations. The chapter concludes with the implications of the collaborative premise for collaborative governance and the new challenges that are emerging for public administrators.

Chapter 11: New Roles for EPA Officials in Environmental Consultations

A. Introduction

Protecting the environment is complex. It is an interconnected system of environmental laws, personal habits, and the natural environment—the air we breathe, the water we drink, and the land that we occupy. Public administrators, as environmental regulators, have become highly adept at most of what they do: writing regulations, providing technical assistance, conducting research, and enforcing compliance.

Over the past three decades, the prescriptive approach to pollution problems has accomplished a great deal, but the U.S. economy has changed significantly during this period. Electronic commerce has created a worldwide marketplace where products from cars to computers can be bought and sold at the click of a button, and where companies have to react quickly or lose competitiveness. Thirty years ago, few environmental regulators imagined the scope or speed with which these technological changes would alter society and lives.

Today environmental problems resist attempts to categorize them into air, water, or waste regulations or to treat them with simple, end-of-pipe solutions. These new problems cross city, county, and state lines, requiring national and regional cooperation to find workable solutions. They require public-private partnerships as well as collaborative problem-solving to reach workable solutions. They require less government command-and-control and more regulatory flexibility. In other words, today's problems, according to Kettl (2001), simply do not fit bureaucratic orthodoxy. Environmental bureaucracies still exist, and they must be managed well if government is to work because more of the public administrator's work occurs through links among many bureaucracies at different levels of government and among governmental bodies, regulated entities, and non-governmental organizations. Increasingly, the job of the public administrator is to manage these networks, but it is a job for which no one is well prepared.

This chapter offers five propositions for EPA officials in environmental consultations. Some of these roles are idealized, such as facilitative leader, since few EPA officials achieved this status; others are more pragmatic, such as public administrator, since all EPA officials assume this responsibility as part of their duty as federal officials; while still others are legislatively defined, such as a designated federal officer, since FACA procedures require federal officials to perform certain duties. Regardless of these various duties and responsibilities, it should be noted that few of these potential EPA roles can be contracted out.

Contracting out of collaborative activities, such as facilitation, may provide the service in question but it does not provide an essential ingredient in governance—an allocation of shared values and a protection of the public interest. EPA officials, above all, are public administrators and need to preserve and protect public values. One way to view these values is recognize that public administrators act agentially—as an agent acting on the behalf of others—for the public,

on their behalf, and for their welfare (Wamsley, 1990, p. 155). Wamsley argues that public administrators are not accustomed to thinking of themselves and their role as agential representatives. He points out that:

The Agential Perspective does not provide a public administrator with all the answers to the problems he or she faces daily, not does it call upon him or her to determine the public interest or the common good in terms as broad as the society-wide community. It calls upon them to try to make the determination in the realms of the Agency and its policy community, grounded in their history, micro political economics, values, and cultures (p. 154).

Collaboration exacerbates the need for EPA officials to recognize their agential roles. In quoting Kelman (1987), Wamsley notes that agency members are not simply mentors of fellow citizens (or stakeholders); rather public administrators and their citizens are both mentors and students of one another (p. 153).

EPA officials will play several collaborative process and substantive roles in the next generation system of environmental protection (E4E, 1997; PCS D, 1997; NAPA, 1995/1997). Based on the CSI experience, this study suggests that the most useful collaborative role that EPA officials should consider is one that combines administrative, facilitative, and mediator functions under the larger, overarching rubric of facilitative leadership. Simply put, facilitative leaders will be formed and shaped by several complementary roles as depicted in Figure 11-1.

| |
|--|
| <p>Facilitative Leader = Public Administrator + Resource Manager + Facilitator + Mediator</p> |
|--|

Figure 11-1. Facilitative Leadership Roles

The results of this research suggest that the facilitative leader role is cumulative. It is the combination of interrelated skills and responsibilities drawn from specific role orientations as a public administrator, resource manager, facilitator, and mediator. The following sections of this chapter describe each of these mutually supportive roles in more detail.

B. Being a Facilitative Leader

Leadership is a series of behaviors that enable a group or organization to accomplish mutually desired goals (Ray, 1999). One of the purposes of leadership is to help group members move in a common direction, successfully accomplishing tasks while learning from one another. Bass (1990) suggests that, "Leadership is an interaction between two or more members of a group that often involves a structuring or restructuring of the situation and the perceptions and expectations of the members (p. 19).

