



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

NOV 19 1999

THE ADMINISTRATOR

MEMORANDUM

SUBJECT: Establishment of the Conflict Prevention and Resolution Center within the Immediate Office of the Office of General Counsel

TO: Assistant Administrators
Regional Administrators
Associate Administrators
General Counsel
Inspector General
Chief Financial Officer
Staff Office Directors

As I detailed in my memorandum of October 27, 1998, on Alternative Dispute Resolution (ADR), I place great importance on decision making processes that anticipate and avoid conflict, and the consensual resolution of disputes that do arise. I am pleased that a number of Headquarters and Regional Offices effectively use the help of neutral third parties to improve the decisions we make and resolve disputes quickly and efficiently. I am also proud of our contribution to government-wide ADR efforts. The Attorney General recently praised EPA's leadership in the inter-agency ADR working group and has asked us to take on new responsibilities in the future.

As a logical next step in the evolution of EPA's ADR program, I have decided to establish an office called the Conflict Prevention and Resolution Center ("the Center") to serve as the Agency's ADR national policy and coordination staff office. This new office will be organizationally located in the Immediate Office of the Office of General Counsel (OGC). The specific mission of the Center will be to fulfill our obligations under the Administrative Dispute Resolution Act (ADRA) and other relevant laws and policy directives aimed at ensuring effective use of ADR in the federal government. Details about the Center and its work are attached for your information.

In deciding to establish the Center, we consulted closely with officials in program offices and the Regions that use ADR to promote dispute avoidance and resolution in their programs. We believe creation of the Center, with its own dedicated staff, will enhance the use of neutral third parties in EPA decision making and will support ADR program development throughout the Agency. We all agree that stronger central policy-making and support for neutral services is needed for the ADR program, and that better cross-Agency coordination is in the best interest of EPA. In furtherance of this objective, I anticipate that Agency-wide responsibilities for management and oversight of the neutral selection process currently carried out within the Office of Policy and Reinvention will be shifted to the Center as part of the reorganization of that office.

Bob Ward, who serves as the Agency's Senior Counsel for Alternative Dispute Resolution and designated Dispute Resolution Specialist reporting to me under the ADRA, will be the acting director of the Center. I have asked Bob to work with appropriate staff in OARM to complete all necessary documentation and union coordination for a smooth and timely implementation of this reorganization.

I have asked Bob to continue meeting with interested Headquarters and Regional offices to consider how best to structure the Center to meet your needs. Our goals include involving you in the development of an overall Agency ADR policy, ensuring effective coordination of ADR activities throughout the Agency, and getting timely and accurate information to those who might use ADR. With your help, we can design an ADR system at EPA that will increase our ability to engage our state and local partners, the regulated community, environmental and public health groups, and the public to improve protection of public health and the environment.



Carol M. Browner

Attachment

CONFLICT PREVENTION AND RESOLUTION CENTER FACT SHEET

PURPOSE

The Conflict Prevention and Resolution Center ("CPRC") will serve as the Agency-wide resource for Alternative Dispute Resolution ("ADR") services and will undertake policy development, program support, case management and reporting responsibilities pursuant to the Administrative Dispute Resolution Act of 1996 (ADRA) and Presidential directive. Building on existing ADR efforts at EPA, the CPRC will assist Agency offices in identifying appropriate non-adversarial and collaborative ways of preventing and resolving disputes and making neutral third parties more readily available for this purpose.

BACKGROUND

EPA is a leader in the use of ADR in its programs. The Office of Enforcement and Compliance Assurance, the Office of Administrative Law Judges, and the Office of General Counsel have a long history of working with headquarters program offices and the Regions in promoting the effective use of ADR to resolve conflicts. The Office of Policy and Reinvention and the Office of Cooperative Environmental Management support processes for stakeholder involvement that facilitate Agency actions informed by those parties most directly affected by them. The Regions have strong ADR programs that foster stakeholder involvement and the resolution of workplace disputes and enforcement cases.

In response to the President's May 1, 1998 memorandum on greater use of ADR throughout the Executive Branch, and in fulfillment of the ADRA, offices throughout EPA are now examining ways of expanding the use and effectiveness of ADR. Notable in this regard is a collaborative effort, led by the Office of Administration and Resource Management, the Office of Civil Rights (OCR), and National Treasury Employees Union and the American Federation of Government Employees, to design a workplace ADR program for headquarters. Similarly, OCR and the Office of Environmental Justice are leading efforts to consider how to use ADR in achieving our environmental justice and civil rights objectives.

OFFICE RESPONSIBILITIES

The main function of the Center will be to assist Agency offices in identifying "appropriate" uses of ADR in all areas of EPA decisionmaking. The Center will provide the following services on an Agency-wide basis:

- Advice and training to increase the appropriate and effective use of ADR;
- Assistance in identifying third-party neutrals from the CPRC, other Agency offices, and outside the Agency;
- National ADR policy development and coordination of inter-agency ADR activities;
- Program development, evaluation, oversight, case management and reporting;
- Information for Agency offices and the public on ADR use at EPA.

The needs of EPA client offices will further define the operational details of the Center's work.