

**PROMOTING SUSTAINABLE AGRICULTURE THROUGH A
SYSTEMS APPROACH TO CONSENSUS BUILDING AND PUBLIC
POLICY EDUCATION**

FINAL REPORT

**THE NORTHEAST REGION SUSTAINABLE AGRICULTURE RESEARCH AND
EDUCATION PROGRAM**

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Preface

This report represents an on-going interest in public policy education by scholars at Cook College, Rutgers University. The focus on public policy education is particularly salient at this time because of the increased involvement of land grant colleges in policy issues. These issues are often contentious revolve and around the environment natural resources. Despite the efforts by sustainable agriculture proponents regarding the decrease in chemical use, the conflicts which surround chemicals in agriculture are likely to be around for a long time. This recognition argues for the development of consensus building and conflict resolution strategy as a mechanism to aid agricultural producers in today's contentious environment. This report contains the framework for such a strategy and suggests the need for ongoing public policy education to assist extension educators in future extension programming.

We would like to express special thanks to the Northeast SARE program for funding the project, to Drs. Zane Helsel, Director of Rutgers Cooperative Extension, and Tom Orton, Chair, Department of Extension Specialists, and Mr. Bruce Barbour, Chair, Agricultural Resource Management Agents. Special thanks are due to the planning committee comprised of members from Cornell Cooperative Extension, University of Connecticut Cooperative Extension System, USDA, New Jersey Department of Environmental Protection, Rutgers Cooperative Extension, Department of Agricultural Economics and Marketing, Cook College, and the Center

however, we wish to thank the participants at the March 1, 1996 workshop.

Edmund M. Tavernier, Maurice P. Hartley, Adesoji O. Adelaja, Luane J. Lange, Alan J. Hahn.

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Promoting Sustainable Agriculture Through A Systems Approach to Consensus Building and Public Policy Education

Introduction

Extension educators and USDA personnel can play a significant role in promoting sustainable agriculture because many have already established credibility as mediators through their record of service and work with individuals and groups who are directly affected by public policy issues. However, as the issues and practices involving environmental protection and sustainable agriculture, and public policy development have become increasingly complex, Extension educators, and USDA personnel, have recognized the need for improved and expanded training in public policy, consensus building, and conflict resolution strategies.

The objectives which follow raise important concepts that need to be clarified. These concepts include **sustainable agriculture (SA)**, **consensus building (CB)**, and **public policy education (PPE)**.

Sustainable agriculture for the purposes of this project represent an integrated system of plant and animal production practices having a site specific application. It is a goal rather than a rigidly defined set of practices. The goals include (i) production of food in ways that can be continued indefinitely; (ii) consideration of both environmental and economic consequences of SA practices; (iii) reduction in chemicals; and (iv) use of ecological practices such as crop rotation, application of manure (NW Area Foundation, 1994).

Consensus building is a method for making decisions that all members of a group can support. The method encourages mutual education, the creation of joint knowledge, the generation of multiple options, and the selection of an option that satisfies mutual interests.

Consensus building is generally necessary when groups acting alone do not possess the political, economic, and cultural resources to effectively and efficiently achieve their agendas (Tavernier et al., 1995).

Public policy education is education about public issues, policy making processes, and opportunities for effective participation, and can assist public policy workers by helping create a more knowledgeable and potentially supportive citizenry (Hahn, 1992). It is in the area of (ii) - (iv) under SA that CB/PPE becomes crucial.

I. Objectives

The objectives of the project were to (1) identify and explain key issues related to sustainable agriculture and the role of agriculturalists as environmentalists, (2) identify and describe the basic elements of consensus building/public policy education (CB/PPE) models and skills, (3) demonstrate and apply CB/PPE skills in simulation exercises based upon real-life problems such as conflicts involving resource utilization, zoning and planning, property rights, and rural/urban interface, (4) develop and implement CB/PPE forums, programs and/or strategies appropriate to their respective work-settings to facilitate improved communication, understanding and dispute resolution, (5) assist in the training and educating of other colleagues, community leaders, and constituencies who may wish to join them in CB/PPE endeavors as they arise, and (6) disseminate research and other project results to the general public, others represented in the study, and appropriate professional groups and agencies for use, as appropriate.

II. Abstract

Guided by a multidisciplinary project advisory committee (PAC) from the northeast, project investigators trained Extension and USDA field personnel in CB/PPE skills as they relate to promoting sustainable agriculture and a healthy environment. The training was provided during simulation exercises based on real-life conflicts. The results suggest that participants had extreme difficulty mediating conflict and acting as neutral facilitators because their current role requires that they give advice and provide answers and solutions to the problems of their clientele. Participants argued that while they saw the value in serving as facilitators/interveners versus problem solvers they reported that to be effective in their "new role" would necessitate a shift in expectations of the farm community in the role/services that extension agents provide.

III. Specific Project Results: Accomplishments

Specific project results by objectives are as follows. Phase I: Project investigators met with members of the project advisory committee on November 6, 1995 to formalize the list of Extension and USDA personnel and other key leaders from local communities who might benefit from training in CB/PPE (see **Appendix A**). Present at the meeting were agricultural agents from Connecticut, New York and New Jersey, personnel from USDA, FSA, New Jersey State Board of Agriculture, New Jersey Department of Environmental Protection and the Center for Negotiation and Conflict Resolution, Rutgers University.

Phase II: The advisory committee recommended that the day-long workshop scheduled for January be postponed to March 1, 1996 (see **Appendix B**; flyer) invitation, thank u's, presentation, etc.) because of the anticipated adverse weather conditions in January and February.

At the March workshop a panel of experts discussed sustainable agriculture issues which had the potential for creating conflict. Elements of intervention processes were outlined; "hands-on" training in conflict simulation exercises was provided; topics in public policy education and the potential for education to help resolve controversial public policy issues were included in the program (more details are provided in the **proceedings**).

Results: Participants in the conflict simulation exercises discovered that they had extreme difficulty acting as neutral interveners. They reported an increasing temptation to solve the problem for the "disputants." The majority of those who participated in the exercises said that their current role requires them to give advice and answers and to provide solutions to their clientele's problems. While many saw the value in serving as facilitators/interveners versus problem solvers they reported that to be effective in their "new role" would necessitate a shift in expectations of the farm community in the role/services that extension agents provide.

The public policy experts observing the simulation exercises highlighted some of the pitfalls for which CES faculty should be on the alert. These include: familiarity with one of the parties; expert position and/or personal opinion; the transfer of expert issue role to expert on process resolution role; and tolerance of non-expert group input as participants sort through "obvious" inappropriate solutions. The public policy educators also noted that the simulation exercises raised some interesting questions. These questions and the resulting dialogue can provide an opportunity for the development of an organizational public policy position. The following were among the questions: (a) what can CES facilitation of contentious issues offer to a larger picture? (b) who values facilitation of contentious issues? (c) what are the long-term educational benefits? (d) how does facilitation of contentious issues conceptually fit with the idea

that the educational role of CES is to provide a solution that is systematic, portable, useable by others? (e) what organizational and personal pitfalls may exist? (f) should a faculty member's professional identity as expert now be adjusted to include that of being a convener or facilitator? (g) what personal satisfactions are derived from the "you" of group problem-solving instead of the "I" that provides answers? (h) what personal professional reprogramming is necessary? (i) what organizational reprogramming is necessary?

Phase III: The workshop participants submitted sample "implementation plans" which identified specific ways conflicts or contentious issues could be addressed.

Results: The "implementation plans" proposed by participants examined issues related to consumer concerns about food safety; recycling compliance; and deer overpopulation. These issues were examined with a view to identifying stakeholders, finding alternative solutions, deciding information requirements, and formulating an evaluation plan.

Phase IV: Outlines of the "implementation plans" which consider the elements to be included in the framework addressing contentious issues can be found in **Appendix C** (implementation plans). The elements include (i) problem identification, (ii) stakeholder involvement, (iii) alternative solution, (iv) information base, and (v) evaluation procedure.

While the outline is generic the framework elicited topics with SA implications. For example, consumer concerns' regarding chemicals in the food supply is of interest to SA practitioners. The participants who identified "consumer concerns with food safety as promoted by the mass media," thought that the mass media, the chemical industry, CES, and farmers among others should be among the stakeholder groups addressing the issue of food safety. One of the solutions for more accurate media reporting proposed by the participants included making

the media more accountable (monetarily) for any errors in food safety reporting and a possible loss of their business license. Participants also thought that an educational program to raise the food safety level of information was required.

Phase V: The analysis of the program reveals that 79% of the participants agreed that the goals of the in-service program were clearly identified. Ninety-three percent of the participants found the simulation exercise and the subsequent feedback and discussion very informative. When asked to provide the most useful or relevant aspects of the program, the role playing/simulation exercises as well as the difficulty of mediating from an Extension perspective were noted.

The feedback from the participants provided new insights into the readiness of extension professionals to provide coalition building and conflict resolution strategies to address new challenges to extension programming. The feedback suggests that extension professionals may be ill-prepared to provide these strategies because they are trained in the basic sciences and the necessary skills and practices needed for these strategies are found in the social sciences, including psychology and education.

Phase VI: The final report will be disseminated to appropriate personnel and interest groups when completed.

Specific Project Results: Publicity for the Activities and Programs

The article "Public Policy Education: An expanding role for land grant colleges" based on the results of the project has been submitted for publication to the journal Agriculture and Human Values (see **Appendix D**; copy of paper to AGHV)). The results were also presented

to Extension professionals from the northeast at the Natural Resources and Environmental Management meeting in Tannersville, PA May 28-30, 1996 (see **Appendix E**). Further publicity of the results from the project was provided at the Agricultural Economics Association meetings in Texas (July), and will be provided at the National Public Policy Education Committee meetings in Rhode Island (September; see **Appendix F**).

IV. Potential Contributions and Practical Applications of the Professional Development Program

The program evaluation form (see **Appendix G**) was used to assess participants' views of the process and its potential benefits. The results (see **Appendix H**) indicate that 93% of the participants rated the program "Excellent" or "Good." Participants also reported that they benefitted significantly from the simulation exercises and that they gained a new appreciation for mediating from an extension perspective.

PROCEEDINGS

**Promoting Sustainable Agriculture Through A Systems Approach
To Consensus Building And Public Policy Education:
The Workshop**

edited by

Edmund M. Tavernier and Maurice P. Hartley

Welcome and Remarks

Tom Orton, Chair

Department of Extension Specialists
Rutgers Cooperative Extension
New Jersey Agricultural Experiment Station

Welcome to the campus of Cook College/New Jersey Agricultural Experiment Station. I am pleased to see among us county agents, extension educators, specialists and a number of U. S. D. A. field personnel.

As you are aware, the **strategic plans** developed in Extension locally and nationally place emphasis on enhancing the way Extension helps society deal with controversial issues and public choices. While dispute resolution is not our primary activity, we often find ourselves on the fringe if not directly in the fray in issues related to "right-to-farm," sustainable agricultural practices, and environmental health and safety. Our record of service and established credibility places us in a position to play a pivotal role in the resolution of conflict and other problems, but most of us are not entirely comfortable in the role and recognize that we may benefit from further training.

Thus, a grant awarded by the Northeast Region SARE National Training and Education Program offers this timely opportunity for in-service training for both the newcomer and those experienced in intervention, consensus-building and other

conflict resolution strategies in areas related to public policy. As indicated in the flier and registration information sent to you in advance, the program today is entitled "Strategic Planning and Tools for Public Issues Education and Problem Solving." I invite your active participation throughout the day and believe that doing so will help us achieve the following goals:

- # See real-life issues in your work setting in the broader context of public problem solving.
- # Select the best role for yourself.
- # Size up the contribution an educational and consensus building approach could make.
- # Decide how to get started.
- # Incorporate the latest thinking about collaboration, problem solving, dispute resolution and other methodologies.
- # Help your community move toward a shared understanding of the issue and the process.
- # Identify resources to support your efforts.
- # Assess the impact of the collective efforts and activities.

Again, I welcome your participation and thank you for being here today. It is now my pleasure to turn the program over to Dr. Edmund Tavernier, Policy Specialist, who will tell you a little more about the activities for the day and introduce our panel and moderator.

Overview

**Edmund M. Tavernier and
Maurice P. Hartley**

Specialist in Agricultural
and Environmental Policy
Rutgers Cooperative Extension,
and Professor, Department
of Agricultural Economics and
Marketing, Cook College

The proceedings provide the background and the method used to prepare extension professionals for public policy education involving contentious issues. Public policy education provides an important framework within which extension programming is facilitated. Such a framework assumes new importance because the strategic plans developed by extension locally and nationally place significant emphasis on enhancing the way extension helps society handle controversial issues and public policy choices. However, extension professionals may be ill-prepared to address the challenges which lead to situations of conflict because of the changing policy environment.