Facilitative leadership is a synergistic skill that is shaped by other complementary abilities as a public administrator, collaborator, and consensus-builder. As federal officials, facilitative leaders must be public administrators who serve the public interest. What is the public interest? Goodsell (1990) in citing Herring (1936) notes that “the *public interest* is the standard that guides the administrator in executing the law...This concept is to the bureaucracy what the ‘due process’ clause is to the judiciary. Its abstract meaning is vague but its application has far-reaching effects” (p. 23).

Administrative process is important in consensus building, so facilitative leaders need to be aware of the resource implications of multistakeholder involvement. FACA procedures define how federal officials need to perform their administrative support functions; federal contract and grant regulations define how they have to perform many of their project management responsibilities. Many of these resource management responsibilities are inherently government roles, contractors can not select members for collaborative negotiations or manage federal funding assistance agreements. Some collaborative roles, like group facilitation and mediation, can be contracted out but this does not counter the need for a facilitative leader. Groups facilitation does require neutral meeting management and mediation should be conducted in an unbiased manner but someone has to be the group leader and this can not be an outside professional.

Schwartz (1994) points out that facilitative leaders are process experts and substantively involved. Facilitative leaders “convene, energize, facilitate, and sustain the process of solving problems” (Chrislip and Larson, 1994, p. 149). As CSI DFOs illustrated, there are several roles public officials can assume in the collaborative process but they need to be sensitive about the differences among these roles to function within them effectively. Facilitative leaders perform facilitation and mediation tasks, but they are not impartial group participants. In a FACA process, mediators need to be agents of reality because stakeholders want to know what recommendations will “sell within the Agency.” The most effective DFOs in the CSI process, those who were able to guide stakeholders toward “cleaner, cheaper, and smarter” environmental goals, were facilitative leaders who shared the public interest, abided by federal laws, provided neutral meeting management and intervened to guide stakeholders toward realistic consensus recommendations.

Facilitative leaders are team leaders. Consensus building is predicated on team building—teaching and learning from one another in the group process. Basically, teams need to learn to work together. Teams go through predictable stages as they strive for collective learning and group consensus. Facilitative leaders need to understand and nurture the group dynamics associated with these stages. Scholtes et al (1996) suggests that teams move through stages of growth; team leaders need to adapt their behavior to the team’s shifting needs. They found that teams normally go through stages of growth called “forming, storming, norming, and performing” (p. 4-8).

Most CSI stakeholder team-building was established in the workgroups, and the inability of various workgroups to adequately progress through team-building dynamics limited their effectiveness. Some workgroups, such as the Auto Sector regulatory incentives workgroup, tried to leap frog across several steps from storming and norming (i.e., debating regulatory flexibility) to performing (i.e., generating a regulatory relief recommendations), but found that stakeholders revolted, subsequently causing Michigan officials to resign. Other CSI workgroups, such as the Computers and Electronics reporting and record-keeping workgroup, remained stalled in the storming and norming modes for nearly a year because of the disruptive behavior of a single environmentalist. Rather than being facilitative leaders, DFOs limited their roles in these workgroups to resource management or neutral facilitation. They did not realize until it was too late that assuming a team leadership role could have circumvented several of these stakeholder problems.

Facilitative leaders need to balance process and product, activity and action. Process leadership should be an integral part of facilitative leadership; but facilitative leaders are not only process leaders. Chrislip and Larson (1994) define collaborative leadership as leadership of the process as opposed to advocacy of a particular point of view. Ryan (1996) and Schwarz (1994) extend this concept adding that facilitative leaders are process experts as well as being deeply involved in substantive issues.

Facilitative leaders need to avoid making process an end in itself (Conley and Goldman, 1994). Environmental regulators are noted for the amount of process which they attach to almost every environmental problem. Although this emphasis on process is essential, there is a danger that it will become addictive. Perhaps because of their traditional work experience, some DFOs limited their CSI participation to process leadership. As part of their FACA responsibilities, they were authorized to maintain the CSI process and felt most comfortable performing these tasks. Some of the Auto and Computers and Electronics Sector DFO team members were viewed this way by stakeholders. Other DFOs, such as some of the Metal Finishing team members, sought to be become actively involved in workgroup projects and help create collaborative research results. For example, a Metal Finishers' National Research Strategy was prepared by one of the Sector's workgroups where a DFO team member was a co-author of the final report. He recalled that "the experience allowed him to build a rapport with stakeholders that would otherwise not have been possible. They felt I understood their problems and trusted me to articulate their research needs."

