



Susan Podziba & Associates

PUBLIC POLICY MEDIATION AND CONSENSUS BUILDING

Project List by Service

MEDIATION & CONSENSUS BUILDING

Chelsea Charter Consensus Process for the Massachusetts Executive Office of Administration and Finance, Office of the Receiver: consensus process reached deep into community to re-engage citizens in self-governance through development of a city charter after the city government was stripped of its authority and placed under State Receivership. Winner of the All American City Award from the National Civic League.

Comprehensive Environmental Management Plan for Casco Bay (ME) for the U.S. Environmental Protection Agency, National Estuary Program with Maine Department of Environmental Protection Agency: consensus process for federal, state, and local government, industry, citizens, scientists, environmentalists, and other stakeholders to develop Casco Bay Estuary Project's Comprehensive Conservation and Management Plan, which covered combined sewer overflows, development, citizen environmental stewardship, wastewater, and existing toxic sediments.

Memorandum of Understanding for the Boston Metropolitan Planning Organization (MPO): governance document for transportation planning organization for Eastern Massachusetts. The Boston MPO, composed of 17 government agencies including federal, state, regional, and local government entities, is responsible for programming approximately \$120 million annually in road, bridge, and transit projects and the \$14 billion central artery project.

Re-Evaluate Environmental Regulations to Ensure Protection of Children's Health for U.S. Environmental Protection Agency, Office of Children's Health Protection: Representatives ranging from pesticide industry to environmental organizations selected technology-based regulations for re-evaluation as risk-based regulations to make them more protective of children's health.

Guiding Principles for Redeveloping Steel-Industry Brownfields, U.S. Environmental Agency, Office of Water and Region V: Brownfields work group of the Common Sense Initiative, Iron and Steel Subcommittee, developed guiding principles for brownfields redevelopment, model legislation for brownfields authorities, protocols for brownfield Supplemental Environmental Projects (SEPs), and oversight of brownfields pilots in Northwest Indiana and Birmingham, Alabama.

Updated: 10/27/2005

Traffic Forecasting Assumptions for Proposed Development on Cape Cod, Massachusetts: agreement on traffic forecasting assumptions to be used to assess impacts of CanalSide Commons, a proposed 850,000 sq. ft. mixed use development, the largest ever proposed on Cape Cod, near the Bourne Rotary, a major road artery in the region.

Wetlands Permits under the Massachusetts Department of Environmental Protection, Wetlands Program: mediated permit decisions in or near wetlands areas appealed by either Conservation Commissions or developers.

Take Reduction Plan for U.S. Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service: plan to reduce incidental take of marine mammals during commercial fishing operations as required under the 1994 Amendments to the Marine Mammal Protection Act. Stakeholders, including fishermen, conservationists, state and federal government agencies, scientists, regional fisheries management councils, and off-shore concerns, sought to protect marine mammals and maintain a viable fishing industry.

Protocols and Shared Expectations for Relationship between U.S. Environmental Protection Agency and Community Activists at the Palmerton, PA Zinc Superfund Site: developed protocols to govern relationship between EPA staff and community activist groups. The company responsible for the cleanup is the largest employer in the town and a generous donor to community charities and organizations.

National Commission on Energy Policy: developed governing protocols for Commission, including decision-making rules, voting procedures, guidelines for media interactions, and procedures for filling Commissioner vacancies. The NCEP is a bi-partisan commission that recently released its consensus national energy plan. For more information, please see www.energycommission.org.

Canadian Constitutional Convention: part of a team that designed format of the constitutional convention to address secession of Quebec and federal power sharing.

Jerusalem Inter Cultural Center: consultation on implementation of Ramot Municipal Council charter, which was inhibited by endemic religious-secular dispute.

Select Brownfields Sites for Phase I Site Assessment, in New Bedford, MA, U.S. Environmental Protection Agency: city-wide task group developed a process to identify priority sites, from a list of 300+ sites, to determine allocation of existing and future phase I assessment funds.

NEGOTIATED RULEMAKING

Negotiated Rulemaking to Develop Crane and Derrick Safety Standards, Occupational Safety and Health Administration (OSHA) of the U.S. Department of Labor: negotiated rulemaking process to develop worker safety standards for the use of cranes and derricks in construction (29 Code of Federal Regulations part 1926, subpart N) to revise existing OSHA standards that date back to 1968.