The March 1996 workshop was conceived with two main goals in mind. First, we wanted to provide extension professional with the skills and training to do public policy education as it relates to the contentious issues surrounding sustainable agriculture and the environment. Second, we sought to assess the readiness of extension professionals for public policy education efforts. The skills and training were provided during simulation exercises, and the readiness of extension

professionals for public policy education was assessed during evaluation and "feedback sessions." The workshop and simulation exercises can be described as follows.

The contribution by Orton recognizes the fact that while dispute resolution is not the primary responsibility of extension professionals the prevalence of issues concerning sustainable agricultural practices and environmental health and safety often draw extension into situations of conflict. Orton also recognizes that extension can play a pivotal role in resolving conflict because of its record of service and established credibility with various clientele.

The paper by Tavernier outlines the challenges facing farm families in the U.S. Tavernier argues that the challenges increasingly result in strained relations between farmers and their non-farm neighbors which can be addressed in a collaborative framework. The paper also defines key concepts, namely, sustainable agriculture, consensus building and public policy education.

The agricultural perspective offered by Adelaja concentrates on right to farm conflicts related to state and municipal regulations in agriculture. Adelaja argues for a reasonable regulatory environment to encourage profitable farming and the maintenance of open space. Adelaja also suggests that a mechanism for resolving conflicts should be an essential part of right to farm legislation.

The contribution by Rabin examines the role of common law versus regulated law in addressing natural resource disputes. Rabin argues that common law is a solution-oriented method for addressing natural resource disputes. Rabin also argues

for strengthening private property rights as a mechanism for solving disputes.

The presentation by Tucker is concerned with point and non-point source environmental degradation. Tucker argues that the evidence from New Jersey suggests that regulatory law is a more effective mechanism for addressing natural resource disputes than common law. He argues that farmers and environmentalists should be strong allies but suggests that the farming community does itself a disservice by aligning with the extreme property rights movement.

The discussion among Adelaja, Rabin, Tucker and participants was very extensive, informative and deliberate, and covered a wide range of issues such the nature of resources (e.g. fugitive versus private) to the nature of conflicts. The disagreements which resulted from the discussion provided an opportunity for the moderator to define conflict and offer strategies for addressing situations of conflict. The discussion also set the stage for the simulation exercises which provided hands-on-training and experience in conflict resolution.

The simulation exercise devised by Mroczko centers around a dispute between a farmer and a non-farm neighbor with an agricultural agent as facilitator. The dispute involves odor, noise, pesticides, and other activities associated with farming. The exercise provides a real-life example of farm and non-farm disputes.

The paper by Hahn examines the information needed to make public and individual decisions. Hahn argues that providing information to people that helps them decide what they want is not sufficient when dealing with public decisions. He suggests that educators fail in their responsibility if they simply help individuals

decide what they want without providing a mechanism for interaction with other individuals on the different side of the issue. He argues that the public wants interpretation of the facts from the experts when public decisions are to be made.

The contribution by Lange provides the parameters within which public policy education can be facilitated. These include the role of an expert, an educator on the processes of policy development and the role of facilitator or convener. Lange argues that the role of facilitator is perhaps the most difficult for extension professionals to accept and perform. Lange suggests that the difficulty may be the result of the science base training and the absence of skills drawn from disciplines such as psychology and education.

Mroczko suggests in plenary notes, that the participants who played the role of agricultural agents found it difficult to avoid "solving" the problem for the disputants, versus acting as a neutral intervener. Participants said that their current role required them to give advice and answers and to provide solutions to their constituency's problems. While many saw the value in serving as a facilitator or intervener versus a problem solver, they felt that modifying their behavior was only a partial solution and that a change in roles would necessitate a shift in the farming community's expectations of the role/services that the extension agents and specialists provide. Historically, agricultural agents have served as advocates for the farming community, and the farmers have come to expect and rely on their support. The broader role of extension, of course, is to serve various constituents. Thus, a more balanced role of the mediator may become increasingly necessary.

The participants indicated that many of the specific techniques and approaches presented at the workshop were useful, and welcomed additions to their repertoire. Others, however, were more interested in learning how to "systematize" the intervention process, i.e., developing a mechanism that would apply "across the board" to certain categories of disputes, as opposed to a process that required one-on-one intervention. There was also discussion suggesting that the current university structure did not "reward" participants for effectively and efficiently intervening in such disputes, an issue that needs to be addressed.

Strategic Planning and Tools for Public Policy Issues Education and Problem Solving: The SARE Project

Edmund M. Tavernier

Specialist in Agricultural
and Environmental Policy
Rutgers Cooperative Extension

Across the United States, farm families are facing increasing challenges brought about by changing product markets and strained relationships with non-farm neighbors because of noise, odor, and certain agricultural practices. While the challenges to product markets are dictated, for the most part, by the laws of supply and demand and are outside our jurisdiction, the increasingly strained relationships between farmers and their non-farm neighbors can be addressed in a collaborative framework which results in win-win solutions for all parties.

Cook College and the New Jersey Agricultural Experiment Station look to the future, positioning the university, students, and our stakeholders to confront and overcome seemingly intractable challenges (Casey, 1996). These challenges often lead to conflict and have been accelerated by expanding farms, changes in agricultural technology, the movement of non-farm people to rural areas, and urbanization.

The strategic plans developed by Extension locally and nationally are cognizant of those challenges and therefore place emphasis on enhancing the way Extension helps society deal with controversial issues and public choices. Indeed, a major goal

of RCE is the development of skills in leadership and interpersonal relationships to improve youth, family, and community living and to reach realistic personal and social goals (Report of the Executive Dean, 1996). And although dispute resolution is not our primary activity, we often find ourselves on the fringe, if not directly in the fray, on issues related to right-to-farm (RTF), sustainable agricultural (SA) practices, and environmental health and safety. Our record of service and established credibility, positions us to play a pivotal role in the resolution of conflict and other problems, but most of us are not entirely comfortable in that role and recognize that we may benefit from further training.

A grant awarded to the New Jersey Agricultural Experiment Station by the Northeast Sustainable Agriculture Research and Education (NE SARE) National Training and Education program is designed to provide the opportunity for in-service training for both the newcomer and those experienced in intervention, consensus-building and other conflict resolution strategies in areas related to public policy. The objectives of the grant are to:

1. identify and explain key issues related to sustainable agriculture and the role of agriculturalists as environmentalists;
2. identify and describe the basic elements of coalition building and public policy education models and skills;
3. demonstrate and apply consensus building/public policy education (CB/PPE) skills in simulation exercises based upon real life problems such as conflicts involving resource utilization, zoning and planning,

- property rights, and the rural/urban interface;
4. develop and implement CB/PPE forums, programs, and/or strategies appropriate to their respective work settings to facilitate improved communication, understanding, and dispute resolution; and
 5. assist in the training and education of other colleagues, community leaders, and constituencies who may wish to join them in CB/PPE endeavors as they arise.

The objectives raise important concepts that need to be clarified.

- I. What is Sustainable Agriculture? Sustainable agriculture is an integrated system of plant and animal production practices having a site specific application. It is a goal rather than a rigidly defined set of practices. The goals include:
 - a. production of food in ways that can be continued indefinitely;
 - b. consideration of both environmental and economic consequences of SA practices;
 - c. reduction in chemicals; and
 - d. use of ecological practices of such as crop rotation, application of manure (NW Area Foundation, 1994).
- III. When is consensus building necessary? Consensus building is generally necessary when groups acting alone do not possess the political, economic, and cultural resources to effectively and efficiently achieve their agendas (Tavernier et al., 1995).

- IV. What is public policy education? PPE is education about public issues, policy making processes, and opportunities for effective participation, and can assist public policy workers by helping create a more knowledgeable and potentially supportive citizenry (Hahn, 1992).

This in-service training program contains all the elements of the above concepts. As was noted above, manure application forms one component of SA practices. Those practices could pose complex problems for farmers and their non-farm neighbors. In New York, for example, neighbors complained to local officials about odors from manure spreading on the Phillips Family Farm and asked the town to place restrictions on that farm. David Phillips said, "They never tried to address the issue with us; we didn't know there was a problem."

That example has all the makings of a conflict. The neighbors could file a lawsuit, and the Phillips could invoke the right-to-farm laws. Instead, the town supervisor, who was trained in dispute mediation, arrived at a mutually satisfactory solution. The Phillips agreed to: (i) limit weekend manure spreading, (ii) avoid spreading during special events, (iii) incorporate the manure into the soil, and (iv) notify the neighbors when they planned to spread the manure. In turn, the neighbors agreed to notify the Phillips of special events and discuss concerns directly with them not the town (Hilchey and Leonard, 1995).

Today, during the simulation exercises, you will be in the position of the Phillips and their neighbors. Our "town supervisor" will be Jeanne Mroczo of the Department of Environmental Protection. Alan Hahn of Cornell University and

Luane Lange from the University of Connecticut will provide models which facilitate the resolution of conflicts not unlike those that could have arisen between the Phillips and their neighbors.

In closing, let me express my sincere thanks to all of you; the panelists, Dr. Adesoji Adelaja, Dr. Bob Tucker, and Mr. Jack Rabin; Mrs Jeanne Mroczko for her role as facilitator and mediator; Dr. Alan Hahn and Ms. Luane Lange for offering their perspectives on public policy models; Dr. Maurice Hartley for helping coordinate the project; the sponsors for funding the project; and you, the participants, for making this day possible. A special thank you to all of you.

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Panel Discussion

Agricultural Perspective: Right to Farm

Adesoji O. Adelaja, Chair

Department of Agricultural
Economics and Marketing
Rutgers University

Adesoji Adelaja: I have led a research team that has been researching right to farm in New Jersey. The study has examined the provisions of the act as well as the intent of the legislature when it passed the act in 1983. Our group has also conducted a review of the right to farm program in New Jersey to see how right to farm could be improved both to help the agricultural community and to help the general public. Our study has also examined the various ways that farmers have been impacted by right to farm conflicts, including conflicts that arise from nuisance complaints by neighbors, and conflicts arising from inappropriate state regulations and inappropriate municipal regulations.

I would like to start by stating very firmly that I consider agriculture to be perhaps the most important industry in New Jersey. When you consider the quality of life contributions of agriculture, you would agree with me that it is a very important and essential industry.

Farming has to be profitable in order you need to maintain open space. This is the only way we can keep farming going long-term in New Jersey. You also need a reasonable regulatory environment. Already, about half of our farmers are losing money from farming, that is when you do not include fair compensation for the value

of the farmer's time. When you account for the value on the farmer's time, somewhere about two thirds of our farmers that are losing money. How can you sustain an industry on this type of economics? I think many of you know, as well as I do, that even though we do have a large number of farm that are losing money, there are some benefits that accrue from the appreciation of land which seem to suggest that, in the long run, with farmers losing money, about the only way that many of them can recoup their losses would be to sell the land. As a matter of state policy, we have already decided to put in place very aggressive policies to try to retain open space and retain agriculture. My own personal feeling is that the best way to retain open space is to make agriculture more profitable. To the extent that there are constraints on agriculture such as right to farm conflicts and inappropriate state and municipal regulations that make it difficult for farmers to farm. It would be very difficult for us to maintain and protect agriculture and to have a viable agricultural industry in the state of New Jersey.

I also say that there are nine thousand farmers and 7.5 million state residents. The odds are against the farmers from a political standpoint and from a local decision making standpoint. On one hand, the nine thousand farmers control 20 percent of the land area in the state. That 20 percent of the land area represents over 50 percent of the total open space in the state. New Jersey therefore has the makings of a severe and uncommon conflict. In New Jersey, the quality of the environment has also been compromised to the point where it has been a matter of state policy to preserve open space and the environment. This translates into controlling

resources that belong to just a few farmers who are not making a tremendous return from their operations. I therefore feel that right to farm is one of the most important issues that agriculture faces today because you really need to resolve the right to farm environment of farmers before we can have profitable agriculture.

Let me give you a little bit of information on the study we conducted and some of its findings. First, we examined the Right to Farm Act that was passed in 1983, focusing on the legislative intent of the Act. We determine that the legislature felt that state regulations, municipal regulations as well as private nuisance actions against farmers do make it very difficult for farmers to farm profitably and that intent of the act was to put in place legislation to protect farmers from inappropriate intrusion on the farm. When you look at the act itself, however, it falls short of achieving those objectives. We identified several very important elements of the right to farm program based on an actual survey of all state right to farm legislation in the U.S. and found that the New Jersey Right to Farm Act is relatively weak compared to other states. New Jersey is a state where you need perhaps stronger right to farm protection for farmers.

