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Standard Guide for Framework for a Consensus-based Environmental Decision-making Process¹

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1. Scope

1.1 This guide presents a framework for a stakeholder-focused Consensus-based Environmental Decision-making (CBED) process, which is a stakeholder-empowered, process to prioritize and select actions to be initiated with the goal of optimizing many types of environmental decisions that may affect a community or communities.

1.2 This guide is intended to describe a highly flexible CBED process, and therefore does not recommend a specific course of action for this activity.

1.3 This guide is intended to assist in implementing a CBED process, which allows assessing the full impact of any project- or issue-related decisions related to human health, ecological, socio-cultural or economic impacts.²

1.3.1 States and Tribes applying for CERCLA §128(a) Brownfields grants may find this guide useful when developing and implementing their meaningful public participation and community engagement programs.

1.4 This guide is not intended to replace existing environmental decision-making or public participation processes. It may be used with other processes or standards that address stakeholder involvement in environmental decision-making.

1.5 *Limitations*—This standard does not address the specific methods for generating or evaluating technical data related to assessing a particular environmental issues. The user should seek other sources on methods to gather information for completion of models or other analyses that may be used during a CBED process. This standard may not fully address

¹ This guide is under the jurisdiction of ASTM Committee E50 on Environmental Assessment, Risk Management and Corrective Action and is the direct responsibility of Subcommittee E50.05 on Environmental Risk Management.

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² The CBED process is not meant to replace other processes, such as the U.S. National Environmental Policy Act (NEPA) process. The strength of the CBED process is to empower the stakeholders in an organized fashion to focus on specific issues that tend to result in litigation and long delays and can be readily used in conjunction with NEPA and/or other public participation processes.

the rights of owners of real property or the potential impact (positive or negative) on the value of real property of a decision made using this process.

1.6 *This international standard was developed in accordance with internationally recognized principles on standardization established in the Decision on Principles for the Development of International Standards, Guides and Recommendations issued by the World Trade Organization Technical Barriers to Trade (TBT) Committee.*

2. Referenced Documents

2.1 ASTM Standards:³

E1739 Guide for Risk-Based Corrective Action Applied at Petroleum Release Sites (Withdrawn 2024)⁴

E1984 Guide for Brownfields Redevelopment (Withdrawn 2012)⁴

E2205 Guide for Risk-Based Corrective Action for Protection of Ecological Resources

E2876 Guide for Integrating Sustainable Objectives into Cleanup

E3356 Guide for Stakeholder Engagement on Environmental Risk Management and Climate

2.2 Other Documents:

P/CCRARM (The Presidential/Congressional Commission on Risk Assessment and Risk Management), 1997a, Framework for Environmental Health Risk Management. Final Report. Volume I.⁵

P/CCRARM (The Presidential/Congressional Commission on Risk Assessment and Risk Management), 1997b, Risk Assessment and Risk Management in Regulatory Decision-Making. Volume II.⁶

³ For referenced ASTM standards, visit the ASTM website, www.astm.org, or contact ASTM Customer Service at service@astm.org. For *Annual Book of ASTM Standards* volume information, refer to the standard's Document Summary page on the ASTM website.

⁴ The last approved version of this historical standard is referenced on www.astm.org.

⁵ Available at <http://www.riskworld.com/Nreports/nr7me001.htm>.

⁶ Available at <http://www.riskworld.com/Nreports/nr7me001.htm>

Quality of Stakeholder-Based Decisions and Understanding Risk⁷

40CFR, Part 1501-1506, The Quality of Stakeholder-Based Decisions: Lessons from the Case Study Record, Resources for the Future⁸

10CFR Part 20, NEPA and Agency Planning; "Standards for Protection Against Radiation," Subpart E, "Radiological Criteria for License Termination."⁸

Section 117(d) of the Marine Mammals Protection Act of 1972 16 U.S.C. 1386, Section 117⁹

U.S. Department of Interior. BLM Collaborative Stakeholder Engagement and Appropriate Dispute Resolution, 2009 (BLM 2009)

US EPA. Better Decisions Through Consultation and Collaboration, September 2015 (EPA 2015)

3. Terminology

3.1 Definitions:

3.1.1 *affected stakeholder, n*—any individual, group, company, organization, government, tribe or other entity which may be directly affected by or has a stake in the outcome of the specific CBED process.