Facilitative leaders encourage power sharing. The emphasis in facilitative leadership is on cooperation and a "power-shared" world. Rees (1991) identifies a range of facilitative leadership skills such as "helping groups solve problems, listening, communicating, developing team capacity, coaching, motivating, and inspiring" (p. 14-15). He views a facilitative leader's role as asking questions, directing the group process, teaching, building consensus, sharing in goal setting, sharing in decision-making, and empowering others to get things done (p. 21). This non-authoritarian leadership requires a new style of management philosophy. It requires viewing leadership in terms of service rather than power. Greenleaf (1977) defines the servant-leader as "one who wants to serve, to serve first...that person is sharply different from one who is leader

first” (p. 13). Servant leadership requires acceptance of others as peers (Chrislip and Larson, 1994).

Perhaps the clearest example of power sharing was the Metal Finishing Sector’s creation of the Strategic Goals Program (SGP). This initiative was successful because stakeholders participated in all aspects of its development from its design through its implementation. This power sharing and the channels of communication that it has opened are viewed by many as the most important and lasting value of the program. As one POTW official observed:

If nothing else happens, the SGP has brought a much better atmosphere; people can sit down and talk to one another. Why is this important? You can come up with root cause solutions to environmental problems instead of putting band-aids on them. You can sit down, look at real problems, identify alternative solutions, and come up with the best long-term solution. This might take longer but you don’t have to continually revisit the issue.

C. Being a Public Administrator

As public administrators in multistakeholder collaborations, EPA officials need to serve as active catalysts for purposeful, publically responsible, consensus-building. Wamsley (1990) notes that public administrators should provide a “direction oriented toward the common good rather than the vector-sum direction implied by interest group theory” (p. 119). He draws a distinction between conventional mediation and collaborative consensus building. Mediation, according to Wamsley, implies “a bargained solution as the sum of the parts divided by the number of interests involved with some interests carrying more weight than others...mediation dialogue is aimed at finding that point of equilibration among competing claims” (p. 119). Conversely, consensus building relies on “a creative synergism that results in an agreed upon solution transcending the sum of the parts, that is, the self interests brought by the participants. Consensus may or may not reflect a specific interest but may create a solution not apparent before the dialogue began. The reference point is the dialogue as the search for the solution” (p. 119). Wamsley’s believes that the synergism of the consensus process, led by a public administrator operating in a facilitating mode, frees participants from the dominance of special interests. He recommends that a public administrator should assume “an equality among interests without reference to power...so there are no ‘special interests’ only the public interest” (p. 119).

The public administrator’s role transcends other collaborative, consensus building role orientations. The public administrator role is not mutually exclusive of other collaborative role orientations. Public administrators have inherently governmental responsibilities that can not be delegated or contracted out. In multistakeholder dialogues, EPA officials are public officials not dispute resolution professionals. As the three CSI case studies demonstrated, contractors can not perform EPA’s role as partner or capacity builder with stakeholders. As public administrators, EPA officials played various roles in consensus building. As resource managers, EPA officials

had to uphold the integrity and fairness of the FACA process. They provided balance among membership, served as the liaison between all stakeholders and the agency, and provided public access to meetings and meeting summaries. As project managers, they were responsible for adhering to federal contract and financial management requirements. As CSI workgroup meeting facilitators, EPA officials were successful in promoting democracy (i.e., each person has the opportunity to participate in any group of which he or she is a member without prejudice), responsibility (i.e., each person is responsible for his or her own behavior), and egalitarianism (i.e., each member has something to contribute to the group and is provided a fair opportunity to do so). As mediators, EPA officials instilled workgroup deadline management into recalcitrant stakeholders and conducted themselves in a trustworthy manner as model behavior for disruptive and uncooperative participants.

Public administrators promote the public interest. As Max Weber pointed out, “bureaucracy can be used for good or evil; how it is used depends on the human beings who staff it and direct it” (Wamsley et al, 1990, p. 37). Public administrators represent the public interest of various societal functions. EPA’s goal, for example, is to protect public health and to safeguard the natural environment—air, water, and land—upon which life depends. EPA officials, as public administrators, have specialized knowledge, time-tested wisdom, and most importantly, some degree of consensus as to the public interest relevant about public health and environmental protection. Goodsell (1990) suggests that public administrators need to look at the public interest as an ideal and a process. He recommends a shift from the search for certainty to a recognition of the problematic nature of public interest. CSI’s “cleaner, cheaper, and smarter” environmental protection was an ideal and the consensus building process was an exercise in identifying the public interest.