I can give you a number of reasons why the act was considered weak. These include: very limited funding for right to farm mandates, absence of rule making authority, the fact that designated agency who administers right to farm do not have full authority to negotiate state regulations with other state agencies, and the very limited right to farm program in the Department of Agriculture. The language of the act itself is very loose in terms of who is protected, what kinds of protection they get

and what farmers have to do to get right to farm protection. But most importantly, there exists little in terms of a conflict resolution process resolution process in the state of New Jersey, and this is a very essential part of right to farm. You need to have a mechanism by which you can resolve right to farm conflicts in a neutral environment where both parties can walk away from the table feeling satisfied or at least coming to a kind of solution that makes mutual sense.

Very briefly, before I end my piece, I would like to make a few points about the types of right to farm conflict that farmers have tended to face in New Jersey. The most significant one is local zoning ordinances restricting land use, buildings, changes to farm structures and so forth. Some 46 percent of farmers that we interviewed indicated that they have had those types of conflicts with their municipalities. The second category is wetlands regulations and property encroachment for which 39 percent of the farmers indicated that they had problems. The third is noise from machinery and equipment, which 42 percent of the farmers said they had problems with. Other issues of concern include lack of highway access (39 percent of farmers), soil conservation related issues (35 percent of farmers), disposal of agricultural waste (32 percent of farmers), nutrient application (32 percent of farmers), runoff (28 percent of farmers), and odor (27 percent of farmers). These farmers reported that it costs a tremendous amount of money just to deal with some of the litigations that result from these conflicts. Some farmers indicated that they spent over \$25,000 just responding to various allegations. It is going to be awfully difficult for us to have a sustainable agricultural industry in New Jersey if these right to farm conflicts

continue unabated. I think it should be a matter of public policy that mechanisms be developed to protect agriculture from these conflicts.

Moderator: Thank you. Jack?

Regulatory Perspective

**Jack Rabin, Assistant
Director**

New Jersey Agricultural
Experiment Station

Jack Rabin: I just came from a national meeting in Washington on the Potomac so I have a good feel for policy. I am here to tell you that I think public issues - education does not have good long term educational benefits for those of us who work in institutions. I am just here to present that view and I do not say it as a challenge or to be flippant or to be a devil's advocate because I think a lot of people recognize that individuals, communities, industries have lost tolerance for each other, but they have philosophically misplaced the cause that leads to this intolerance in farmers, in their communities, in whomever, and so they have misplaced the solution and say that conflict resolution is the answer.

If you have a pencil and paper, I would like you to write down number one and number two and I will discuss these. The first one that I will probably get to a little bit is the role of common law versus regulators' laws in addressing natural resource use disputes. Common law versus regulated law. The second one is the role of private property rights in addressing natural resource disputes especially in addressing environmental protection. Those are the two bandwagons that I have been on for a number of years.

Well, Soji says we need a reasonable regulatory environment. I am going to

read you a quote. This is from Jeremy Radkin who writes in a journal called Commentary.

"One of the most striking things about the United States today is the disproportion between issues that agitate the national government and problems that affect people in their daily lives. The government has become so preoccupied with evermore subtle definitions of sexism or sexual harassment while illegitimacy rates have tripled in thirty years. The government has become preoccupied with evermore obscure and minute health risks from ordinary foods while the murder rate likewise has tripled. The government has become preoccupied with evermore ambitious programs for multicultural recognition, for bilingual education, while public schools can no longer assure that even native English speakers will learn to read and write and do arithmetic that were once grade school levels. A government that has sucked more and more resources and regulatory power to its center, has become prey to a wider and wider circle of special interest groups which make it impossible to focus on immediate priorities of ordinary citizens."

And ordinary citizens are farmers and those of us in this room. There is a real important message there regarding the sense of common law versus regulatory law. Set yourself back, say you are on the upper Hudson River. You are a dairy farmer on the upper Hudson River, the year is 1904. You have your cows. Your milk production begins to decline over a period of two or three years. You get calf abortion. You finally determine that it is the paper mill upstream that is putting

effluent into the river water in the upper Hudson that is causing the decline in your animal production and your fertility and your milking. You go in front of a judge because remember at this time there is no EPA, there is no Department of Environmental Resources in states. You go in front of a judge. What does the judge say? The judge says "Shut that paper mill down! Shut it down today and remediate the situation under riparian rights common laws that we have inherited over the centuries."

Let us take the same dispute in 1985 on the Hudson River. We now have a Department of Environmental Resources that would say, "Well, we're going to measure the effluent. We're going to permit that effluent. We're going to fine the paper mill if they exceed the effluent, but by gosh there are two thousand jobs in that paper mill and it must stay open to support the economy of the region. The bottom line is that as brutal as it was, there is a far more solution-oriented method to get at natural resource disputes using common law than after we had actually created a lot of the environmental and governmental regulation that we have today.

Soji mentions, for example, municipal ordinances. I will give you an example that I worked on when I used to be a productive county agent. Two kinds of zoning, one is pesticide drift which leads to frequent conflicts in communities; and another is setback requirements for spray distances. I will give you is an example that I actually worked on. You have a peach orchard. Pesticides regulations require that you have a one hundred foot (I think it is one hundred foot) setback between where you intend to spray and a dwelling on a property line. So what happens if you own

or rent a farm, and a neighboring property owner subdivides and somebody puts a house on there and then you, the farmer, are now required to lose a hundred feet of productive area around that dwelling because the setback requirement becomes incumbent on you under state pesticide policy. That is an economic loss due to regulatory law. What would a common law judge probably say? He would probably say to the local zoning board, if this became a common law dispute, "You create a zoning ordinance which requires the setback to be on the person who moves in or you require them to divide it equally between them." Another example I worked on was somebody wanted to put a house in the middle of a field. There had been a lot and this was in an agricultural area of South Jersey in Cumberland County, and a couple of farmers objected because they went to the zoning meeting and they said, "Well, every time we get tillage operations and any dust is kicked up, they will complain." The bottom line was I got the lawyer to get the person who wanted to build a house to write a statement saying that they would never request notification for pesticide application, and then the zoning board approved that. So, the bottom line here is I believe that a lot of the solutions to these public issues are a no win situation for us as public employees unless we go back and advocate a balanced return to using more common law and less regulatory law; shrink our regulatory agencies to achieve that.

There is a valid role for environmental regulation in agriculture and that brings me to the second topic. The stronger you have individual freedoms, the more individuals and their communities will learn to tolerate each other because they will have to get along. Strengthening private property rights is another mechanism of

helping to solve these disputes. In water and in air there is a valid role for government regulation and agriculture because these are things that are not owned and do not have deeds and they do not obey property orders. So that is my message, and I will bring up any other ones we have if there is a question and answer period.

Moderator: Thanks Jack. Bob?

Environmental Perspective

Robert Tucker, Director

ECOPolicy Center, Cook
College, Rutgers
University

Robert Tucker: I can see why I was invited to be on the panel. The purpose of this meeting today is to examine controversial issues, and I think there are some real disagreements between some of the agricultural positions that Jack has advocated and the environmentalists. My roots are in agriculture. My great grandparents homesteaded at Antelope Valley in California. My dad was forced off the land in Oklahoma during the Dust Bowl days and, in fact, I think it was he who got me to remember Will Rogers comment, "The Okies are moving to California and raising the intellectual level of both states." I grew up in the Central Valley of California and worked on farms, and I know that love of the land and the stewardship that can be part of the farming community is very real. But I have also seen environmentally destructive practices in farming. One of my initial responsibilities when I came to work for the Department of Environmental Protection in New Jersey (where I worked for 18 years before I came to Rutgers) was to look at toxic chemicals in water in New Jersey. We did groundwater surveys and then drinking water and surface water surveys. It is estimated now that probably 50 percent of toxic chemical input into surface water comes from point sources. In fact, I suggest that if you compared the regulatory picture now with that existing under common law that we are very much

better off now than we were in the 1960s.

Over the past 25 years of regulation, we have made vast improvements in water quality and other environmental areas in the nation and in New Jersey. New Jersey is on the forefront of those issues. In fact, here in New Jersey and elsewhere, probably 50 percent of water contamination comes from nonpoint sources. And it is not just farms; there are other areas of runoff, however, farms have contributed substantially to problems of pesticide contamination of our fisheries and of some of our waterways. The study of the Chesapeake Bay indicated that much of the nitrate coming into that system was coming out of the Susquehanna as a result of farming practices in the Susquehanna Basin. We have substantial problems with mercury and nitrate contamination in wells in South Jersey. Again, I am not going to point the finger just at agriculture, I think there may be other sources, but, in fact, agriculture and agricultural practices must bear some of the blame. You know back in the Sixties there were landowners, maybe farmers, who were in real economic trouble, who essentially dug big ditches for the disposal of hazardous waste on their farms. We have had instances in Ocean County where aquifer contamination resulted from those kinds of practices.

I happen to believe very strongly in the right to farm and I think environmentalists and farmers ought to be strong allies. I think some of the provisions of right to farm where you talk about more regulatory flexibility, more involvement of the agricultural community in developing the kinds of management practices are very important. Environmentalists have often been accused of being

extremists, but there is an element in the agricultural community which arose out the western advocacy of extreme property rights. The idea that you could run your cattle on federal land as a property right. In my opinion, I think that the farming community does itself a disservice by aligning itself to the extreme property rights movement. First of all, as I said, I grew up in California. The property rights movement is allied with mining interests, with shortcuts - slash and burn agriculture, and forestry practices where there are not the kinds of management practices that preserve the land or that preserve sustainability. In fact, such practices ruined the streams for salmon fishing. I think there are real conflicts in those situations. As I pointed out, there are conflicts in terms of pesticide use, the contamination of water, the fact that wetlands need to be preserved because they are buffers for runoff from agricultural land. The extreme property rights movement says, "We can do whatever we want with our wetlands, so long as long as it is on our property." I would submit, Jack mentioned common law, as part common law, the public trust doctrine is very, very important. And that gives the public, as a whole, the right to have the preservation of resources (resources that are held in common). Water is a definite resource held in common. The critters that move on the land need to be protected as well. So, to me, if the environmental community and the agricultural community are to work together, we need to have a flexible regulatory program, but we need to recognize that those real problems need to be looked at from several different directions.

Moderator: Thanks Bob.

Challenging Presenters' Perspectives

Male Participant: Well Bob, I would like to challenge a couple of things that you said. One of the things that we need to realize is that a lot of our farmers own their land or bought their land for economic purposes not to carry the weight of the rest of New Jersey, environmentally. Farmland is a productive resource. There are people whose livelihood depend on it, on crops and animal products that come from the land. If you look at the statistics right now, farmers in New Jersey generate the lowest return on investments of any state, less than two percent return in investments. One can not live on low return. I understand the concern about the environment, and I think it is very important, but at the same time, I think we need to recognize that there are people whose livelihoods depend on some of these resources that we are trying to protect. You indicated we need to protect the wetlands and wildlife habitat, but there are also individuals and their families that we need to protect. What many in the agricultural community are saying is as we advance some of these regulations, we should also bear in mind that these regulations themselves make it very difficult for farm families to survive. As we protect one resource, you know, one actually may be hurting real human beings.

Male Participant: There is no such thing as the public trust. There are lots of small, private, competing interests. Wildlife management or lack of wildlife management by regulatory agencies in New Jersey is a very, very good example that Bob brought up. We have about \$30 million of wildlife damage to agricultural crops

in New Jersey. We have 10,000 deer automobile strikes per year at an average cost of two to three thousand dollars apiece. The purpose of the Division of Fish and Game and Wildlife in Trenton is to manage herd population at their highest biological carrying capacity to generate fees for hunting licenses. It is not to manage populations at their social carrying capacity. The regulatory agencies themselves will even tell you that their purpose in management is to make sure that they have adequate deer for hunting, and they will even tell you that they know that the value of hunting licenses exceeds the value of agricultural production and, therefore, they do not have to create regulatory flexibility to manage deer damage on agricultural crops in New Jersey. Who owns the deer? They are a fugitive resource just like air, just like water. I agree that you need to accept government regulation of fugitive resources. Many people are familiar with the parable of the whale. It is 1870 off the coast of Massachusetts. I am the captain of the whale boat, and Soji is my first mate. We are off there sailing. I see a small whale. I mount my harpoon gun. I get ready to shoot. Soji says, "Captain, it's a small whale. Why are you going to shoot the whale?" My answer is: "I don't care, it's not my whale. I don't own it. It's not my property." So whales have a tendency to go extinct whereas dairy cows, which are owned, do not have a tendency to go extinct. Wildlife, which has become a public trust and not, therefore privately owned, and managed by regulatory agencies now causes \$30 million in damage to agricultural crops in New Jersey. You get to a point where the ultimate goal, in my opinion, would be to find a private property rights mechanism either to compensate farming landowners for the damage; I will accept

that, if the public wants to own the resource because it is a fugitive resource. Maybe we need to dedicate a dollar from every hunting license, maybe we need to allow farmers to shoot four deer in one day instead of one per day and go back and get another permit and create more flexibility that way. But the bottom line is, you can use private property rights, actually strengthen the solutions to a lot of these natural resource conflicts and problems we have in agriculture.

