

# The Polluters Battle Plan

## Community Selection:

Find a place where you will run into the least opposition ~ target a “Cerrell” community. (21 years ago the California Waste Management Board paid Cerrell Associates half a million dollars to define communities that won’t resist siting of LULUs [ Local Undesirable Land Use]. Cerrell provides important proof that siting is 99% politics and 1% science)

## The Cerrell study says:

### Least Likely to Resist:

- Southern/Midwestern
- Rural
- Open to promises of economic benefits
- Conservative
- Above middle age
- High school or less education
- Low income
- Catholics
- Not involved in social issues
- Old-time residents (20 years +)
- “Nature exploitive occupations” (farming, ranching, mining)

### Most Likely to Resist:

- Northeastern, western, California
- Urban
- Don’t care or benefits are minor concern
- Liberal, welfare state
- Young and middle aged
- College educated
- Middle and upper income
- Activist
- Residents for 5 – 20 years
- Professional occupations

## Scope out the opposition:

- \_\_\_ monitor news media to identify community activists
- \_\_\_ assess potential opponents past behavior
- \_\_\_ determine their self-interests and vulnerabilities
- \_\_\_ keep good, up to date files on opponents
- \_\_\_ determine their sources of funding, if any
- \_\_\_ find out who their friends are

## Don’t waste time or money trying to win over the NIMBYs:

- \_\_\_ follow all of the steps in #2, scooping out the opposition, plus:
- \_\_\_ involve them in the process, painlessly, through devices like Citizens Advisory Committees
- \_\_\_ take them on trips to see “models” on which our LULU will be based
- \_\_\_ find out what they need (or would like) and promise it (jobs, money for schools, public services, free trash service, direct grants to the community, increased tax base,

- donations for community projects, museums, the arts, etc.)
- determine what benefits they will get from the LULU and make sure they understand what's in it for them.
- find backers who have "name appeal", who will sway others
- get opinion-shapers and community leaders bought in by offering them shares in the project either at reduced cost or for free, or promise them jobs or business for their companies or economic benefits for the community in general

**Let our allies take on the NIMBYs for us.**

**Use sophisticated public relations methods:**

- use quality public relations materials, the slicker the better
- use our greater resources by use of the media through paid ads in local newspapers, television and radio
- have good, well-trained people representing us. Recruit tired, disgruntled staff from environmental groups who are tired of working for public interest wages
- use quality audio-visual materials (videos, slidetape, displays, movies)
- prepare and distribute quality materials for the children and donate them to local schools. Cartoon or coloring books are an excellent tool.

**Keep the debate focused on our agenda and make the NIMBYs react:**

- create a sense of the inevitable with remarks like, "it's got to go somewhere"
- speed up the process, or at least create the impression the process is moving along rapidly to keep the NIMBYs on edge
- emphasize every single step of the process so NIMBYs see each stage as a life-or-death situation
- bring in and keep in the forefront an array of "bi-lingual" technical experts (who can speak plainly when appropriate, but are good at scientific double talk)
- only do battle with the NIMBYs in forums that are either friendly (e.g. government-run public hearings) or controlled by us
- have hearings and meetings held in rooms that are much, much larger than the anticipated crowd, it makes it look like not many people are concerned
- do all we can to subtly avoid meeting the NIMBYs on their turf, but without running the risk of seeming cowardly.
- if we must meet the NIMBYs, try to select who and how many of them we meet
- make NIMBYs feel they must answer our technical arguments, point by point, by stressing rules of government procedure that require decisions to be made on the legal and technical merits, discounting public sentiments and politics
- make arrangements with government hearing officers so our technical experts make their presentations first. Have our technical experts take their time
- dismiss NIMBYs during and after encounters as "emotional, hysterical, selfish, unfactual, irrelevant, selfishly motivated, anti-jobs, tree huggers, socialists (or worse), unrealistic, ignorant, hypocritical" (by focusing on household toxics use and other consumer behavior)
- try "sand-bagging" (it's fun) Get hearing dates changed at the last minute, since NIMBYs have little money or access to technical experts and changing a hearing date will make them panic
- try to get hearings scheduled during the daytime on a working day or during the Thanksgiving to Christmas period.

### Use “state of the art” language:

- start with “state of the art”
- “acceptable risk” – what our experts, not to mention our accountant, feels would be ok for the turkeys in this community
- best available technology
- best available **European** technology
- use poly-syllable, hyphenated terms derived from Latin or Greek or explanations like, “the hydro-geological characteristics of these soil strata indicate a excellent permeability co-efficient of ten to the minus 7, meaning that compounds such as VOCs will leach at the rate of less than 1 ug per milliliter per meter per year, but that’s not a problem since our state of the art leachate collection system will capture any ambient discharge that escapes our double-lined 60-mil polyethylene liner, which as you all know, is the height of the science of such technologies.” Ok?
- only talk about what we want to talk about, in terms we want to use. If NIMBYs don’t use our language, treat them as ignorant and unworthy of respect, talking down to them is the best way to do this.

### Carefully monitor the NIMBYs’ activities:

- Monitor the media. Keep a good clippings file. Record any television coverage.
- Have a representative at their meetings. They need not identify themselves, though there could be backlash if discovered. If our rep does identify him or herself, it could have a useful chilling effect on the group or could make the representative a “lightning rod” for anger (which isn’t so bad, since s/he isn’t a policy maker).
- listen to what people are saying on the street, on radio talk shows, in the letters to the editor column, etc.

### Be prepared to get tough with the NIMBYs:

- When the NIMBYs hold a public meeting, it’s perfectly legal for us to invite our supporters, including employees, to attend in force and speak their minds.
- if NIMBYs make uncomfortable accusations about us, don’t be bashful about having our lawyer send them a letter warning them of the consequences of breaching libel or slander laws (even if there’s no such breach evident).
- If, heaven forbid, a member of the NIMBYs works or does business for us, take all necessary steps to remind him/her about basic loyalty and self-interest
- if the NIMBYs sue us, we’re well without our rights to counter-sue
- if the NIMBYs sue us, make sure our counsel wages an aggressive defense. Don’t hold back in tactical use of the deposition, interrogatories, etc.
- use higher authorities. If the NIMBYs block us through local government, see if a higher authority (state, federal or the courts) can override that local decision
- everybody’s got their price. Determine the price of key NIMBY leaders and be prepared to pay it
- rough stuff, like getting physical, isn’t nice and could backfire in a real serious way. But be prepared to do damage control should one of our employees view our frustration with the NIMBYs as a signal we want them “dealt with”

### Have a back up site in mind, or a **Plan B** if we fail to defeat the NIMBYs.