Goodsell offers a way for public administrators to use this kind of problem solving, public interest search approach. He advises the use of several “habits of the mind” in forging decisions and making policy. Public administrators “need to deal with the multiple ramifications of an issue rather than a select few; to incorporate the long-range view into deliberations to balance a natural tendency toward excessive concern with short-term results; to consider competing demands and requirements of affected individuals and groups, not one position; and to proceed to forge decisions equipped with more knowledge and information rather than less” (Goodsell, 1990, p. 93). In short, public administrators have to respect the collaborative, consensus building process but ensure that participants are fully engaged and mindful of its consequences.

D. Being a Resource Manager

Process is important in consensus building because of the heterogeneous nature of the participants and their potential lack of understanding of win-win negotiations. At the peak of its operation, CSI’s annual membership exceeded one hundred seventy-five non-EPA stakeholders. This membership total excluded the nearly one hundred non-EPA stakeholders who participated in the Sector Subcommittee workgroups as technical experts, legal analysts, and observers.

Beyond process management, resource managers also need to possess strong program management skills. Each CSI Sector Subcommittee had an average annual budget of more than four hundred thousand dollars for contracts, cooperative agreements, and grants to support workgroup projects; in addition, each Subcommittee had an average annual invitational travel budget of more than fifty thousand dollars to provide travel and logistical support for non-EPA participants. The Metal Finishing Subcommittee, which conducted the largest number of projects (fourteen) of any CSI sector, had an annual budget that exceeded one and a half million dollars to support their workgroup activities. Admittedly, CSI was a large initiative that consumed many EPA resources, but the prospects of EPA continuing to hold collaborative dialogue with multistakeholders is expanding.

Resource managers need to be aware of FACA procedural requirements and be prepared to educate participants on Federal regulations regarding external consultations. All government agencies are subject to rules and regulations governing how they interact with the public. The federal government has its own set of administrative procedure rules, established by the Federal Advisory Committee Act (FACA), which must be observed when seeking advice and recommendations from multistakeholders. Federal officials need to understand the threshold conditions that trigger FACA requirements. The CSI Sector Subcommittee meetings, for example, were governed by FACA requirements while the Subcommittee workgroup meetings were not. This distinction allowed EPA officials to enlist non-official CSI members, such as trade association representatives in the Auto Sector, as co-chairs of workgroups.

FACA was created nearly thirty years ago as one of the “openness in government” laws. FACA was designed to counter the undue influence of special interests by balancing the membership of federal advisory committees and ensuring that committee meetings and minutes are open to the public. FACA’s legislative provisions require that advisory committees: establish a written charter; maintain balanced membership; announce, summarize, and allow public participation in all meetings; and permit the federal government to convene and adjourn meetings. The resignation of the Washington Office of Environmental Justice, which had a significant impact on the C&E Sector Committee, was triggered, in part, because environmental justice officials did not fully understand the membership reappointment guidelines that were part of the written charter that EPA DFOs prepared for CSI. These guidelines were amended because of the complaints by the environmental justice officials but these amendments merely expanded on the responsibilities stakeholders must assume when they become members of an advisory committee under FACA. Most of the CSI stakeholders who complained about the detrimental administrative effects of the CSI process did not understand FACA or other federal regulations, which prohibit direct compensation (i.e., salaries) to advisory committee members or providing direct assistance grants to public interest organizations.

Resource managers are process and project managers. Consensus-building is process intensive and strong administrative support is the cornerstone for collaborative dialogue. Moore (1999) notes that “in every successful consensus-building project, someone has to act as a project manager, coordinating team activities, making sure everything runs smoothly, and seeing

that the group accomplishes its task” (p. 622). Straus (1999) adds that due to the amount of staff work that is required in a consensus process, it is sometimes necessary to appoint a process manager unless one has been formally designated. He recommends that a process manager be the first person appointed in a consensus-building group, because he is responsible for the coordination, scheduling, subcontracting, logistics, and communications necessary “to keep the track of activity moving forward in alignment” (p. 161).

FACA requires that a federal officer be designated to act as the official government representative between the non-governmental participants and the agency. The Designated Federal Officer (DFO) duties are largely administrative. They include: convening meetings, preparing *Federal Register Notices* announcing meetings, approving the meeting agenda, assuring that meetings are summarized and records are publicly available, working closely with program officials to obtain timely responses to committee recommendations, and documenting the disposition of funds associated with the committee’s operation. DFOs also have many logistical responsibilities. They are responsible for: processing invitational travel orders for participants, disseminating necessary information to participants prior to meetings, providing contractual services for facilitators and technical support for committee projects, interacting with members of the public who want to participate in meetings, and having meeting handouts available for interested public participants.