Male Participant: Let me just say, I think it is simplistic to think that Fish and Game is only managing the herds you know for hunting licenses. It is much more difficult than that and there are many other stakeholders in that debate. But to go back to your point about economics, yesterday the house passed what has been called the most far reaching changes since the Thirties in terms of farm supports. In my estimation, agriculture has been held in very high regard, and should be, in this country and maybe some of the changes will be good if we get into a more market-driven kind of an agricultural policy situation. I think in the future, in my opinion, the future of agriculture is very bright in terms of market forces. But still, the ultimate issue between the environmentalists and the agricultural community is to make sure that agricultural practices are environmentally sustainable.

Female Participant: They have to be to be economically sustainable in the long run.

Male Participant: Right.

Female Participant: They have to be.

Male Participant: I guess my point is that we have a history of instances where

they were neither sustainable necessarily for the agricultural community nor certainly sustainable for the environmental community.

Moderator: Larry!

Male Participant: Yeah, there are farmers who are right now being affected by the topics you are talking about. The deer problems, the Pinelands Commission. Soji, you mentioned the survey, did you add the Pinelands Commission into that survey, and what was the response?

Male Participant: Yes.

Male Participant: Our farmers see red every time they hear it? And the damage is unbelievable. I have been with extension for 33 years and have never witnessed such a terrible situation. There are so many issues coming up here, I tell you the farmers at this point are getting militant about this. They really are. They are fighting back and doing a very effective job. I have got some fellows in Cape May County, I am sure Fish and Game have their names up on a dart board right now. Because they are really getting it right up to here. They have had enough. I have farmers looking at a Chapter 11 because of a hundred year drought. I have processors packing up and leaving going to California. The issues are here, and I tell we are not getting many answers back from regulatory agencies.

Male Participant: Deer and water are both fugitive resources that people individually do not own. Therefore, as fugitive resources it actually makes it harder to control them. Remember the dairy cow. Why aren't dairy cows extinct and why are they managed well? Because they are owned by somebody. And I am not talking

about crazy private property rights enthusiasts - there are always extremists. There is a project both in the Carolinas right now and the Everglades using nutrient management tradeoffs between water quality and farmers where they are trying to create a private property owned mechanism to reduce environmental risk. I think in the long run we have gone far too far in the idea of trying to use regulatory authority to fix natural resource competition/public policy problems, and we need to actually get creative and use some private property types of approaches. There is a fellow named Terry Anderson in Montana who actually works with kyakers and farmers on stream access issues, trying to create a market if you will to resolve those disputes. If you can find an economic and not a regulatory mechanism to address those issues, I will submit to you that there may be an educational benefit for extension educators to engage in dispute resolution.

Male Participant: Can I add a quick comment? If you are looking for an endangered species, you cannot find a better one than farmers in New Jersey. In 1950 we had somewhere around 27,000 farms, but only 9,000 today. We had about 1.8 million acres of farmland in 1950. Currently, we have about 800,000 acres. The disappearance rate may rival if not exceed that of the most endangered species. Yet, I think a lot of people have demonstrated that the quality of life of our state depends greatly on open space. While we are out there trying to protect wildlife, we also need to be thinking about protecting human beings. We need to put some of these issues into perspective.

Since the inception of the Environmental Protection Agency (the EPA), we have

witnessed the loss of about 50 percent of our acreage in farms and about 70 percent of our farms. I think that needs to be considered.

Moderator: Okay. Bob.

Male Participant: I would like to consider the question of the number of farms. If we take the commercial farms out of that group, we have 3,000 farms. Then you have 6,000 other farms that are really noncommercial farms or hobby farming.

Male Participant: That is a very important point, Bob, and the conflicts are generally not black and white either, and there are a number of different ways to approach them.

Moderator: Okay. I want to thank my very tactful, genteel, docile panel. They were supposed to carry on and get into an argument and bang on the table. But they were mild mannered and kind to each other, but it was certainly very interesting. Thank you very much. Now, let us switch gears for a minute. What I am going to do is talk a little bit about conflict resolution, how we intervene in disputes, the different types of intervention processes, and some real hands on skills and techniques that you can use. And these techniques go across the board. How many people here have spouses? Okay. I only see four hands. You all know how to get involved in and resolve disputes. Okay. (At least get involved in disputes.) Now, my first question is going to be to you, what did you observe here? Okay. You observed a conflict. What happened? Who can define conflict for me? What is a conflict?

Male Participant: It is a breakdown.

Moderator: It is a disagreement. What else?

Female Participant: Difference of opinion.

Moderator: Difference of opinion. All right. What else?

Male Participant: Where people act on a difference of opinion.

Moderator: Where people act on a difference of opinion. All right.

Female Participant: Clash of values.

Moderator: Clash of values. Okay. So the conflict is where people act on the difference of opinion, they carry out or act out their disagreement. But what causes the conflict. You are no closer to what causes conflict than to what conflict is. A clash of values causes a conflict, what else?

Male Participant: Different interests.

Moderator: Different interests. Okay. What else causes conflict?

Male Participant: Sometimes lack of information.

Moderator: Lack of information. How about different goals? Different perceptions. Different needs. Any time people have different needs, values and perceptions there is a potential for a conflict. All right? I do not have it here, but there is a famous Chinese figure that depicts two words for conflict - opportunity and danger. All right? In conflict there is always danger. The conflict is also an opportunity to get into a problem and try to solve it. All right? How do people respond to conflict? What are some of the ways that people respond to conflict?

Male Participant: They fight.

Moderator: They fight. Okay. What else.

Male Participant: They shoot at the deer.

Moderator: Anything else?

Male Participant: They shoot at each other.

Moderator: Basically, people respond in conflict three ways: (1) they either strike back; (2) they give in; or (3) they back off. Okay. What kinds of methods have we developed for resolving conflict? What kind of methods has society developed for resolving conflict?

Male Participant: Court.

Moderator: You mentioned one. Court litigation. What happens in a litigation?

Male Participant: One side wins, usually.

Moderator: One side wins. Litigation or adjudication involves a third party whether it is a judge or a jury who gets to hear the facts of the dispute and determine guilt or innocence. That is their job. It is steeped in history, it's got a long tradition, evidence is presented, it is a very scripted type of process, everyone knows his/her role. Attorneys come in and advocate for their clients, and the judge in his or her eminent wisdom hears the facts and renders a decision. All right? What happens then? What happens to the people that are involved in that decision? They are not empowered. Someone else, their hired guns, their attorneys who can advocate their position and try to win for them. It also means you are getting power to make a decision through a third party. Okay. What is another way we resolve conflicts. Mediation. What happens in mediation? What is the difference?

Male Participant: An attempt to bring the two parties to common ground. To a mutually acceptable solution.

Moderator: Okay. It is the introduction of a third party neutral, a person who has no stake in the outcome, but who has a certain set of skills and who is acceptable to the parties, who can sit down and say what is your view of the problem and how do we come to a mutually satisfactory resolution?

Male Participant: If the court is a win-lose situation and mediation means compromise then it is win some-lose some.

Moderator: Okay. Is it better to win or lose or is it better to win some-lose some? Mediation does a couple of things. It empowers the parties who are involved in the process. They are not giving the power to make a decision to this third party sitting up on a bench but they have to figure out among themselves, with the help of the mediator or the intervener, how best to solve their problems. What is one of the results of that kind of process?

Male Participant: Compromise.

Moderator: Compromise. Wait, you have a negative connotation on here, okay? As in she compromised her virtue. Or does compromise mean what am I going to give up to get what I need? Okay, I see some heads going like this. So compromise is not always bad. It is what I am willing to give up to get my interests or needs satisfied? Okay!

Male Participant: It is not always good either.

Moderator: I have heard many matrimonial judges, because I used to work in a court system, say that if both parties leave my court unhappy I have obviously made the right decision or done a good job. I started out in the neighbor versus neighbor

municipal court type of program. I would sit down with the two neighbors who would be quarrelling back and forth. What happens if they go before the judge? The judge is going to find one guilty and the other innocent. The guilty one will probably be hit in the pocketbook which is going to crack him/her up even more. Okay. Then the couple goes home; how has this been resolved? It has not. So we have to help resolve the problem. Mediation gives people's problems credence. It gives them an opportunity to air their problems. It empowers them to become a part of the solution. The decision is not imposed. They have to work towards it. And the mediator does not have the right to say, "I think you should do X or I think you should do Y." The intervenor asks questions. "What if?", "Suppose that.", "Have you tried?", "You used to be friendly in the past, what happened?" The intervenor can go into the hidden agendas. The intervenor can go all over the place. You can be very creative. That is how you help people solve disputes. We also use arbitration to resolve disputes. What is the characteristic of arbitration?

Male Participant: I think it is similar to a judicial process, but it is a full blown process.

Moderator: Exactly. The parties give the arbitrator or the third party the right and the responsibility to make the decision in their dispute. And there are several types of arbitration. There is binding, there is nonbinding, there is last best offer – you know what that is? That is the final offer. The arbitrator must pick one side or the other. What does that process tend to do to the parties?

Male Participant: Polarize them.

Moderator: No.

Male Participant: Make them get real.

Moderator: Makes them get real. Thank you. Knowing that the arbitrator is going to pick one or the other tends to make their demands more realistic. So it tends to bring the parties together. Knowing you are going to pick one or the other. You cannot have an unrealistic demand. Alright! One of the other methods we use in dispute resolution is facilitation, which is like shuttle diplomacy. The facilitator gets people talking, sets the stage, creates the atmosphere for people to communicate, carries messages back and forth, and so forth. Alright? Any questions or comments?

Female Participant: Can you tell us the difference between a facilitator and a mediator.

Moderator: A facilitator drives the bus. You all know where you want to go, you are just not sure how to get there. So if you have a topic you want to discuss, you write some boundaries around it, you would like to come out with an end result. The facilitator keeps you on track, keeps the process moving; very similar to a mediator. I think you are right, the mediator is more invested in this process. In helping the parties reach a solution. Where the facilitator merely takes people through a process to help them.

What kinds of skills do you need to be a successful intervenor? A good listener. How many people think that being a good listener is important? Think of a good listener, someone that you know whether it is a teacher, a clergyman, a friend, a relative, or even yourself. What are some of the characteristics of good listeners?

Not selfish. Good eye contact. Why is good eye contact important?

Male Participant: Because it shows a person is paying attention to you.

Moderator: Absolutely. Initially eye contact is very awkward whether it is a two party dispute or a multiple party dispute. We are going to hash that out a little bit later. What other characteristics do good listeners have?

Female Participant: Nonjudgemental.

Moderator: Nonjudgemental. How many people when they talk or when you are listening tend to nod and say, "I understand what you are saying." What is that called?

Male Participant: Agreement.

Moderator: Agreement. You have to watch those head nods when you are intervening. People read a lot into them.

Male Participant: Taking eye contact a little further, it is really body language.

Moderator: It is reading body language. It is knowing what is said and what is not said. Many times I have sat down with parties, and they have come in a room and sit down and do not talk to each other. It is fascinating to watch as the dispute unfolds, and they start to communicate, how they start to turn and talk to one another. And you are responsible as an intervenor for watching all those kinds of cues and clues because as parties start to get closer to agreement, their bodies almost betray them. Alright. Their bodies will start to turn toward one another.

Male Participant: Empathy.

Moderator: Empathy. Okay.

Male Participant: Feeling with instead of for.

Moderator: Exactly. Feeling with instead of for.

Male Participant: Patience.

Moderator: Patience. What do intervenors do? What do you do as an intervenor, or mediator, or facilitator.

Male Participant: Another comment about the empathy piece. In that, the person who is empathic is really bearing the message on two levels and that goes to your next question. There is the concept level, and there is a feeling level. And it is important that both of those be heard.

Moderator: Right. A lot of people listen here, they do not listen there. When I worked in a municipal court in this neighbor versus neighbor program, there was a senior citizen development right next door. They was nothing that they liked better than to get dressed and come to traffic court. If that was not exciting enough, they would come down the hall and watch the mediation program. So what do we want to do? Managing conflict you advocate a process; you do not advocate a position. You build trust. Why do people need people to help them solve a dispute? Why do you think people need help?

