

OCPI - R8 Press Policy

Region 8 Press Policy

(March 4, 2002)

1. **PURPOSE.** This policy reaffirms the principles that guide the release of news/public information in Region 8.
2. **BACKGROUND.** Since its creation, EPA has enjoyed a reputation as one of the most open of the Federal agencies. That openness is prescribed in our statutory base [40CFR, 1.37 (b)] and has been instilled as a value in the EPA culture and reinforced by policy restatements under each Administrator.
3. **GENERAL DECLARATION** --It is the policy of Region 8 of the U.S. Environmental Protection Agency to operate with the maximum degree possible of public **openness, disclosure and responsiveness.** EPA is a public Agency, charged with doing the public's business. Its funds for salaries and expenses come from American taxpayers. Each employee is a public servant and accessible to the public. News outlets are a legitimate extension of the public and are dealt with as such. Employees are authorized to deal with the public and the media and are responsible and accountable for those contacts.

COMMUNICATION STRATEGIES are a requirement of this policy. Regional programs will anticipate and prepare such strategies in concert with OCPI well in advance of major developments, announcements or communications. A **spokesperson** will be named and **key messages** developed *before* the triggering action. Region 8 defers to EPA headquarters for communication of National issues. In some instances, all media calls will be forwarded to a designated spokesperson in HQ.

Those expected to have frequent contact with media will avail themselves of

MEDIA TRAINING provided in the Regional office. OCPI can also provide coaching on a case-by-case basis.

Employees will complete a **RECORD OF COMMUNICATION** immediately after contact with the media and will forward that record to their supervisor, to the news office and the congressional liaison in OCPI. The ROC form is available on each employee's computer desktop in Region 8 on the Notes Portal (Admin, All, Record of Communication).

Region 8 operates on the premise that the **public has a right to know** about the decisions, actions and policies undertaken in its behalf. Important specific exceptions to this policy of openness exist. Those include certain matters covered by Privacy Act, enforcement negotiations, criminal investigations, confidential business information and specific privileged documents. Disclosure of this information is not permitted. Consult the Legal Enforcement Program or the Office of Regional Counsel for details.

IMPLEMENTATION GUIDANCE

ROLES AND RESPONSIBILITIES

The **REGIONAL ADMINISTRATOR AND DEPUTY REGIONAL ADMINISTRATOR** are ultimately responsible for Regional communications and conveying Agency messages to a range of publics. The RA/DRA delegate much of that responsibility to Assistant Regional Administrators, the Director of the Office of Communications and Public Involvement (OCPI) and its respective teams. Specific responsibilities for news operations are assigned to the OCPI Director in the Agency's Communications Manual of Nov. 27, 1978 which has not been superseded. ARAs are responsible for communications arising in their units including content on their Internet sites (guidance at epa.gov/webguide).

The **OFFICE OF COMMUNICATIONS AND PUBLIC INVOLVEMENT** --OCPI, in concert with the Programs, plans, structures and carries out official communications such as news conferences, news releases, print and broadcast interviews, opinion-editorials, guest opinions and assists in preparing speeches, talking points, briefing papers for the Regional Administrator and other key Agency officials.

The **REGIONAL NEWS OFFICE** in OCPI is the single point of issuance for Regional news releases and should be consulted on other communication products designed for an **external, mass audience**. Nearly all publications intended for public distribution (including, but not limited to, technical documents, pamphlets, booklets, posters, newsletters, videos, CDs) outside

the Agency are subject to EPA's Product Review, an RA-level responsibility delegated to OCPI in Region 8.

The **SENIOR NEWS OFFICER** or his/her designees make news judgments for the Region in concert with the affected Programs and recommend approaches, timing, content, style and concurrences for external mass communications such as news releases, news conferences, roundtables, media events. ("Responsibility for the editorial style of news releases is vested in the [then] Office of Public Awareness, *as is the final judgment regarding what is newsworthy and releasable to the press...*"--EPA Comm. Manual 11/27/78). The News Officers are responsible for coordinating Regional news activities with Headquarters and the Department of Justice on matters of national interest.