DFO resource managers had administrative as well technical project officer responsibilities. At the start of the CSI process, DFOs envisioned themselves primarily as FACA administrative process managers. However, as collaborative CSI projects started being formed, project management became a major DFO responsibility. Project management was a time-consuming DFO responsibility because there was an average of more than ten projects conducted within each of the three Sector Subcommittees and DFOs were the project officers for many of the grants and contracts that supported these projects.

Resource managers can provide some direction setting for collaborative negotiations. As resource managers, DFOs were able to guide stakeholder dialogue since they recommended the initial technical focus of Sector Subcommittee workgroups. DFO recommendations were based on their assessment of stakeholder group interests. In the Metal Finishing Sector, for example, the DFO team recommended the creation of five workgroups, three of which were focused on the predominant industry and government (i.e., EPA, state, and local) interests of increasing metal finishers’ compliance. In the Computers and Electronics Sector, the DFOs created three workgroups, each tailored to stakeholder interests within subsectors—semiconductor manufacturing, printed wiring board fabrication, and cathode ray tube glass recycling. In the Auto Sector, DFOs recommended the creation of four workgroups to address the respective interests of stakeholders: regulatory incentives (industry), alternative regulatory strategies (environmentalists), Life Cycle Management (government), and technical assistance (local communities).

As resource managers within the workgroups, DFOs also were able to encourage stakeholders to address issues of common interest across CSI sectors. For example, each of the three Sector Subcommittees was able to generate consensus recommendations regarding an alternative system of environmental protection. The Metal Finishing Sector Subcommittee established the ambitious Strategic Goals Program, while the Auto and Computers and Electronics Sectors reached agreement on different aspects of principles and procedures for establishing a sector-specific alternative regulatory system.

E. Being a Facilitator

A facilitator is someone who makes the process easy (Webne-Behrman, 1998). The path-breaking work, *A Manual for Group Facilitators* (Auvine et al, 1977), defines the work of a facilitator:

A facilitator's job is to focus on how well people work together. The purpose of this focus is to insure that members of the group can accomplish their goals for the meeting. The facilitator trusts that each member of the group can share responsibility for what happens. The effect of this sharing can be to equalize the responsibility for the success or failure of the group (p. 22).

Facilitation is a meeting-management skill and facilitators need to be empowered to conduct meetings. FACA confuses the facilitation process because DFOs have to convene meetings and approve meeting agendas. Too many CSI DFOs took this responsibility literally. Initially, EPA officials believed they could make the CSI process easy by facilitating the Sector Subcommittee meetings themselves. This confused the facilitation process among stakeholders because it mixed meeting management with technical (e.g., environmental) substance. Environmental regulations are based in the physical sciences, so most EPA officials believed that facilitators needed to first understand the technicalities surrounding environmental issues in order to conduct the facilitation process. Facilitation tools are based in the social sciences and EPA officials, who have academic training in the physical sciences, had little appreciation and awareness of their value in consensus-building .

Most mutual gains negotiation scholars agree that neutral facilitators are necessary to conduct a meaningful and productive consensus process. These scholars concur that facilitation is a meeting-management skill and that a facilitator should remain neutral about the content of a group's deliberations (Doyle & Straus, 1982; Schwarz, 1994; Poirier Elliott, 1999). On the other hand, Susskind (1999) argues that sometimes a different kind of facilitation assistance is necessary for successful consensus-building. Susskind is less absolute about the facilitator's need to impartially manage meetings. He suggests that conditions may arise when a facilitator needs to be substantively knowledgeable in order to help participants maintain the dialogue. This was the issue that faced EPA officials across the three case studies.

The EPA co-chairs of the CSI Auto and Metal Finishing Sectors considered DFOs the most qualified personnel to facilitate the Sector Subcommittee meetings because “they knew the industry, knew the stakeholders, and knew the stakeholders’ interests.” Also, most of these managers thought that only EPA officials could be trusted to vigorously promote CSI’s cleaner, cheaper, and smarter goals. Even the Computers and Electronics Sector that employed neutral facilitators for their first meeting was overruled by one of the EPA co-chairs who thought she was better qualified to run the meeting. Eventually, EPA officials found that neutral facilitators were needed to run the Sector Subcommittee process and DFOs were free to focus on facilitating workgroup meetings or providing facilitative support to the workgroups as desired by stakeholders.