Male Participant: Because increased agency involvement reduces freedom. What I am getting at is that mediation is frequently needed in areas between agriculture and their communities because of the rise of regulatory fiats. We have to reduce the amount of regulatory fiats so that the people have freedom and power to use mediation tools in their communities to solve these kinds of problems.

Moderator: Why do people need help? A skilled intervenor helps parties see the other side of the picture. One of your goals as an intervenor is to make the parties realize that there is more than one way or more than their way to resolve the dispute. What you do is you open up a whole cornucopia of options. You do not limit yourself. What do you really need to happen? "Well, I need to have her stop parking in my space, I need her to do this because I sleep during the day and work at night and I need my sleep." Okay, there is the need. There is the answer. The position was I want her locked up! But you have to go below that and go to what the needs of the people are. And that is what you try to satisfy. When people are too close to an issue, they cannot look at it objectively. People like having some boundaries, a process around what it is they are going to do. It does not feel safe enough to take it on without a process. How many people here know what their conflict resolution style is? There are a couple a distinct styles. Are you a compromiser? Are you a confronted? Do you withdraw? Anybody?

Male Participant: Well most of the time I tend to compromise but some of the time also to withdraw.

Male Participant: After he is confronted.

Moderator: Okay. Let me just give you what the objectives of an intervenor are: you will learn these skills in the simulation exercise on intervening in an agricultural dispute. All right? Now, what are some of your objectives? Let us talk about narrowing the gap between the parties. What does that mean? Everybody has one? Okay, what do we mean by narrowing the gap?

Male Participant: Trying to find if there are some areas of agreement!

Moderator: Okay, it is trying to find what, if any, areas of agreement exist between the parties. Are they totally polarized? Is there ANY thing they agree on? Is there a piece of an issue that they are in agreement on? Okay you want to narrow the gap, you want them to start to fight the problem and not each other. Sometimes its just language, and you will see that in one of my handouts later on. It is good for an intervenor to do his or her homework before he or she gets involved in the issue. You should know the issue, know the history of the issue, know the parties, know the jargon. And one of the first things you do in a dispute is decide on common definitions of important concepts or words. Because if I mean one thing when I say sustainable agriculture and you mean another thing, we are never going to have a meeting of the minds. Its been said that 50 percent of the solution of any problem is the correct definition of the problem. Now you hear people talk about framing the issues all the time when they go to resolve disputes, and it is very important. And we are going to get into that. Keeping the parties talking is one of your objectives. You want the parties to communicate. It is their problem, it has got to be their solution. You want to explore the differences and point out the areas of agreement. And as an intervenor you want to add an impartial perspective. A good intervenor facilitates private meetings or caucuses. What? Why did you do that? Everything is supposed to be above board, on the table, under glass. Why would you want to have a private meeting?

Male Participant: Some people do not want things on record.

Moderator: Some people do not want things on the record. All right.

Female Participant: To identify the real problem.

Moderator: Exactly. You can be the best intervenor in the world, you can sit there and you can say, "Ah, I have the perfect answer to your problems. Gee, Bob, why don't you and Terry look at this way?" Which one of you is going to say, "Hey, sounds like a great idea, I'll go for that?" Probably neither of you. All right. Because it was not your idea, number one, and you are going to be thinking - if you take my idea too quickly, you are going to be giving in. If you can do that in a caucus, if you make these suggestions in a caucus, they are much more likely to be heard. People kind of think it is their own idea. They feel more comfortable coming to the table that way. And lastly, one of your objectives is to create doubt in the minds of parties that their way is the only way to solve the dispute. Questions? Comments?

Male Participant: Can we get back to the issue of right to farm!

Moderator: Go right ahead.

Male Participant: One of the challenges we face in New Jersey is how to find an appropriate state agency that balances the interest of the farm community as well as public health concerns of the nonfarm public, the interests of municipalities, and the interests of state agencies that promulgate regulations. Do you have any suggestions on how one might go about setting up an agency that would head off right to farm conflicts or when the conflicts do arise, a mechanism to handle them in ways that will provide solutions that are acceptable to the farm community and the nonfarm community. Problems that spark up every single day tax the finances of farmers

significantly, and if conflict resolution is to be a major strategy that we use to handle the situation, then we need to be thinking very seriously how to develop a very credible conflict resolution process.

Moderator: Well, two thoughts on that. One is I really would not want to set up another agency to deal with this. Okay. And that is why I think that we are all here. We all do this, we may not call it mediation, but we all do this in some way, shape or form, and we do every day. So enhancing your skills and understanding and comfort level with doing these types of interventions is I think where we are headed. And secondly, you said can we come up with an agency that can take all these different interests and represent them impartially and give the farmers solutions they can live with is again the antithesis of what I am saying. An agency is going to come and say "Thou shalt, this is the answer." This is not what works here. Sitting down with the parties, communicating and asking them, "What's going to work best for you?" Okay. And then they say "Hmm." and they come up with the answer. So again, I think we do this all the time. And you have got to trust in the process. I do not think another agency is necessary.

Male Participant: There is absolutely zero reward for public policy education at the university.

Moderator: What do you get rewarded for?

Male Participant: Research, research publications.

Moderator: It is farmer by farmer, dispute by dispute, you are not changing through the current communication and sharing of ideas, and meeting of the minds,

you are not changing client practices, you are not making an impact. (Laughter) We are making this kind of critical shift now in the Department of Environmental Protection. We are moving away from enforcement actions towards measuring how the environment is improving; we are looking for environmental indicators? Is the air cleaner? Is the water cleaner? We need to measure our performance and our success for things like that not how many violations did we write and how many thousands and millions of dollars in fines did we collect? So its a shift, its a paradigm shift. It is a quality issue and its a much more difficult process. We have an alternative dispute resolution process in place for about a year and a half now where a person does mediation or facilitation. We bring the parties to disputes together and help them solve their problems.

Moderator: All right. Yes!

Male Participant: If you are mediating, aren't you building a case by case experience which is like providing common law solutions.

Male Participant: It in the context of who we are and what we do for a living our goal should be that we need to find a way to reduce the amount of incidents that we get involved in. This is not the business of Rutgers Cooperative Extension.

Male Participant: I would like to stress the point that extension agents have played a critical role in heading off conflicts. I think it needs also to be understood that extension can do a whole lot more. There are a number of conflicts that extension agents never become aware of, and I think part of the reason may be that the general public may not feel that they have an impartial judge or adjudicator in

extension. To really improve the right to farm situation in New Jersey it would to take a whole lot more than what is being done now, and would involve a changing of the framework for farmland assessment. I was thinking about an agency that does something like the Office of Administrative Law does, where people know that they can go.

Male Participant: The point that there is a more general principal that often prevention does not get the recognition that it deserves is well taken. I mean, if you prevent a conflict or prevent a situation that is the most effective way of dealing with it but often you do not get the proper credit you do not get the resources to do prevention.

Moderator: Right. The Supreme Court in New Jersey has been very, very active in alternative dispute resolution. As a matter of fact, two years ago the court passed a law that said that every municipality in the state of New Jersey must offer their citizens at the municipal court level an alternative to going to court. They must offer an alternative, i.e. mediation program or some other type of intervention. About 330 municipalities in New Jersey have these programs in their municipal court. Volunteers from the community are trained in mediation. The court then diverts a certain number of cases to the volunteers that are appropriate for the type of training they received. That frees up the court for the more serious offenses. Moreover, people walk away having resolved their problems.

Male Participant: The example of the water issue that came up earlier this week stays with farmers. When you have got people competing for the same resources it drives up prices. There used to be a time when there was very little irrigation going on in New Jersey.

Moderator: In dispute resolution, you attack the problem, you pick apart the problem, but you don't pick apart the other party. Alright? You focus on interests and not positions. What does that mean? What is the difference between an interest and a position? How many times have you heard someone say, "It's the principle of the thing.?" Alright! Tell me the difference between an interest and a position. Anyone.

Male Participant: Interests are the "why of dispute resolution. What I want, and why I want it.

Moderator: What I want, and why I want it. Alright. Now. I want a new BMW. But I need a car to get to work. There is a big difference in what I want and what I need. I want a nice, big, fancy, foreign car. I need transportation, reliable transportation. Alright. Larry mentioned before the Solomon example. Fischer and Urey use an example of two sisters fighting over the last orange. Sister A said, "Well, you had one orange last night, this one is mine." Sister B said, "But I bought it at the store." Sister A said, "But I carried it home from the store." Sister B said, "You need to lose a few pounds so it's mine." Alright? So they are going back and forth and back and forth over this orange. So what would Solomon do? Solomon would take a knife and cut the orange in half. Each sister gets half of the orange. But if you ask them what is your need for having this orange? What is your interest? You find out Sister A wants the pulp for orange juice, and Sister B wants the rind to make marmalade. Alright? That is a kind of trite example, but you have got to get down to what is your interest? Your interest is I want orange juice, I want to make orange marmalade. Okay. That is very different from cutting the orange in half. And I think most of us tend, in a situation like that, to say, "Okay, the fair thing is we cut the orange in half." Those of you with children, do they fight over who gets the biggest

piece all the time? Of anything. You know the easy way to solve that? One cuts, the other one picks. Easiest way. You will get a cut with surgical precision. Alright? One kid cuts, the other kid gets to pick first. That tends to resolve that problem. Alright. Let's switch gears.

We are going to talk about the stages, the elements, and the techniques for intervening in disputes. (Any extras, just pass them back to the front.) We are going to examine the elements of the intervention process. I have developed a framework to examine the stages of a dispute. Let me take the elements of a dispute and address the techniques and skills needed for the different elements. Now an elements means a critical or necessary part. Alright! Most disputes are going to have these stages. Alright! You have got pre-intervention. Your first contact. Your opening meeting. You may or may not have a caucus. You do some joint meetings and then you come to closure. Alright! Each process has core elements around it. Alright! And there are some different variations. Let's look at the first page Intervening in Disputes. Pre-intervention. What do we mean by pre-intervention? What do you do there? Don't look.

Female Participant: Fact finding.

Moderator: Okay. You're assessing the dispute. You're sizing up the situation. That is where you do your homework. Alright? Some of the things that you do in that pre-intervention stage are - you research previous attempts at settlement. Who else has tried to fix or solve this problem? How successful were they? How receptive were the parties? Alright? Is the dispute ready for intervention? What is the timing? I had a colleague who used to say, "I will mediate no dispute before its time." Disputes have a cycle, a time, and a life, and if you get involved too early, the parties may not necessarily be ready and willing to deal with the problem. If you get involved too late, it is too late. You have to enter the dispute cycle where the parties are

frustrated almost to the point of being at the end of their rope, but they are not. And you will be going to avoid missing a critical deadline or some kind of terrible consequence. Okay? So timing is important in your intervention. What role will you play? That is a very important question you must ask yourself. Because you can play a variety of roles which is what we talked about earlier. You could be a mediator, you could be an arbitrator, you could be a facilitator.

In the pre-intervention stage, try to identify opportunities to resolve the issues. You also need to decide, and this ties in with is the dispute ready whether there are sufficient incentives for the parties to sit down at the table. Is time running out? Is someone paying a lot of money on one side of this problem? And lastly, you need to identify the resource you need. If it is a minor dispute, you may be able to bring the parties into your office or go out to a neutral location. Or do you need to reserve a room, and just what are your resource? What are your logistical needs for the size of the groups that are involved and the depth of the issues? Now, how do you do that? How do you go about assessing the logistical needs? You ask. You ask lots of questions in this phase. What happened? Tell me your perception of what happened? Why do you think it happened? I like to have people speaking for themselves. Sometimes, disputants say, "Well, if she would only stop doing that, there would be no problem." Tell me what happened and how it affects you. Don't tell me what she should do to solve the problem. Don't tell me what she should do to solve the problem. People have to speak for themselves; they cannot speak for someone else. You should speak with all the affected parties in the dispute.

We are going to talk about how we identify who the stakeholders are a little bit later. You need to get familiar with the issues in this pre-intervention stage. Do your homework! What

is it about? What is its history? Who is involved? I said earlier, not the jargon. Are there any technical issues attached to this dispute. If so, what are they? You do not have to be a technical expert to be an effective intervenor. These skills are transferable. I helped intervene in a dispute over 37 municipalities that did not want to become a part of a regional sewage system. I have intervened in situations where parents are upset because the town budget was cut, and they did not have school crossing guards. I had to become a traffic expert very quickly. I have intervened in situations where parents took their kids out of school because dioxin laden ceiling tiles were not being removed properly in one of our urban schools. So you need to know enough about the dispute so that you can walk the walk, and talk the talk. That is how you help establish your credibility with parties. Okay. Your first contact begins when you explore and try to get down to some specifics of an issue. You identify and involve your stakeholders. How do you do that? How do you know who to ask? Obviously, the person who brings the problem to your door is a very likely, obvious stakeholder. But how do we go about figuring who the other stakeholders are? Anyone? Someone?