Negotiated Rulemaking Concerning All Appropriate Inquiry as required under the Small Business Liability Relief and Brownfields Revitalization Act, U.S.

Environmental Protection Agency: negotiated rulemaking process to develop All Appropriate Inquiry (AAI) standards and practices for environmental assessments. To assert protection from CERCLA (Superfund) liability for brownfields, innocent landowners, contiguous property owners, bona fide prospective purchasers, and EPA brownfields grantees must conduct environmental site assessments in accordance with the AAI regulation.

Negotiated Rulemaking to Develop Minimum Standards for Driver's Licenses and Personal Identification, U.S. Department of Transportation in consultation with U.S.

Department of Homeland Security: negotiated rulemaking process to develop minimum standards to tighten security for state-issued driver's licenses and personal identification cards for use by Federal agencies for identification purposes, as required under the 9/11 Commission Implementation Act of the Intelligence Reform and Terrorism Prevention Act of 2004.

Negotiated Rulemaking concerning the Federal Family Education Loan (FFEL), Direct Loan and Perkins programs for the U.S. Department of Education, Office of

Postsecondary Education: negotiated rulemaking to develop federal regulations for student loan programs as required by the 1998 Amendments to the Higher Education Act of 1965.

Negotiated Rulemaking concerning Student Borrower Defenses for U.S. Department of Education, Office of Postsecondary Education: stakeholder process to develop Borrower Defenses Regulations as required under the 1992 Amendments to the Higher Education Act of 1965.

Negotiated Rulemaking concerning the Federal Family Education Loan (FFEL) program for U.S. Department of Education, Office of Postsecondary Education:

negotiated rulemaking to develop regulations for student loans, specifically, the structure of guaranty agencies in the FFEL program as required by the 1998 Amendments to the Higher Education Act of 1965.

Negotiated Rulemaking for the GEAR UP Program of the U.S. Department of Education, Office of Postsecondary Education:

negotiated rulemaking to develop federal regulations to create Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR UP), a mentoring, tutoring, academic enrichment, and scholarship program for low income students as created by Congress.

Negotiated Rulemakings for Student Loan Program and Eligibility issues for the U.S. Department of Education, Office of Postsecondary Education:

negotiated rulemaking to develop federal regulations for student loan program and eligibility issues as required by the 1998 Amendments to the Higher Education Act of 1965.

Negotiated Rulemakings for Student Loan Programs for the U.S. Department of Education, Office of Postsecondary Education:

negotiated rulemaking to develop

federal regulations for student loan programs, specifically Sections 668 and 682, as required by the 1998 Amendments to the Higher Education Act of 1965.

Negotiated Rulemakings to Reduce Regulatory Burden regarding Eligibility for Student Loan programs, U.S. Department of Education, Office of Postsecondary Education: negotiated rulemaking to develop federal regulations for FFEL, Perkins, Stafford, and Direct student loan programs in response to issues raised by the higher education community through the FED UP process (short for “Upping the Effectiveness of Our Federal Student Aid Programs”), initiated by Congress to reduce regulatory burden.

Negotiated Rulemaking to Reduce Regulatory Burden in Student Loan Programs, U.S. Department of Education, Office of Postsecondary Education: negotiated rulemaking to develop federal regulations concerning eligibility issues for student loan programs in response to issues raised by the higher education community through the FED UP process, initiated by Congress to reduce regulatory burden.

CONVENING & CONFLICT ASSESSMENTS

Negotiated Rulemaking Concerning All Appropriate Inquiry as required under the Small Business Liability Relief and Brownfields Revitalization Act, U.S. Environmental Protection Agency: convening assessment for a negotiated rulemaking process to develop All Appropriate Inquiry (AAI) standards and practices for environmental assessments. To assert protection from CERCLA (Superfund) liability for brownfields, innocent landowners, contiguous property owners, bona fide prospective purchasers, and EPA brownfields grantees must conduct environmental site assessments in accordance with the AAI regulation.