Facilitators have to be guardians of the communications process. Facilitators have to be good communicators and promote communication among participants. A facilitator must ensure that all members of a group have an equal opportunity to speak. DFOs tried to encourage this in workgroup meetings by limiting the time each stakeholder group had to discuss an issue. Facilitators need to foster effective listening. “It is one thing to speak, another to be heard” (Webne-Behrman, 1998, p. 3). Facilitators need to promote a safe listening environment where people demonstrate their commitment to understanding one another, especially in the face of disagreement. DFOs tried to accomplish this by ensuring that meeting ground rules were established and maintained. Facilitators need to help a group establish its goals and set an agenda to reach those goals. CSI’s cleaner, cheaper, and smarter goals were too nebulous for most CSI stakeholders.

As project managers and facilitators, DFOs pushed stakeholders to try and quantify achievement of these goals in their workgroup projects. Facilitators need to balance individual needs with group tasks. DFOs struggled with this dilemma throughout CSI’s history. The imbalance among CSI group stakeholder groups, particularly with the limited number of environmental justice and community representatives, caused the CSI group facilitation process to suffer. As the CSI process matured and workgroup cultures evolved, DFOs were able to employ proxies to represent absent stakeholders, which provided more continuity in deliberations and understanding of technical issues.

Facilitators have to encourage group problem-solving. The facilitated approach is based on the belief that participants are capable of solving problems they encounter and that they are empowered to do so (Webne-Behrman, 1998). In short, participants are competent to do their job. Schwarz (1994) supports this argument by suggesting that participants share three core values in group facilitation: valid information, free and informed choice, and internal commitment to the choice. He believes that: these core values create a reinforcing cycle; group participants need sufficient data to make an informed choice; members become committed to these choices once they are made; and these commitments lead to implementation responsibilities.

DFOs tried to build some of Schwarz's suggested core values into stakeholder deliberations. In the Computers and Electronics workgroup on alternative regulatory strategies, for example, the DFOs spent nearly a year stressing the need for stakeholders to examine materials on environmental management systems, integrated environmental, health, and safety programs, and constructive engagement case studies among industry, workers, and communities to improve cooperative relations. Part of the consensus agreement stakeholders reached as a result of these deliberations was that "facilities seeking operational flexibility need to demonstrate 'proportionality' in comparable achievements in environmental, health, and safety performance, as well as involvement of communities and workers in defining acceptable environmental goals" (EPA, 1998, p. 15). Although industry representatives were not able to identify host facilities to pilot test this principle, Computers and Electronics stakeholders believed that the concept of proportionality could be used as a guideline for future cooperative efforts.

The Metal Finishing Sector workgroup on strategic goals was probably the most productive group facilitation effort. It was able to assemble and examine enough data to set numerical targets for the seven performance-based goals (e.g., 98 percent metals utilization, 50 percent reduction in water use) in the Strategic Goals Program. Setting these targets at the national level ensured that metal finishers in different parts of the country were consistent in reporting and evaluating their environmental achievements.

Facilitators need to establish a shared responsibility with stakeholders for the success or failure of their group's activities and build interdependent relationships with them. This was difficult in some CSI Sectors because of the high turnover among Sector Subcommittee facilitators. The Metal Finishing Sector, which was judged by most as achieving the highest stakeholder satisfaction across all CSI Sectors, employed the same Subcommittee facilitator throughout its history. Metal Finishing Sector stakeholders also were able to reach consensus on their Strategic Goals Program in less than eighteen months. Conversely, the Computers and Electronics, and Auto Sector Subcommittees employed three different facilitators during their existence, and except for their initial recommendations in 1995, both of these sectors were unable to reach agreement on any substantive issues until the termination of their Subcommittees was established. Once these stakeholders realized that CSI was coming to an end, they rushed to reach consensus to demonstrate that something was done.

F. Being a Mediator

Trust is the greatest barrier to innovation in the current system of environmental protection. The existing system is based on mistrust or at best a trust-but-verify mentality. There is a perceptible lack of trust among federal, state, and local regulatory agencies; between regulators and the regulated entities; and between public interest organizations and the government, as well as public interest organizations and the regulated community.

