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TECHNICAL  
PROCEDURAL GUIDANCE

**PUBLIC PARTICIPATION AND MEDIA RELATIONS**

## NOTES

### **Public Participation and Media Relations**

#### **GUIDANCE SUMMARY-AT-A-GLANCE**

- # Public participation during a spill response can involve: (1) contacts with the public during the conduct of a spill response in the field, (2) dealing with requests from the media, and (3) public participation in the planning for spill cleanup as envisioned under the federal UST corrective action regulations.
  
- # Exercise caution in contacts with the public or media when you respond to a spill.
  - Avoid giving out the wrong information, speculating about the situation you are responding to, making accusations against violators, or providing incorrect facts about a company or other agency.
  
  - Avoid making statements or providing information that may become pertinent in the event DEC or the Oil Spill Fund becomes a party to a court action.
  
- Be courteous and attempt to provide accurate information to questions within the limits stated above. In some cases, it may be appropriate to indicate that we do not have any information, or to delay answering a question and indicate, rather, when an answer might be available.
  
- # In most cases, refer media requests to the Regional Spill Engineer (RSE).
  
- # Do not provide to the media investigative data that may become pertinent in the event DEC or the Oil Spill Fund becomes a party to a court action.
  
- # On a large major spill, coordinate your reports with the Regional Public Information Specialist or the Bureau of Spill Prevention and Response, and seek their assistance, when needed, on smaller spills.

## NOTES

### **2.5 Public Participation and Media Relations**

Public participation during response to a spill can involve: (1) contacts with the public during the conduct of a response to a spill in the field, (2) dealing with requests from the media, and (3) public participation in the planning for spill cleanup as envisioned under the federal UST corrective action regulations.

We have policies governing the handling of information requests from the media (see below), notification procedures for emergency responses to spills (see Part 1, Section 3), and policies and procedures governing requests for records pursuant to the state's Freedom of Information Law. Implementation of the latter requirement is left to the discretion of the spill responder, but, at a minimum, should include coordination and consultation with local officials and notification of the Regional Public Information Specialist.

Exercise caution in your contacts with the public or media when you respond to a spill. Avoid giving out the wrong information, speculating about the situation you are responding to, making accusations against violators, or providing incorrect facts about a company or other agency. Avoid making statements or providing information that may become pertinent in the event DEC or the Oil Spill Fund becomes a party to a court action. At the same time, you should be courteous and attempt to provide accurate information to questions within the limits listed above. In some cases, it may be appropriate to delay answering a question and indicate, rather, when an answer might be available.

#### **1. Dealing with the Media**

**In most cases, you should refer media requests to the Regional Spill Engineer (RSE).** Our procedural suggestions to RSEs for dealing with the media are:

- # In some cases, a brief statement that we do not have any information to give to the public may be appropriate, or, if an answer to an inquiry is not available, indicate when it might be.
- # Giving out wrong information, no information, speculating on situations, making accusations against violators, or providing incorrect facts about a company or other agency can lead to bad public relations or a tarnished public image and may invite court battles. The basic spill data you report should include: (a) nature, extent, and time of spill; (b) location of the incident; (c) size of the spill; (d) source of the incident, if *definite*; (e) cause of the spill, if *definite*; (f) chances of any further spillage, spreading, or damage; (g) details of the clean-up plans or efforts; and (h) agencies involved in the cleanup.
- # Update your news if there is new information or if your story has been changed by continuing events at the scene.

## NOTES

- # Don't provide to the media investigative data that may become pertinent in the event DEC or the Oil Spill Fund becomes a party to a court action. Provide only general information to the media in these cases.
- # On a large major spill, coordinate your reports with the Regional Public Information Specialist or the Bureau of Spill Prevention and Response and seek assistance, when needed, on smaller spills.

### **2. Public Participation in UST Spills**

The final federal regulations governing release response and corrective action for UST systems containing petroleum or hazardous substances (40 CFR Part 280, Subpart F) include requirements for public participation in UST spills (Section 280.67). These requirements are as follows:

- (a) *For each confirmed release that requires a corrective action plan, the implementing agency must provide notice to the public by means designed to reach those members of the public directly affected by the release and the planned corrective action. This notice may include, but is not limited to, public notice in local newspapers, block advertisements, public service announcements, publication in a state register, letters to individual households, or personal contacts by field staff.*
- (b) *The implementing agency must ensure that site release information and decisions concerning the corrective action plan are made available to the public for inspection upon request.*
- (c) *Before approving a corrective action plan, the implementing agency may hold a public meeting to consider comments on the proposed corrective action plan if there is sufficient public interest, or for any other reason.*
- (d) *The implementing agency must give public notice that complies with paragraph (a) above if the implementation of an approved corrective action plan does not achieve the established clean-up levels in the plan and termination of that plan is under consideration by the implementing agency.*