Male Participant: The nature of the problem.

Moderator: Okay, the nature of the problem. What else? Who are some likely stakeholders in your disputes? Let's look at it that way.

Male Participant: The public in general.

Moderator: The public in general. Well, if it is that clear, let's do it. You are saying the general public, the adjacent the adjoining property owners? Okay. Who else? Unborn generations. Let me know how you bring them to the table, alright?

Male Participant: That is a very legitimate problem.

Moderator: It absolutely is. I am not making light of it. That is one of the philosophical debates we get into in this business all the time. Who is going to represent those souls? Private industry? Okay. So it is a specific public; an affected public, client. Let's put clients. Okay. Who else might be a stakeholder in any given dispute?

Male Participant: It is never just the general public. It is people in the Sewage System Authority and its consumers and so on.

Male Participant: That is why I said it depends on the nature of the problem.

Male Participant: Targeted public.

Moderator: Target public. Okay. What about that group that Bob represents? Yes?

Male Participant: People that are receiving benefits from something and people that are getting negative impact from the same thing.

Moderator: Okay, so you are plus and minus – the people who benefit and the people that don't benefit. Anything else? Who else can be a stakeholder?

Male Participant: Policy makers.

Moderator: Policy makers.

Male Participant: Taxpayers.

Moderator: Taxpayers, that goes back maybe to the general public. What about your environmental groups? Your environmental commissions, your environmental activists, your special interest groups.

There is a wonderful publication in your packets. That black and white book. And that goes into a lot of detail of how you identify stakeholder groups; how you get them involved, how you reach out to them and so forth. But we are really working on a very abbreviated schedule

so I am only touching some of the highlights.

Okay? In your first contact, you want to establish agreement on the procedural issues. How are we going to manage this discussion? Are we all going to talk at once? Are you going to let me drive the bus? Are we going to take turns. Are we going to discuss the problem? Are we going to file papers? How are we going to sit down and communicate on this? So you need to make the procedural process very clear before you intervene in a dispute. Try to get agreement on the scope of the issues. What are we going to focus on? Very often the complaint that was on the piece of paper many, many times was not the real issue in dispute between the two parties. In order to have a productive, efficient, and effective intervention, you need to decide on the scope of the issue. Alright? Well, let me ask, is that difficult to do? Do other people think that is difficult to do? It comes back to problem definition and framing the problem. Okay.

Male Participant: One strategy is to acknowledge that there are broader issues but coming to agreement in this mediation, in this facilitation, in this intervention, we will stay on a particular path, and I will be the gatekeeper. If you have done your homework, it is easier to call attention back to the issue.

Moderator: Right. You set ground rules. You say, "Here are the ground rules." And I like to use the phrase, "We don't have many rules around here. One of them is only one person speaks at a time; we don't interrupt each other; and we don't call each other names." Those are three basics. Okay. It is in the ground rules that you get agreement on the scope of the issue from the people with whom you will be working. Whenever I facilitate a large meeting or even at work when I am trying to help people solve a problem, I have a flip chart. And I put the words

parking lot on it. When an ancillary issue arises, I say, "Let's park that over here for now. Put that in our parking lot so we don't forget it, and we will come back to it." That is one technique I use.

Well, what are some of the techniques for identifying and involving people? First, you need to explain the process. You need to know what it is you are going to take them through before you are going to sell them on it or get them to buy into it. And it doesn't have to be a formal, lengthy explanation. We are going to use the process today. I am going to help you discuss your problem. I am not going to impose any judgements. I am going to ask each of you to tell me what your view of the problem is. You are going to have ample time to discuss it. If you need to meet with me privately, we can do that. But nothing that we do here today is going to be anything that you don't agree to. It has to be mutually agreeable and acceptable to both of you. You need to explain your process. I have had people come into the mediation program and say, "Well, do we have to sit on the floor and cross our legs?" I say, "No, no, no, that is meditation, this is mediation." So you need to explain what you are doing so people feel comfortable, and they can relax and say, "Okay, she's going to watch the time and make sure I don't get interrupted. She is going to watch my back so that I get to say what is on my mind." Alright? You establish your neutrality and your credibility, and you build trust. And building trust is such a critical component to being an effective intervenor. How do you do that? How do you build trust with somebody? Do you know most of the people you deal with? Is it a fairly consistent audience or do your clients change all the time? They change a lot? They are pretty consistent? It is the usual suspects. I mean it is always the same people. How do you build trust, say with someone you have never met before? Exactly. You have to be scrupulously

neutral. Alright? If I talk to Party A, I have to talk to Party B. If I promise them at the beginning of the meeting that I won't let them interrupt each other, I have to stop it the first time somebody interrupts. Alright? I have to make sure they know that I am in charge and that they are going to get to say what they need to say and that their problem will be heard and that they are going to get to say what they need to say and that their problems will be heard and that they will be given credence. And that is how you build your trust.

Male Participant: You say agree on scope. Earlier you talked about defining terms or something like that. Does that come in?

Moderator: Well, no. I think if I were to explain agree on scope -help give me an issue, give me a dispute.

Male Participant: Well, let me just take sustainable agriculture as one.

Moderator: Okay. To me that is like so amorphous, and so huge; what part of sustainable agriculture?

Male Participant: You have some people who think that American agriculture has gone back to preindustrial agriculture. To some people, sustainable agriculture means we need to farm in concert with the stars, to others it means integrated pest management, and they cannot even agree on that term. There are a lot of issues where people cannot even agree on the definition of the term.

Moderator: And that is why your role!

Male Participant: You cannot even get to established procedure unless you can agree on what the term means.

Moderator: Right. And I keep hearing, "Gee, you got to frame the issue. You've got to define

the problem." People have to agree on what you are going to discuss. Yeah, there are a hundred and ten things connected to these issues, but we only attack one. That is what I mean by defining your scope.

Male Participant: What we are here about today is to focus on narrowing the big picture.

Male Participant: So when you use that word 'procedure', it gets back to that scope. You have got to narrow it down or else you will never accomplish anything.

Moderator: Right. It has to be manageable. Okay. So you find non-threatening, neutral terminology. You defuse the problem. You take the sting out of it. And that is what you also do as an intervenor. In the heat of anger during mediation sessions, people say things such as, "If she would just keep her little snotty brats out of my yard, I wouldn't have a problem." "Well, Mrs. Johnson, what we're hearing you say is if her children respected your property boundaries and didn't trespass into your yard that you wouldn't have a problem." Okay, so you take the nasty comment and you dilute and reframe it and then restate it. You take the sting out.

Alright? Let's go on to opening the meeting. And this is where we emphasize the process. You need to jointly develop and agree on an agenda. Establish acceptable ground rules. And again, in your packets, are the book outlines establishing ground rules. I mentioned some of my ground rules earlier. One person speaks at a time. We do not interrupt. We do not call names. It is up to you to manage the process. But some of the other ground rules you might say are: We are going to be specific, and we are going to use examples wherever we can. We are going to try to define and nail down that amorphous "they." They say, they feel. Who are "they?" Alright? We are going to agree on what important words means. Like integrated pest management or best management practices. What does that mean? Alright. We are going to

jointly design ways to test agreements and solutions. So the ground rules are whatever you and the group feel are needed to keep that process moving. For example, we are going to take a fifteen minute break every two hours. I am the only one to speak to the press if asked about our negotiations. Okay? So those are your ground rules. That is the framework in which you operate. You define the problem. You do joint fact finding. You jointly explore initial offers. Explain your process. The more people know about what you want to do and what you expect from them, the greater your chance for success. If they feel comfortable and they understand the process, they are much more likely to get involved. Go over your ground rules. You set the stage for success. How would you seat the parties to a dispute at the table.

Male Participant: I would be in the middle.

Moderator: You would be in the middle!

Female Participant: I would seat them next to each other so it is not adversarial.

Moderator: Great! Often the parties in a dispute sit opposite each other. What does that do? That tends to have the parties challenge one another. And the mediator is going, "Hello? Hello? I am over here." Okay. A much more effective way is to have the parties sitting beside each other; they are on the same side of the table. Alright. We are going to attack the problem and not each other. And now the intervenor has the ability to control the parties; the parties talk to her and through her. Okay? Of course, she has to leave enough space so they cannot reach out and bump one another. There is a psychological effect when parties are seated on the same side of the table. So, where and how people sit is extremely important. Round tables work real well.

How do you model effective communication? If you want people to listen to each other, you have to model good listening skills; do not interrupt; do not look at your watch; do not think

about what you are going to pick up at the store on your way home. It is up to you to listen on two levels - the subjective and the empathetic levels. Let the parties vent. Do not be afraid of some good, healthy debate. Remember, you are not involved in the problem. And if they can vent their frustrations and get all negative emotions out and feel that they have been heard, then you can start to do your work. You can say, "Okay, now that we have called each other names and carried on and whatever, let's get down to solving the problem."

Caucuses or private meetings. This is where you encourage people to focus on their interests and not their positions. You generate alternatives. And you provide a reality check on extreme positions. How do you do that? What is a good way to do that? Okay. I like to ask, "You want her to move? You want her to pack up and move? Fall off the face of the earth? Tell me how you see that working." And you just have to ask, and if it is an unrealistic or extreme demand that one side is making, you say, "Tell me how you see that working." Then when they realize that it is not going to work because it is so extreme, they may modify their position. Alright. I always use "what if" and "suppose that" in statements. "What if she agrees to pay you for your storm door and keep her kids off your property? Would that satisfy your interests?" or, "Suppose that the farmer notified you twenty-four hours in advance before he spread the manure so that your daughter's fifth birthday party wasn't ruined. Would that satisfy you?" "Suppose that," or "what if."

Joint and shuttle meetings. You want to develop mutually agreeable criteria. Who can tell me what I mean by that? What are mutual and agreeable criteria? For example, when you go to sell your house. You think it is worth \$259,000 because you put a lot of sweat into it, and it is as clean as a whistle and really nice. And the real estate agent comes along and says, "I am

sorry, but all the houses on the block are selling for \$159,000. You are not going to get \$259,000." And then here comes the prospective buyer who offers you \$109,000. Now, where is the objective criteria? Again, it is the real estate market. What is the market doing? What are comparable houses selling for? That is what I mean by objective criteria. You are not objective about your own house. The buyer is going to try to get you down as low as he can. But what is the objective criteria you should both work from? It is the condition in the market. And that is just one example.

You generate ideas and reframe alternatives. You make it easy to say yes and difficult to say no. How do you do that? How do you make it easy to say yes? Try to find something that is important to both parties but not critical to either. You want to develop mutual agreement. The more times people say yes, the easier it is to say yes when it comes down to big issues. Even if it is just where they agree to sit. You have got them starting to agree on something.

Alright. We talked about maintaining eye contact. We want to stress win-win. Which means we offer choices. And we want to focus on the problem and not the people. Lastly, when we close, you need to explore and agree on how you are going to implement any agreements that you have reached. You want to focus on the future. I always find that is a big trap for intervenors. Because the parties want to be hold that they are right. I always say to people, I am not here to judge right or wrong, guilty or innocent. I do not really care. What do you want to do from now on to solve your problem? We always try to make it future oriented. Let's not go over the grievances of the past. Let's not dwell on the past. Let's move forward from today. Where are we going to go from here? What is livable for both of us? Any agreement that the parties reach, I like to state it in positive terms. Bob agrees to do X as opposed to Jack say he

will never do this again. Alright? I always make agreements very clear. Who is agreeing to do what to whom and when.

Alright? It is 12 o'clock. I rushed through that last section in order to identify the stages in every dispute, explain the core elements, and address certain techniques that are used in dispute resolution. Now I promise you this afternoon, you are not going to hear me talk. I am not going to stand up here and talk at you. You are going to practice intervening in a real life dispute. We are going to do it in a very painless way. You are not going to do it in front of the room, you are going to go off into a small group, into a separate room, and you are going to have a lot of fun with these exercises. Hang in there with us, we are going to have a nice lunch, you are going to be back here at 1:00 and then you are going to go to work.

Do not be afraid of strong words and strong feelings, because you are a manager of conflict, and people do get hot under the collar. Also, do not be afraid of periods of silence. I think people feel that if there is a lull in the conversation, you have to leap in and say something. That is real dangerous for an intervenor. You need to sit back, listen to what was said, absorb it, try to figure out, "Gee, what did I just hear? Did I just hear a clue that someone will agree if this were met or whatever?" But do not be afraid of silences. Do not allow too much discussion either. So that is the balancing act; you have to let people ventilate but not so much that they become so entrenched in their position that they could not react to a good idea or a good offer.