3.1.2 *community*—a group or groups of individuals who live or work in specific neighborhoods or regions.

3.1.3 *consensus*—a generally accepted agreement among a group of stakeholders.

3.1.4 *consensus-based environmental decision-making (CBED) framework*—a process structure that will facilitate empowering affected stakeholders in developing a CBED process.

3.1.5 *consensus-based environmental decision-making (CBED) process*—a stakeholder-empowered process to assess, prioritize and select actions to initiate with the goal of optimizing environmental decisions with respect to human health, and ecological, socio-cultural, and economic impacts.

3.1.6 *informed consent*—agreement reached by affected stakeholders, which is obtained by a process by which affected stakeholders (1) are involved in a participative process that creates common understanding of the issues, concerns and priorities held by all affected stakeholders; (2) assess, prioritize and select actions to improve the problem situation; and (3) agree to trade-offs to achieve consensus on specific initiatives related to the CBED process.

3.1.7 *interested party*—any individual, group, company, organization or other entity which is not an “affected stakeholder” but which is interested in the outcome of the particular CBED process. Interested parties are not empowered with a decision-making role, and may participate on the Stakeholder Committee only as an observer or to provide information at the discretion of the Stakeholder Committee.

3.1.8 *regulator*—a local, regional, state/provincial, Tribal or federal government agency or person employed to administer and enforce compliance with laws and regulations, which may be either a stakeholder, a decision-maker, or an advisor to the Stakeholder Committee.

3.1.9 *stakeholder committee*—the entity empowered to make decisions within the CBED process which is composed of representative(s) selected from each group of affected stakeholders.

3.1.9.1 *Discussion*—Members of the Stakeholder Committee are responsible to act as liaisons with their respective stakeholder groups.

4. Summary of Guide

4.1 The Consensus-Based Environmental Decision-making Process is a stakeholder-empowered, community-specific process established to assess, prioritize and select actions to initiate with the goal of optimizing environmental decision-making with respect to human health, ecological, socio-cultural, and economic impacts. The Stakeholder Committee may consider issues related to environmental justice, which relates to the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, income, national origin or education level. The CBED process is an iterative process comprised of five main steps: (1) affected stakeholder identification and formation of the Stakeholder Committee; (see BLM 2009, EPA 2015, and Section 6.2 of Guide E3356) (2) information gathering; (3) forecasting; (4) establishment of informed consent; and (5) implementation and evaluation of initiatives.

4.2 The CBED process facilitates decision-making through negotiations among affected stakeholders with fairly consensual decision rules. An important part of the process is to determine and clearly communicate to all participants the rules to be followed about transparency, the procedures that will be used to reach consensus, and the delineation of the ultimate decision-making authority (see EPA 2015 and Section 6.4 of Guide E3356).

4.3 The CBED process allows the impact of any project-related or issue-related decision to be assessed. The process provides all affected stakeholders with scientific and legal analyses and decision criteria that are prepared and interpreted by scientific, technical, and legal experts, as well as relevant qualitative experiential knowledge and values-based decision criteria. The Stakeholder Committee decides the relevance and importance of the criteria to the decision under consideration.

4.4 There is no specific path that has to be followed when initiating and participating in this CBED process. Depending on the needs and priorities of the affected stakeholders and the legal constraints governing specific environmental decisions, different entities may initiate the process, different procedural rules may be adopted, and different analysis tools may be used to address each issue or concern (see BLM 2009).

5. Significance and Use

5.1 This standard guide is designed to help the owners and regulators of a specific environmental problem to identify and

⁷ Available at: <http://www.rff.org/Documents/RFF-DP-00-56.pdf>

⁸ Available from DLA Document Services, Building 4/D, 700 Robbins Ave., Philadelphia, PA 19111-5094, <http://quicksearch.dla.mil>.

⁹ Available from National Oceanic and Atmospheric Administration (NOAA), 1401 Constitution Ave., NW, Room 5128, Washington, DC 20230, <http://www.noaa.gov>.