Negotiated Rulemaking to Develop Minimum Standards for Driver’s Licenses and Personal Identification, U.S. Department of Transportation in consultation with U.S. Department of Homeland Security: convening assessment for a negotiated rulemaking process to develop minimum standards to tighten security for state-issued driver’s licenses and personal identification cards for use by Federal agencies for identification purposes, as required under the 9/11 Commission Implementation Act of the Intelligence Reform and Terrorism Prevention Act of 2004.

McKin Superfund Site Remedy Selection, U.S. Environmental Protection Agency, Superfund, Region I: convening assessment for a mediation process to review and select remedies for cleaning up the McKin Superfund Site after the responsible parties requested a remedy review to determine the effectiveness of a pump and treat system in removing PCBs from ground water.

Clean Air Act, Tier 2 Motor Vehicle Emission Standards and Gasoline Sulfur Control Requirements Rule, U.S. Environmental Protection Agency, Air Quality and Standards Division and the Alternative Dispute Resolution Team within the Office of the Administrator: convening assessment on proposed regulations to allow streamlined permitting process for oil refineries to comply with the Clean Air Act, Tier 2 Rules, requested after concerns were raised by environmental justice advocates and

refinery “fence line” communities. As part of the formal docket, the assessment report was used by EPA to justify changes to the proposed rule.

Central Landfill Action Committee, U.S. Environmental Protection Agency, Superfund, Region I: assessment and recommendations for Johnston Central Landfill (RI) Action Committee, a group composed of legislators, federal and state environmental officials, Mayor and city council members, and citizens from neighborhoods abutting landfill, convened to address public health concerns.

Ensuring Emergency Response During Superfund Cleanups, U.S. Environmental Protection Agency, Superfund, Region I / Massachusetts Office of Dispute Resolution: determined feasibility of consensus process for allocation and location of state hazardous materials teams and identification of training and equipment needs for local emergency response personnel, to assure availability for accidents at Superfund sites.

Main Street Redevelopment, Derby, Connecticut, U.S. Environmental Protection Agency, Brownfields, Region I: convening assessment for the use of consensus building process to develop a plan to redevelop the south side of Main Street in Derby, Connecticut.

Regulatory Relief in Housing, Home Builders Association of Connecticut/ Fannie Mae Foundation: identified opportunities for regulatory relief in state empowerment zones to reduce housing costs and stimulate development in low income areas.

Recycling Radioactive Scrap Metal, U.S. Environmental Protection Agency, Office of Radiation and Indoor Air: determined feasibility of a negotiated rulemaking to develop standards for recycling slightly radioactive scrap metal.

FACILITATION

Abortion Dialogue among Pro-Life and Pro-choice Leaders, in conjunction with the Public Conversations Project: six-year dialogue on the issue of abortion, called for by the Massachusetts Governor and the Cardinal of the Archdiocese of Boston after fatal shootings at two Massachusetts women’s health clinics. Dialogue participants coauthored a *Boston Globe* article describing their experiences of the facilitated dialogue.

Informational Meetings for Responsible Parties at Beede Superfund Site, U.S. Environmental Protection Agency, Region I: informational meetings for early de minimis (smallest contributors) settlement offered to 900 potentially responsible parties (PRPs), of which 496 settled.

UN Civil Society Outreach Symposium, sponsored by The Stanley Foundation, cosponsored by the World Federation of United Nations Associations Under the Patronage of the President of the General Assembly of the United Nations: meeting of non-governmental organization leaders, United Nations senior staff, permanent representatives to the United Nations, and multi-lateral finance organization officials to

recommend strategies for strengthening the relationship between civil society and the UN System.

Children's Health Protection Advisory Committee, U.S. Environmental Protection Agency, Office of Children's Health Protection: policy dialogue among doctors, public health specialists, child advocates, environmental justice advocates, environmentalists, state and federal government officials, and representatives of pesticide, pharmaceutical, agricultural and chemical industries and farm workers, to develop recommendations to EPA to protect children from environmental threats.

City Council, City of South Portland, Maine: meeting to address controversial education and budgetary issues.

Coastal Stewardship Task Force, U.S. Department of Commerce, National Oceanic and Atmospheric Administration: facilitated Coastal Stewardship Task Force site visit meetings, designed to review NOAA's coastal research, resource protection, and management programs to assure that NOAA's resources are being used most effectively and that NOAA's statutory mandates are properly implemented.