Try never to agree privately with one side in the dispute. I have had mediation sessions where Party A will say, "Boy, he is a real nut isn't he?" or "You know the problem is a strange one. If he didn't drink so much he wouldn't have these problems." So then later on in the

dispute if the other person acts up, that party will turn and you will try to say something to that person, the party turns and says, "Well, didn't we just agree back there in the caucus that he is a nut case?" So even if you said "Yeah, he is being really difficult, but I can handle it." you never agree privately with one side on an issue that is in dispute between two of the parties because it will come back to haunt you. They will use it in the joint session. Try to avoid personal identification with the interests of either party. That may be hard for you because you have a certain background, you have a certain bent, but that is going to put your neutrality and impartiality skills to the test. You do not ask questions to imply that you have made a judgement. Use nonjudgemental questions. I will give you an example. Irving, "All right-thinking parents want their children to be well fed, well clothed, and well housed. Wouldn't you agree?"

Male Participant: Yes.

Moderator: Okay, what is the judgement here? All right-thinking parents was how I prefaced it. Now, what can you say? That is like a takeoff on - "Do you still beat your pet?" No or yes. Either way it is wrong. Okay.

Male Participant: Careful, that might get you in trouble.

Moderator: Try to advance new ideas in a caucus because it increases the likelihood of being accepted by the parties. Do not get down to the narrow core of the issue too soon. People need time to beat their chests and rant and rave and make sure their positions are on the table. Do not be passive. We are talking about developing a habit of agreement. So, that glazed look is setting in.

Male Participant: I have a question.

Moderator: Sure.

Male Participant: When you say, do not cut off the catharsis. Suppose they are breaking the rules?

Moderator: Well, it is a judgement call on the intervenor's part. I mean if someone constantly interrupts the other party, you have got to call them on that. You have got to check that. You need to address it. but if people are having a heated, you know, representation of the issues, you do not cut that off. As long as they are sticking to the ground rules. Alright? Caucus is pretty self explanatory. The caucus helps you as the intervenor. If a party is not participating in the discussion, you might want to call a quick break or quick caucus and say, "I'd like to see you. I need to ask you a few questions privately, and we will be right back." Now the way you set this up is to mention it in your ground rules. You say to your parties, "At some point during our meeting I may wish to speak with each of you privately. If that should happen, rest assured you will both have an equal opportunity to speak with me, and you are each going to get a turn to tell me your concerns."

Most of your facilitation and intervention is done in a joint session but again, if somebody is particularly angry and not participating, you might want to take him/her on the side and try to find out what is going on. If a hidden agenda becomes glaringly apparent, if someone has got a private agenda, a personal agenda and it is getting in the way of the task of the group, you may want to call a caucus and discuss it with that party or that group in private, not in front of the rest of the group. You will get a good chance to use the caucus. How many people have every done that? How many people have actually formally intervened in a dispute and set themselves up as a the intervenor and brought the parties in and sat them down and taken them through their paces? Never caucused? Okay. Some mediators use it all the time. Others use it rarely. Again,

it is a tool in your toolbox. Situations very often dictate where you wind up. Caucusing is very often the tool to use if there is a lot of animosity between parties. Other times, you can get things out on the table and discuss them rationally, and you do not need to have private meetings with the parties.

Okay? We are going to break you up into groups of four. One person is going to be the intervenor. One person will be Farmer Brown (Art, forgive me!). Another one will be Ms. Green. And then there will be an observer. Everybody gets the same fact sheet that lays out the situation. If you are Farmer Brown or Ms. Green, you will get a specific, private set of instructions that tells you who you are, how you feel, and what you think about the situation. You may adorn her a little bit. The observer is invisible. You cannot help the mediator or the intervenor. You may not crank up the parties. You may not egg anybody on. We are going to have an observer's critique sheet that will take you through the steps of process, and I want you to jot down comments on how well the intervenor does. Alright? Okay so everybody gets the same scenario.

Simulation Exercise

Jeanne Mroczko, Administrator

Environmental Regulation
Department of Environmental
Protection, Trenton New Jersey

Bill Brown grows potatoes and other vegetables on a 300+ acre family-owned farm and also runs a small seasonal produce stand. The farm is located in one of the last rural pockets of a rapidly developing county, and is surrounded on three sides by single family and town house communities. Mr. Brown has recently received several telephone calls from homeowners located nearest the edge of his property, complaining of the noise and dust from his harvesting activities. Earlier in the year, these same neighbors complained of odors emanating from the potato fields and cauliflower left on the ground from the previous harvest.

Brown has agreed to meet with Ms. Green, a representative from the surrounding developments, to discuss their concerns. The local **Agricultural Agent** has also agreed to stop by, and has offered to facilitate the discussion between Green and Brown.

Mr. Brown

Bill Brown can't wait to meet with the local **Agricultural Agent** and this "city slicker" about their complaints about his operations. How do these folk think the

food gets on their plates? He has watched farmer after farmer sell their land to developers, who put up these condos with pretty names like "Merrydale" for folks who don't know the business end of a Holstein!!! Farming is messy, hard work -- and there's far too much of it to do to stop every time a little breeze kicks up. And he's not about to pay good wages to pick up the vegetables the harvester missed -- that's what Nature smells like!

These folks should have realized what they were getting into when they bought their big, fancy "country estates;" it's not his problem. Brown prides himself on keeping up with all the rules and restrictions that govern modern farming operations. In addition, he knows there's a "Right-To-Farm" law and he can do whatever he wants.

>> Brown's not sure he is going to bring up the recent vandalism to some of his farm machinery -- after all, he didn't see anyone, but who else could have done it except the kids over in that development?

Ms. Green

Ms. Green is not quite sure what to expect from this meeting with Bill Brown, but she is determined to hold her ground and make him understand how awful it is to live downwind of his farm. She, like the rest of her neighbors, is tired of the constant layer of red dust that coats their cars, window sills and draperies -- not to mention that their electric bills have soared because they can't ever hang their

clothes on the line to dry -- they get covered with dust! And who knows what else is in that dirt -- probably pesticides or DDT or who knows what! And the smell of rotting vegetable (at least they **think** that is what causes that smell) is unbearable - - causing everyone to run their air conditioners, even on cool, temperate days!

Her neighbors have elected her to speak with Mr. Brown -- after all, they pay high taxes and are entitled to the quality of life they all envisioned when they moved out here.

>> Ms. Green is not sure how or if she will use the information given to her by a neighbor who works in the municipal building, who intimated that Brown's roadside vegetable stand is known not to be up to code. Town officials tend to "look the other way" regarding Brown's stand, as his family has lived in the area for generations.

Alan J. Hahn, Professor

Human Service Studies
Cornell University

Public issues education is education about public issues, and public issues are issues that affect the public. Although that sounds circular, it's actually a much more important statement than it seems to be on the surface. Issues that affect the public -- which is to say, issues that affect significant numbers of people -- affect people who are in different situations and people who have different values. Farmers and neighboring residents, for example, are in different situations and often have different values. Therefore, they disagree about what should be done. Such disagreements are perfectly natural and normal. Any community or society needs processes or mechanisms for making public decisions in the face of such disagreement. Public decisions are different from individual decisions, and those differences have important implications. Many of us are accustomed to helping people make individual decisions -- for example, by providing information. When we're dealing with public decisions, however, providing information to people that helps them decide what they want is not sufficient. Other people, on other sides of the issue, are also affected, and have a right to have some influence on public decisions, so something needs to be "worked out" with them. Educators are not doing their jobs if they simply help individuals decide what they want, without also helping them "work something out" with others on different sides of the issue.

Helping educators develop the ability to educate about public decisions is the purpose of the book, *Public Issues Education: Increasing Competence in Resolving Public Issues*, which each

of you received in today's materials.

That book includes some discussion of roles, and I'd like to say a little bit about that. The book has a somewhat more detailed classification of roles, but I'd like to focus on three of them -- expert, facilitator, and mediator. The expert role is one that many educators are familiar with. When we're dealing with public decisions, however, the expert role needs to be played a bit differently than it does when we're dealing with individual decisions. We often think of experts as "the people with the facts," but, in reality, what they usually have are a few facts and a whole lot of interpretation -- and interpretation is the most important part. Interpretation is what people want -- they want to know "what the facts mean." When we're dealing with individual decisions (or working with relatively homogeneous groups, such as farmers), presenting and interpreting facts is fairly easy. But, when we're dealing with public decisions, the facts often need to be interpreted differently for people on each side of an issue, since their situations and values are likely to be different. Experts dealing with public issues like the ones you've been discussing today need to be able to explain not only what the facts mean but the implications they hold for the different stakeholders.

Turning to the mediator role, I think that my understanding of the difference between mediation and facilitation is similar to Jeanne Mrozko's. As I see it, mediators typically have the goal of assisting the parties to a dispute in actually reaching a settlement, a resolution of their issue, and are usually working with issues that are "hot" and in need of fairly prompt resolution. As such, mediation is challenging (as well as rewarding) work. Today, you had just a few hours training in mediation. Jeanne did a tremendous job, but I'd be surprised if any of you (unless you had a big head start) feel very confident about going out and actually mediating a dispute. Some

colleagues and I are the evaluators for a leadership development institute in North Carolina, which emphasizes dispute resolution and has provided twelve days of training, and the participants in that institute tell us that they don't feel capable of being mediators. They believe that they have become "more effective stakeholders," but not mediators.

Facilitators, in my view, are more likely to be working in situations that are not quite so "hot" and where a decision does not necessarily need to be made right away. Their goal is to promote dialogue, not necessarily to reach a settlement. A facilitator would try to anticipate potential conflicts, get all the stakeholders involved, and give them an opportunity to talk to one another, listen to one another, and work at understanding one another. Rather than reaching an actual settlement, the goal might be to anticipate and prevent future conflicts or to make them easier to resolve when they do arise. Many of the methods and skills that mediators use -- which Jeanne was teaching today -- are also useful for those who play the facilitator role, but the two roles are not the same. I agree with Maurice Hartley's comment that many of you will not become mediators (though some may want to get additional training and take on that role), but most of you may want or need to play the role of facilitator. And, as Maurice said, one valuable thing that facilitators can do is to recognize when mediation is needed, and then help the stakeholders understand what mediation is and get them hooked up with a qualified mediator.

Finally, I want to make a few comments about evaluation, which is another topic that has come up several times in today's discussions -- such as in the discussion of, where are the rewards for this kind of work? Over the past few years, I have had some opportunities to be involved in evaluating public issues education projects or programs. What my colleagues and I have done is to conduct open-ended interviews with participants in programs that bring

together people on different sides of issues. What has impressed me is that many wonderful things happen in these programs, but -- as was said in today's discussion -- educators often do not get adequately rewarded for them, and also the results do not get communicated as effectively as they should. What I would like to do is to give you some examples of the kinds of things participants say about these programs. Their reactions are almost, but not quite, uniformly positive. They do not often say, "We reached a solution," but that has not necessarily been the purpose of most of the programs that we have evaluated. Participants do say, "We had some good discussion." Sometimes they say, "I had a chance to explain my position to the other side," which might be quite an important outcome -- people don't often have that opportunity, and they value it. Often participants say, "I learned something about the other side." Much of the time, that involves getting a more complex, less stereotyped picture the other side," or, "I can see that their concerns are real (even if I still don't agree with them)." They say, "I see more common ground than I expected," or, "I now feel more optimistic about finding a solution." In some cases, they say, "The groups are even farther apart than I thought they were," so there are some negative outcomes (although I'm not certain that even those are negative -- perhaps people are becoming less naive, and that may be a positive result). Sometimes they say, "I changed some of my views about the issue," and, even more often, they say, "I saw other people's viewpoints change." (Apparently, it is sometimes hard for people to admit that they changed their own views.) Above all, participants in discussions like the ones you practiced today say, "We need to have more opportunities like these."

Public Issues Education

Luane J. Lange, Specialist

University of Connecticut
Cooperative Extension System

The foundations for **Public Issues Education** (PIE) lie in the historical work of Cooperative Extension System public policy specialists and educators/agents and innovators in the leadership, community development disciplines. The modules, in the 1987 manual, Working With Our Publics, referenced much of the public policy education conceptual base that had evolved from those key pioneers.

The transformation from public policy education to public issues education has been exacerbated by numerous case studies in which advocacy approaches to policy involvement by Extension professionals created tensions among traditional Extensions support groups, between support groups and their communities, and between levels of government. The environment was ripe to redefine the parameters of public policy educational programming with which the Cooperative Extension System would participate.

Basically, three approaches to PIE create the arena for policy education by CES professionals. These are: (1) as an invited or sought expert, providing research based data and information; (2) as educator about the numerous processes of policy development, including the development of community leadership skills; and, (3) as facilitator/convener of diverse parties concerned with contentious issues to provide

dialogue opportunities for addressing the resolution of problems.