PROGRAM STAFF may respond *within their area of expertise* to day-to-day inquiries from news outlets and are responsible for the content of those contacts, for knowing if a communication strategy is in place, or if spokesperson is appointed for a given issue. Staffers are to meet a professional standard in these contacts and confine their remarks to **factual** information refraining from speculation, characterization of others' motives, etc. Staffers are responsible for completing an electronic Record of Communication immediately after talking with a reporter and forwarding that record to their supervisor and OCPI.

EPA employees are available to news media and make every effort to provide answers within reporters' deadlines. It is usually in the Agency's best interest to get its story before the public and effective Agency media relations **requires** meeting deadlines, sometimes even unreasonable ones.

Region 8 observes a 3-tiered standard for responses to reporters:

- 1--immediately
- 2--within the hour
- 3-- within the deadline

Where staff cannot respond within a reporter's deadline, or they are not the appropriate person to respond, they are to advise the News Office which may be able to make other arrangements. If reporters' questions stray to matters of conjecture, seek inappropriate conclusions or move away from the employee's area of expertise, the employee shall refer the reporter to the supervisor or OCPI and then assure that the transfer occurs.

Program staff may provide documents that are *in the public record*.

If uncertain about releasability, staff should consult the supervisor, a team attorney, the news office or the office of Regional Counsel for a second level of review. As a *general* rule, we do not require news outlets to go through the FOIA process to receive documents in the public record.

Program staff may request news services from OCPI provided there is ARA-level and, when appropriate, Regional Counsel support for a public release of information.

DISPUTE RESOLUTION. Disagreements over roles and responsibilities that cannot be resolved at staff level may be elevated to the Director, OCPI and the appropriate Assistant Regional Administrator or the Regional Counsel. In rare instances, such a matter could be elevated to the Deputy Regional Administrator.

NEWS RELEASES. The News Office will prepare news releases and other such products (advisories, notes to correspondents, "desk" statements) using documents supplied by Program personnel and through interviews with staff. The News Office **does not accept** drafts by Program staff who are not trained in journalism or communications.

The News Office may suggest **alternative techniques** where a news release may not be the most effective vehicle for an intended message. A "toolbox" of other communication techniques is available on the Office of Communications & Public Involvement (OCPI) page on the Region 8 *Intranet* site.

News releases should be only **one component** of a **communication strategy** that accompanies a major decision or announcement. Headquarters policy and Regional procedures require that a communication strategy be prepared for all "major" actions. Tools and guidance needed to prepare these strategies are found on the OCPI page on Region 8's *Intranet* site.

For news releases, whenever possible, Program staff should provide OCPI with very early early drafts of complaints, agreements, orders or requests for information. In emergencies, the News Office can issue a release within an hour or two. In normal circumstances, the more lead time, the better. And, again, the *expectation* is that these communications will be *anticipated* and planned. "Urgent" products may need to be discussed with the senior news officer or Director, OCPI who will be aware of other in-house priorities.

OCPI strongly recommends against **Friday news releases** unless done

electronically early in the day and necessary personnel will be on hand to answer further questions from news outlets for the remainder of the day or through the weekend at a home phone.

No negotiation of news releases is permitted. "The central requirement in EPA press policy--never to be compromised--is factual accuracy. As a public agency we have an obligation to listen and be sensitive to the concerns of any stakeholders or members of the public that our statement be accurate and not create misimpressions. However, *the specific content of press releases is an EPA internal matter at all times* (italics added). The EPA policy does not permit EPA employees to negotiate in any way the Agency's option to issue press releases or the content or wording of press releases with parties outside of EPA, including those parties involved in settlements, consent decrees, or the regulatory process. As such, the content of press releases should be designed **solely** to disseminate pertinent information to the news media, and it is against EPA policy to negotiate any terms of press releases with parties involved in Agency enforcement actions or regulatory decisions."--F. Henry Habicht II, Deputy Administrator, March 6, 1992, restating Agency policy dating to at least Jan. 30, 1985 (memo from A. James Barnes, Acting Deputy Administrator). In cases of truly joint actions, OCPI is responsible for coordination with DOJ and/or other regulators.