Common Sense Initiative, Iron and Steel Subcommittee, U.S. Environmental Agency, Office of Water and Region V: policy dialogue among steel industry, environmentalists, environmental justice advocates, state and federal government officials, and union representatives to develop recommendations for ways to regulate the steel industry that are "cleaner, cheaper, and smarter," with a focus on permitting, brownfields, innovative technologies, and compliance.
Winner of Hammer Award: National Partnership for Reinventing Government.

Middle East Fellows Dialogue, Institute for Social and Economic Policy in the Middle East, Kennedy School of Government, Harvard University: facilitated discussions among Israeli and Palestinian health care professionals to build relationships to support joint health care projects in the West Bank and Gaza.

Organizational Change, Associated General Contractors of Massachusetts: facilitated Board of Directors meeting to identify and articulate process expertise among successful contractors of public works projects to expand mission of organization.

Securing Energy Sources, New England Governors Conference: discussion of regional energy needs, energy options, and authorities necessary for securing required power resources.

Student/Faculty Town Meeting, Department of Urban Studies and Planning, Massachusetts Institute of Technology: facilitated discussion of student aid allocations, faculty hiring, minority recruitment, and curricula.

Coastal Stewardship Task Force, U.S. Department of Commerce, National Oceanic and Atmospheric Administration: facilitated Coastal Stewardship Task Force site visit meetings, designed to review NOAA's coastal research, resource protection, and management programs to assure that NOAA's resources are being used most effectively and that NOAA's statutory mandates are properly implemented.

WORKSHOPS

Helsinki University of Technology, Finland: workshop on environmental and public policy mediation for Finnish government officials and academics seeking to improve implementation of the Finnish Land Use and Building Act of 1999.

Netherlands Organization for Applied Scientific Research (TNO), Delft, Netherlands: workshop for environmental professionals and academics on negotiation fundamentals, mediation and interactive policymaking processes, and complex stakeholder involvement. The workshop included consultation on European Union projects on sediments in Dutch waterways.

International Workshop on Dispute Resolution, Tel Aviv, Israel, co-sponsored by the Israel Bar Association, the International Society of Professionals in Dispute Resolution, and others: workshop brought together Palestinians, Israelis, Americans, and Europeans to discuss and teach basic mediation and conflict resolution skills and to learn about and compare various processes in use, for example, the models used at Neve Shalom-Wahat-Al-Salaam (Oasis of Peace).

Naugatuck Valley Brownfields Workshop on Consensus Building, U.S. Environmental Protection Agency: workshop to introduce consensus building tools for use in brownfields redevelopment. It included negotiation training for local government officials, developers, community activists, and citizens.

Introduce Consensus Building Processes to Housing Experts, Fannie Mae / National Association of Home Builders: workshop to discuss the use and value of consensus building processes to promote the development of affordable housing nationwide.

U.S. Environmental Protection Agency, New Hampshire Estuary Program: workshop on consensus building processes and their potential use by the New Hampshire Estuary Project.

Hazardous Substances Program, Massachusetts Institute of Technology: workshop to discuss health effects of incinerators, attended by industry and environmental technical experts.

Renew America: workshops among award winners to identify and develop best practices on a range of environmental issues.

Massachusetts Executive Office of Communities and Development / Massachusetts Office of Dispute Resolution: workshop for local elected officials in consensus-based planning, visioning, and dispute resolution skills.

TRAININGS

Truman Institute for the Advancement of Peace, Hebrew University: training for Israeli and Palestinian professional facilitators, who went on to co-facilitate dialogues within their own communities and between their communities.

Multi-Party Negotiation and Conflict Resolution Training Framework, U.S. Department of Defense, Air Force in conjunction with the U.S. Institute for Environmental Conflict Resolution: advised and consulted on framework to be used to train Air Force officers in complex negotiations for crisis response and contingency planning.

National Preparedness Leadership Initiative, Harvard School of Public Health and Kennedy School of Government, Harvard University: conflict resolution training for high-level government officials who are responsible for responding to bio-terrorist attacks.

Program for Health Care Negotiation and Conflict Resolution, Harvard School of Public Health, Harvard University: mediator mentor for week-long negotiation and mediation training for health care professionals.