Mediators need to inspire trust and cooperation among parties. Poirier Elliott (1999) argues that the effectiveness of a mediator relies more heavily on legitimacy and trust than does that of a facilitator because the former works to manage interactions within meetings as well as dynamics that occur outside meetings. “A mediator works across conflicting perspectives and interests and shapes both process and group identity” (Poirier Elliott, 1999, p. 209). Susskind and Field (1996) suggest that trust, or the lack of it, relates primarily to expectations: “Thus, to inspire trust one must shape expectations; or, to put it simply, we must ‘say what we mean and mean what we say’” (p. 40).

CSI created an opportunity for DFO mediators to manage stakeholder expectations. In general, DFOs were not trained as mediators but evolved into the role out of need. Across the three case studies, there was a wide spectrum of distrust among stakeholders and DFOs tried to fill this void in stakeholder relations. At one end of the spectrum, auto sector industry officials and environmentalists endured years of bitter differences about regulatory requirements. Conversely, as a relatively new and clean industry, the Computers and Electronics manufacturers did not have a history of acrimonious relations with stakeholders, but some public health and worker safety activists, who participated in the CSI Sector Subcommittee, continued to portray the industry “as wolves in sheep’s clothing with regard to cancer risks to workers.” Metal finishers had the least contentious relations with many stakeholders, but environmentalists and community activists were suspicious of these facilities because of their potential to create abandoned hazardous waste sites (i.e., Superfund sites).

Acting in a trustworthy manner is central to success in mediation. DFOs had to be role models for trustworthy behavior so that eventually each stakeholder could gain the respect and cooperation of others. Across the three case studies, Computers and Electronics Sector DFOs were most often cited as trust builders or mediators. This may be attributable to the emotional peaks and valleys that the Subcommittee and workgroups endured throughout its history. Initially, there was chaos within the Subcommittee because of the large number of disparate stakeholders who wanted to participate. Later, the DFO team had to placate stakeholders about the highly vocal and disruptive behavior of one outspoken environmentalist. Near the end of the Subcommittee’s life, the intermittent feuding between industry officials and community activists erupted into a physical confrontation between parties which required DFO team intervention to correct. The Auto Sector DFO team also was cited for its trust-building efforts, although they were less successful than their counterparts in the other sectors in getting disgruntled stakeholders (i.e., the Michigan Department of Environmental Quality) to rejoin the Sector Subcommittee after their abrupt resignation. Perhaps the highest tribute to a DFO mediator was made by an environmentalist in the Metal Finishing Sector who recalled the “DFO had a positive attitude and a unique combination of skills that allowed us to trust him. He would make me feel okay, then do the same with a completely different stakeholder and they would feel the same too.”

Mediation is an art as well as a science. Honeyman (1988, 1990) notes that professional mediators do almost everything differently from each other. Some use the physical environment

(e.g., seating arrangements in a caucus) to aid them in reaching agreements; others spend substantial amounts of time with individual parties outside formal negotiations to ensure joint meetings are more productive. Regardless of the approach, Honeyman found five common elements mediators use in negotiations: investigation, demonstrations of empathy, invention, persuasion, and manage the interaction. While no DFO team member was numerically weighted against these elements, those cited most often as having mediator skills displayed these skills in varying forms. The Metal Finishing DFO team, for example, was viewed by stakeholders as “doggedly prodding us about their opinions” (investigation); “going the extra mile to understand stakeholder views” (empathy); “using the single text procedure to negotiate Strategic Goals Program comments” (invention); “getting EPA sign-off on the Strategic Goals Program before formal Council deliberations” (persuasion); and “injecting himself directly in the implementation process” (manage the interaction). Conversely, stakeholders perceived the Auto Sector DFO team mediation skills in a more limited way: “they had a sound understanding the technical issues” (investigation); “they did not take sides” (empathy); and “they developed the basketing approach to help us achieve CSI goal” (persuasion).

Like salespersons, mediators sometimes employ persuasive tricks to close the deal. Honeyman (1989) condones this behavior acknowledging that mediators and salespersons may use similar “bags of tricks” to persuade parties to reach an agreement (p. 154). Honeyman cautions, however, that mediators must operate on a high ethical plane and should not use techniques that, initially, might appear manipulative. Achieving CSI’s cleaner, cheaper, and smarter goals was a difficult challenge for CSI participants. Representatives from non-governmental organizations repeatedly questioned whether each CSI project or proposal met this standard. In both the Auto and Metal Finishing Sectors, the DFO teams developed the “basketing approach” and “strategic goals approach” to respond to stakeholder concerns about achieving these elusive goals. Although stakeholders initially rejected these approaches because they appeared to “gloss over the limitations of individual proposals,” through the DFOs’ intervention, eventually stakeholders accepted and endorsed the concepts; thus allowing the subcommittees to generate consensus recommendations.