No **enforcement release** will issue without final concurrence of Program, case attorney, ECEJ Director of Legal Enforcement and the News Office. "**Concurrence loop.**" OCPI distributes draft releases to the requester, the requester's ARA's office and the news officer. In enforcement cases, the case attorney and the ECEJ Director of Legal Enforcement are added. OCPI receives comments of reviewers and incorporates changes **consistent with news and journalistic criteria**. Final news judgment rests with the News Officer. The Region 8 concurrence loop:

- requester
- requester's ARA's office
- News Officer (OCPI)
- case attorney and Director of Legal Enforcement
- **plus** RA or DRA if they are quoted or issue is especially controversial or sensitive
- **plus** other party's signature if a joint release

A story initialed by the above parties is considered approved and ready for release. Long concurrence chains must be avoided because they destroy timeliness and news value of stories.

Contacts. Region 8 releases contain the names and phone numbers of at least two contacts who are available and who can provide additional information **and** the phone number for the News Office to increase the likelihood that any outlet seeking more information can reach a knowledgeable source. OCPI will not consider issuing a release for which followup is impossible.

Notice. OCPI issues releases electronically at agreed-upon time to appropriate news outlets and other stakeholders. Courtesy copies are faxed to State/Tribal/Federal partners, Congressional representatives and respondents/defendants in enforcement cases so they are not caught unaware of an Agency announcement. This latter notification is a courtesy rather than a requirement of EPA policy and the Agency's commitment ends with the successful transmission of a copy of the release to the respondent/defendant or their counsel.

Internet. Region 8 posts its news releases on the Internet approximately two hours after they are faxed or e-mailed to selected news outlets.

In-house distribution. Principals immediately receive final copy for use in responding to followup calls from media, along with EPA's State Program Managers, Congressional Liaison and Environmental Information Service Center. Others receive courtesy copy via e-mail.

Regarding content of news releases. OCPI shares the interest of attorneys, engineers, scientists and regulation writers in accuracy. The mass audience, however, does not always understand technical, scientific or legal concepts and terminology. OCPI's news officer's job is to communicate such concepts to a lay audience. OCPI will work to incorporate legal and technical comments on drafts of communications intended for an external mass audience but will always press for simplicity, though not at the expense of accuracy.

Joint news releases. While there are benefits in presenting a united Federal/State/Tribal front in specific cases, it is extremely difficult to meet the needs of more than one agency while retaining news value and meeting journalistic criteria. Agency guidance says Americans are entitled to the "undiluted" view of EPA in its official communications. That standard is difficult to maintain while meeting others' needs. Other guidance, however, encourages joint releases and they often seem attractive for bureaucratic reasons. Done poorly, they harm rather than enhance Agency credibility with news outlets and the public.

In the case of truly joint enforcement actions, Agency guidance says,

"To the maximum extent possible, EPA should make arrangements with States to issue joint press releases and share credit..." That same guidance says "to the extent possible, the State should be given an opportunity to join in the press release or press conference IF it has been involved in the underlying enforcement action." It recommends coordination and consultation but does not recommend sharing of drafts.

Teams should make deliberate decisions on joint releases during preparation of the Communication Strategy in close consultation with the News Office.

The News Office will assure that State and Tribal partners receive advance or simultaneous copies of news releases (as appropriate in the specific case). The Region has a **commitment to State and tribal environmental directors** to provide them a copy of Regional news releases directly affecting their states or tribes **two hours** before they are released to news outlets. The News Office will telephone the directors' offices to assure the fax or e-mailed release has been received.

Joint EPA/DOJ releases. Multiple levels of bureaucratic concurrence mean high transaction costs and often rob the story of timeliness and meaning to the reading audience. They are the largest single impediment to cooperation on releases and the source of most of the discord between Agencies. In the case of joint actions with the **U.S. Department of Justice**, **one** additional approval *per party* from that Department will be accommodated.