Massachusetts Department of Environmental Protection: negotiation training for regional engineers and section chiefs for settlement negotiations concerning enforcement cases for regulatory violations, included development of a simulation involving surface water discharge violations.

Massachusetts General Hospital: negotiation training for nursing students.

Massachusetts Highway Department: facilitation training for highway and road designers and engineers.

Monitor University, Monitor Corporation: policy negotiation and consensus building training for corporate managers.

Program On Negotiation at Harvard Law School: multi-party, multi-issue negotiation training for human resource managers.

NEGOTIATION SIMULATIONS & CASE STUDIES

Negotiation Simulations

Affordable Housing Negotiations: Defining Fair Share Simulation, created for Fannie Mae and National Association of Home Builders: simulation involving mediated negotiations among municipalities to develop a fair share formula that will result in affordable housing unit allocations.

East Falls Brownfields Redevelopment Simulation, created for U.S. Environmental Protection Agency, Naugatuck Valley Brownfields Workshop on Consensus Building: used to train local government officials, developers, community activists, and citizens in negotiation techniques to streamline brownfields redevelopment. Co-authored with the Consensus Building Institute.

Fishladder Claim Simulation, created for the U.S. Army Corps of Engineers: internal agency negotiation regarding the use of non-binding arbitration to settle a contract claim between a government agency and a private contractor.

New Crimea Prison Overcrowding Simulation, created for the Edna McConnell Clark Foundation: an eight-party negotiation concerning the development of a comprehensive state policy to alleviate prison overcrowding.

Orchard Juice Company Simulation, created for the Massachusetts Department of Environmental Protection: used to train regional engineers and section chiefs for settlement negotiations of enforcement cases for regulatory violations. The simulation concerns surface water discharge violations.

Probation Games created for the Edna McConnell Clark Foundation: set of three simulations developed for and used in training court probation officers in mediation and negotiation techniques.

Water on the West Bank Simulation: six-party, mediated negotiation between Israelis and Palestinians concerning a proposed project to drill a deep water well on the West Bank. This simulation was used to train officials from Israel's Ministry of Justice, Palestinian and Israeli environmental mediators, and at numerous conflict resolution workshops and mediation trainings.

Case Studies

Social Capital Formation, Public Building, and Public Mediation: The Chelsea Charter Consensus Process, Dayton, Ohio: Kettering Foundation, 1998.

Affordable Housing Mediation: Building Consensus for Regional Agreements in the Hartford and Greater Bridgeport Areas with Lawrence Susskind, Cambridge: Lincoln Institute of Land Policy, 1990.

The Chelsea Charter Consensus Process and the Affordable Housing case studies were also published in *The Consensus Building Handbook: A Comprehensive Guide to Reaching Agreement*, edited by Lawrence Susskind et al, 1999.

The Dynamic of Needs and Interests: A Mediator's Response to the Israeli-Palestinian Conflict, Cambridge: Program on Negotiation at Harvard Law School, 1988.

The following case studies were written for the U.S. Army Corps of Engineers, Institute for Water, Alternative Dispute Resolution Series:

Deciding Whether or Not to Partner Small Projects: A Guide for U.S. Army Corps of Engineers Managers: a management decision-making tool for determining when to use partnering, a conflict prevention procedure, for small projects (includes 12 case studies).

Small Projects Partnering: The Drayton Hall Streambank Protection Project; Analysis of the use of partnering in small projects.

Tennessee Tombigbee: Analysis of mini-trial used to settle a \$55.6 million claim concerning the Tennessee Tombigbee Project -- a five-year, \$270 million project to excavate an eleven mile stretch of the Tennessee Tombigbee Waterway. Co-authored with Lawrence Susskind and Eileen Babbitt.

Bechtel National, Inc.: Analysis of mini-trial used to settle a series of claims that totaled \$21.2 million during construction of the Consolidated Space Operations Center in Colorado. Co-authored with Lawrence Susskind and Eileen Babbitt.

Granite Construction Company: Analysis of non-binding arbitration to settle a \$1.7 million contract claim concerning the sand source used during the construction of the Aberdeen Lock and Dam of the Tennessee Tombigbee Waterway. Co-authored with Lawrence Susskind and Eileen Babbitt.