G. Collaborative Governance

Governments, businesses, and communities around the world are searching for new, more effective ways to create and sustain needed change. In every arena, there is a powerful drive to overcome gridlock and to allow the broader interests of the organization or community to prevail over the parochial interests that all too frequently dominate efforts to renew and change. The means necessary are fundamentally different than those traditionally practiced; rather than relying on advocacy, hierarchy, exclusion, and command and control to achieve narrow ends, they rely on trust, inclusion, and constructive engagement to achieve a broader common purpose.

There is a common premise (Chrislip and Larson (1994) call it the collaborative premise), that undergirds these efforts. Chrislip and Larson suggest that “if you bring the appropriate people together in constructive ways with good information, they will create authentic visions and strategies for addressing the shared concerns of the organization or community” (p. 14).

Underlying this premise is an implicit belief that diverse individuals engaged in constructive ways with the necessary information can be relied on to create useful answers to the most pressing problems. Chrislip and Larson view this as a profound shift in the way change is made and requires an equally profound shift in how leadership is envisioned. Rather than positional leaders telling us what to do, they suggest we need servants to help us do the work ourselves.

Don Kettl (2000) warns that the country and the world are changing, and the federal government needs to figure out how to catch up. He suggests that over the last generation, American government has been undergoing a steady, but often unnoticed, transformation. Government's traditional processes and organizations have become more marginal to the fundamental debates, from how much we pay for health care to how we solve environmental problems. Kettl has found that new processes and institutions—often non governmental ones—have become more central to public policy. In serving the public, the federal government increasingly shares responsibility with other levels of government, with private companies, and with nonprofit organizations.

The central challenge for domestic governance is to move away from the authoritarian and hierarchical systems that have been created over the past fifty years. When new challenges have emerged, the typical government response has been to reorganize and strengthen the bureaucracy. Today's problems and today's society simply does not fit bureaucratic orthodoxy. Bureaucracies will continue to exist, but they must be better managed if government is to serve contemporary needs. Jody Freeman (1997) suggests that a new vision of "collaborative governance" is needed to deal with proposals for reform. She contrasts collaborative governance with interest-based pluralism. She points out that collaborative multistakeholder processes hold promise not solely because they offer techniques of alternative dispute resolution to public policy making, but also because they are likely to increase both the quality and legitimacy of suggested changes. The consent of parties is a key element in legitimacy. McEwen and Maimen (1996) found that consensual procedures produce dramatically higher levels of voluntary compliance, a finding consistent with the argument that these procedures are more legitimate than adjudication.

Our economic world is changing rapidly and our system of environmental governance must change accordingly. Service-oriented businesses and high technology firms are fueling rapid growth of the U.S. economy—an economy no longer dominated by belching smokestacks and assembly-line workers. Automation has created a worldwide marketplace where speed and flexibility dominate commercial decisions. At the same time, environmental protection has faced its own challenges. Like our economy, environmental problems today are more complex. The industrial base that EPA was created to regulate has dramatically changed over the past thirty years. The economy has shifted from a manufacturing sector to a service sector and the short life cycle of high technology products has strained the ability of the environmental permitting system to keep pace with variable manufacturing emissions. Adversarial legalism also has strained the ability of the existing system to respond to shifting environmental priorities. According to the National Academy of Public Administration, "EPA's paradox is that it must maintain national programs and seek national consistency while simultaneously attempting to make its programs

and standards fit an incredibly diverse and dynamic Nation” (p. xiii). EPA is bound to implement federal legislation but also is responsible for meeting the challenges and demands of today's environmental problems.

As environmental protection changes, collaborative leadership will become more important than technical management. Historically, EPA officials have been rewarded for their technical competence rather than their cooperative, team building skills. In the future, EPA officials will need to be able to drive change, not be driven by it. They will need to lead change as well as people. Contemporary leadership is not top-down—it can exist at all organizational levels. The next generation system of environmental protection will be dominated by results not procedures, inclusive rather than exclusive stakeholder involvement, and collaborative decision-making. EPA officials will require a special blend of leadership skills to operate in this new system. EPA leaders will need to emphasize team building and partnership. They will have to think creatively, adapt quickly, and work cooperatively. The next generation EPA leader will be multi-tasked: he/she will be a coach and mentor, as well as a stakeholder and team leader. The results from this research effort indicate that EPA can retain its environmental leadership without reducing its responsibilities in collaborative processes.