Record of Communication. This policy **requires** employees to fill out ROC's immediately after talking with a reporter unless waived by the News Office. For many routine conversations, a phone call to OCPI will suffice. In areas of controversy or where a formal record is being compiled, a written ROC may be needed. This electronic form is available on computers in Region 8. At the Notes Portal, click on "Admin." Select "All." Scroll down to Record of Communication. ROC's are designed to keep top Agency managers and cooperating parties from being surprised by late-breaking developments in an issue or conveying the impression that the "right hand doesn't know what the left hand is doing."

Spokesperson. Within their own areas of expertise, employees can represent the Region as spokesperson in print or broadcast interviews. That decision is best made with the supervisor and the News Office. In very controversial cases, it is possible that a single Agency spokesperson will be appointed. The Region's goal is to make available the individual who is best informed on the issue involved **and** best equipped with communication

skills to do the interview.

Product Review. All Agency managers are responsible for the accuracy, relevance and quality of all materials developed by their respective programs but specific **product review requirements** vest in the Regional Administrator and are delegated to a Product Review Officer (in Region 8, delegated to the Office of Communications & Public Involvement).

Regulations of EPA, OMB and the Government Printing Office cover the production of brochures, pamphlets, posters, videos, CD's, DVD's, audiotapes and other materials designed for public distribution. The PRO is responsible for certifying on behalf of the Regional Administrator that Regional "publications" meet EPA, Government Printing Office and Office of Management and Budget rules and regulations.

Those requirements are contained in the guidance manual:

"Communicating with the Public," copies of which were delivered to each RA, EPA Division and the Office of Communications and Public Involvement in 1989. They are also found in **"Publications Management, A Guide to Processes, Standards and Style"** (EPA-175-K-92-011, Sept. '92) Anyone planning to produce a publication should contact Vaughn Whatley, extension 6603 in 8OCPI **at the concept stage and before any commitments have been made to a new product.**

Peer Review Policy: Peer Review is a process for enhancing a scientific or technical work product so that the decision or position taken by the Region has a scientifically sound and credible basis. In 1994, former Administrator Carol Browner reaffirmed the central role of the peer review process and instituted an Agency-wide implementation plan. In 1998, the Science Policy Council created the Peer Review Handbook and the second issue was reissued in December of 2000 (EPA100-B-00-001). The Regional Science Liaison is the Peer Review Coordinator for the Region.

Superfund Community Involvement coordinators are often skilled or experienced in external communications and may initiate their own drafts. The news officer will review such releases for OCPI; however fact sheets and similar documents will often be prepared and reviewed autonomously within the program.

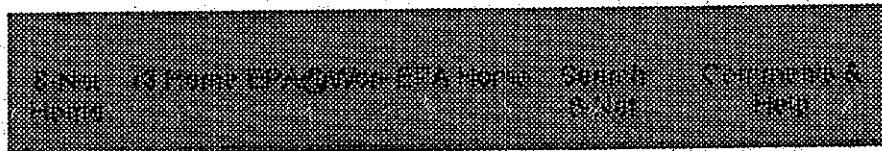
Jack W. McGraw, (Date)
Acting Regional Administrator

(This update was reviewed by the Regional Leadership Team August 28 - September 13, 2001. A summary of RLT comments was forwarded to Senior Leadership Team September 20. The policy was approved by the full Senior Leadership Team of Region 8 on March 4, 2002)

CITATIONS

- 40CFR 1.37 (b)
- EPA Communications Manual (Nov. 27, 1978)
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- "Communicating with the Public"- A Guidebook, February 1992
- How to Do a Communication Strategy (Region 8 Intranet: OCPI)
- "Revised Policy Framework for State/EPA Enforcement Agreements (8/25/86)
- A. James Barnes
- "Publication Management-A Guide to Processes, Standards and Styles" (EPA-175-K-92-011)
- Peer Review Handbook (EPA 100-B-00-01)

Ask and ye shall receive. Will call you later.



► Document History

url:

<http://R8Net.epa.gov/8-Net.nsf/All+Web+Documents/CD7D66A37916BEDD87256BAA006C5623?OpenDocument>