It is this latter role, with strong process, community and organizational development disciplines, that is most difficult for many CES professionals to accept. Some professionals, use to expert status, find it difficult to set the stage for participatory involvement. In addition, some individuals in their roles as basic science researchers, do not readily accept a social science knowledge base. Participation in that type of arena is one that can include the role of facilitator in community conflict issues.

It is, however, the conflict intervention role that has perhaps the most opportunity for CES to participate in the resolution of community issues. There are only a few who are comfortable enough take this position. And, CES credibility provides the stage for participation. However, process and conflict resolution knowledge is necessary. CES can supply and apply numerous strategies within PIE, from the choice of intervention to the mentoring/coaching of parties to a contentious issue. All phases rely on a strong understanding of the parameters of conflict and the processes needed to address the resolution of the issues.

Within, Public Issues Education: Increasing Competence in Resolving Public Issues, it is especially appropriate to draw your attention to Chapters 1, 2 and 3. Chapter 1 provides the basic framework for how education can help resolve public issues and the role for neutrality. Chapter 2 provides specific models of PIE and step-by-step approaches. Chapter 3 addresses the components necessary in the designing of a PIE program. Of particular interest to the understanding of the role

of conflict in PIE is Interest-based problem solving in Chapter 2, and the Chapter 4 section on Collaborative Conflict Resolution with Polarized Groups. Because the role of conflict is inherent within community policy development and issues, understanding and skill development related to conflict is a necessary key component.

The workshop topic of **Mediation and Dispute Resolution** provided a framework extended beyond the experience in policy issues by Extension faculty and staff. The content of the simulation addressed key components for skill development while providing the opportunity to experience conflict from the positions many of our program participants experience. For a few of the participants, role playing provided opportunity to experience the role of dispute resolver. It is unlikely that the role of participating as a 2- party dispute resolution or mediator is one in which CES should be engaged. The role playing simulation did provide, however, the opportunity to better understand the parameters of acting as a convener or intervener. The simulation also provided a first-hand experience in the understanding of why the model of expert is difficult to continue or is ineffective in such a situation. Several occurrences during the role playing highlighted some of the pitfalls: familiarity with one of the parties; expert position and/or personal opinion; the factual resource role; and, tolerance of group input as participants sort through "obvious" inappropriate solutions and so on.

The panel that preceded the simulation provided a model for a program design strategy: development and of convening meetings and the participation of an expert and both parties/sides to an issue. PIE programs, whatever levels or point in an

issues one determines is the best to enter, must include facts, and must include the stakeholders on all sides of the contentious issues. The roles taken by the panel members also exhibited the roles of personal opinions, bias, expert contentions.

The simulation thus raised the following issues: What is the conceptual base for CES involvement in PIE? When can facilitation by CES offer a larger picture? Who values this? What are the pitfalls in participating? What are the differences between positions and interest?

All of these become major considerations when designing an effective PIE program, or making the decision to participate in some manner in a policy issue. For any CES faculty or staff, whether proactively deciding to develop a public issue education program because the need is identified, or whether the CES faculty or staff finds him/her self "smack, dab in the middle" of a contentious issue that has evolved from a different educational program, it is important to have familiarity with the basics of PIE.

Reoccurring questions related to PIE include many "hows." How does it conceptually fit with the idea that the educational role of CES is to provide a solution that is systematic, portable, useable by others? How does it fit with the need for long term educational benefits? What are Long term benefits in these types of scenarios? How is the faculty member, whose role of expert is now one of convener, facilitator to be adjudicated? Where is the "I" that can solve problems relegated to the "You" problem solving of a group. What personal professional reprogramming is necessary? What organizational reprogramming is necessary? What are the rewards within the

traditional higher education arena? Where might Boyer's "Reconsideration of Scholarship," fit, for example? And, when should a CES specialist or educator choose such a role? Does such a role, i.e., prevention and intervention warrant public funding?

For those who have worked in social sciences and prevention, PIE goals and strategies are easier to accept. For those with adult education, community development, or other "process" backgrounds, PIE is easy to implement. For those involved in the expanding views of higher education as outreach and community service, it is easier to consider. Even, if this is not an arena for the basic sciences, who can argue that there are not policy issues related to basic animal and plant science, i.e., animal rights, wetlands, - any areas where differing values and priorities exist? It is therefore important for all CES professionals to have a working knowledge of PIE.

Conclusion

Maurice P. Hartley, Professor

Department of Agricultural
Economics and Marketing,
Cook College

The history of public policy, including policy related to agriculture and the environment, has been marred by frequent conflicts with groups of citizens. Today, as in the past, these conflicts are often addressed through expensive, time-consuming litigation. In recent years, citizens and representatives of educational institutions, business and government have experimented with alternative procedures and strategies which are often able to satisfy the concerns of all parties, and thus, reduce the likelihood of later disputes. These alternatives go by various names including, *environmental dispute settlement, conflict resolution, consensus resolution, and coalition building.*

Procedures and strategies, alone, are not enough. If citizens are to make reasonable and responsible decisions, they must be informed. Thus, **public policy education** programs have emerged for the purpose of enhancing society's capacity to understand and respond to a plethora of issues and choices. As Tavernier noted in the overview to these proceedings, public policy education provides an important framework within which extension programming is facilitated. Moreover, as reflected

in strategic plans developed locally and nationally, increasingly the role of cooperative extension professionals is expanding as they are being called upon to help their constituents handle challenging and often controversial issues and choices.

With a vision toward strengthening extension's effectiveness in public policy education, especially as relates to the contentious issues that often surround sustainable agriculture and the environment, the workshop described in these proceedings was conceived and delivered. Participant evaluations of the workshop and other formative and summative evaluations referenced in the project report suggest that we were successful in achieving three major project objectives. For example, the panelists, Adelaja, Rabin, and Tucker identified and explained a number of key issues related to sustainable agriculture, property rights and the environment (Objective 1); Hahn, Lange, Mroczko and Tavernier identified and described the basic elements of consensus building and public policy education (CB/PPE) models and skills (Objective 2); and, the participants themselves (extension and USDA field personnel), guided by Mroczko, demonstrated and applied CB/PPE skills in a simulation exercise based upon a real-life conflict found in many communities on the rural-urban fringe (Objective 3).

Our assessments also indicate that we may have been overly optimistic and ambitious, though partially successful, with regard to two objectives. Specifically, that participants, as a result of "new skills" acquired, would develop and implement CB/PPE forums, programs and/or strategies appropriate to their respective work-settings to facilitate improved communication, understanding and dispute resolution

(Objective 4). And further, that participants themselves would assist in the training and educating of other colleagues, community leaders, and constituencies who may wish to join them in CB/PPE endeavors as they arise (Objective 5).

While there are indications that Objectives 4 and 5 are being met to a degree, the evidence for that is greatest among participants who were already experienced in intervention, consensus-building and other conflict resolution strategies in areas related to public policy. As Hahn noted, even participants in an intensive 12-day CB/PPE training institute in N. C., with which he has worked, leave without complete confidence that they are able to take on the role of mediator. Thus, especially for the "newcomer," the project's greatest contribution may be one of "consciousness raising," but we are convinced that this is a worthy achievement. Consciousness of one's own limitations and the ability to recognize and act upon the need for referral to those with the expertise appropriate to a specific situation are among the characteristics of a professional.

Serving as a convener and identifying qualified resource people who can facilitate the mediation process may appear to be but small contributions, but when we observe the tremendous consequences that often come from little things, we may be tempted to consider the possibility that there are no little things. If we who serve the public can help our constituents on various sides of an issue understand and trust that the higher ground of true win-win solutions is preferable to costly, demeaning and destructive conflicts, we will have opened the door to the opportunity for communication and mutually beneficial resolutions.

Appendix A

Planning Process

Appendix A.1

Correspondence establishing date for project
advisory meeting 11/6/96

Bruce Barbour
Judy Green
Alan Hahn
Leslie Hulcoop
Lucy Joyce
Luane Lange
Tom Orton
Jack Rabin
Judith Schneyer

RUTGERS COOPERATIVE EXTENSION

PO Box 231
New Brunswick, NJ 08903-0231

NEW JERSEY AGRICULTURAL EXPERIMENT STATION

October 17, 1995

To: PAC Member and PI's
From: Ed Tavernier *ET*
RE: PAC Meeting

The project advisory committee and project investigators for the NESARE funded project "Promoting Sustainable Agriculture Through A Systems Approach to Consensus Building and Public Policy Education will meet:

Monday, November 6, 1995
Room 120, CAFT (Food Science BLDG)
11:00 a.m. - 3:00 p.m.

Goals for the meeting (hopefully the only one you will have to attend) are:

- (i) identify panelists for the workshop
- (ii) consider material for a consensus building "curriculum"
- (iii) give consideration to the design and structure of simulation exercises and the format of the implementation plan
- (iv) identify participants/organization for day-long workshop

Please bring materials that relate to the achievement of those goals and take a look at the "Abstract" and the "Approach and Methods" sections that are being faxed to you.

DIRECTIONS FOR PARTICIPANTS FROM CORNELL AND CONNECTICUT

Garden State Parkway (GSP)

GSP South to Exit 130 to Route 1 South to College Farm Road (CFR) Exit (it is about 8 mi from 130 exit to CFR exit).
Visitors Parking Lot 98A is on left.

New Jersey Turnpike (NJT, 95)

NJT South to Exit 9 to 18 North to Route 1 South to College Farm Road Exit (the Rte 1 exit to CFR is about 1/2 mi).
Visitors Parking Lot 98A is on left.

CAFT (NABISCO BLDG) is on the corner of College Farm Road and Dudley Rd adjacent to Marine Sciences BLDG).

Appendix A.3

Agenda for meeting

AGENDA

PI AND PAC MEETING
NOVEMBER 6, 1995
120 CAFT
COOK COLLEGE CAMPUS

Project: Promoting Sustainable Agriculture (SA) Through a Systems Approach to Consensus Building (CB) and Public Policy Education (PPE)

1. Welcome and Introductions
2. Overview of SARE Project and CB/PPE Model
3. Examination of various phases and needs to be accomplished

Phase I: Formalize List of Participants

- Extension personnel
- USDA personnel
- Leaders from other communities

Phase II:

A. Day-long workshop: Issues related to SA and PPE

Perspectives or topics	Focus	Panel
- Science/IPM	How to's	
- Regulation	+ve/-ve impacts	
- Economic	+ve/-ve impacts	

Transition to

Special topics in PPE	How PPE can help resolve PP issues
Critique of various PPE models	CB/PPE framework

B. Workshop Activities

Skill Building - Collaboration, Problem Solving, Change

Phase III: Application to work settings

- Outline or format for CB/PPE "implementation plan"

Phase IV: Review and Feedback

- Responsibilities of participants after workshop

Phase V: Evaluation

- Development of evaluation instrument

4. Concluding Remarks and Adjourn.

Appendix A.4

Presentation to project advisory committee

CONSENSUS BUILDING-
PUBLIC POLICY EDUCATION MODEL

EDMUND M. TAVERNIER

PRESENTATION TO
NORTHEAST PUBLIC EDUCATORS
120 CAFET, COOK COLLEGE CAMPUS
NOVEMBER 6, 1995

WHAT IS SUSTAINABLE AGRICULTURE (SA)?

SA IS A GOAL RATHER THAN A RIGIDLY DEFINED SET OF PRACTICES

GOAL

TO PRODUCE FOOD IN WAYS THAT CAN BE CONTINUED INDEFINITELY

BOTH ENVIRONMENTAL AND ECONOMIC

REDUCE CHEMICAL DEPENDENCY

USE ECOLOGICAL PRACTICES

SA PRACTICES

VARY BY CLIMATE SOIL TYPE REGION AND LOCALE

CHANGES AS CONDITIONS WITHIN WHICH THE FARM OPERATES CHANGE

WHEN IS CONSENSUS BUILDING NECESSARY?

CONSENSUS BUILDING IS GENERALLY NECESSARY WHEN GROUPS ACTING ALONE DO NOT POSSESS THE POLITICAL, ECONOMIC, AND CULTURAL RESOURCES TO EFFECTIVELY AND EFFICIENTLY ACHIEVE THEIR AGENDAS.

WHAT IS PUBLIC POLICY EDUCATION (PPE)?

PPE IS EDUCATION ABOUT PUBLIC ISSUES, POLICY MAKING PROCESSES, AND OPPORTUNITIES FOR EFFECTIVE PARTICIPATION, AND CAN ASSIST PUBLIC POLICY MAKERS BY HELPING CREATE A MORE KNOWLEDGEABLE AND POTENTIALLY SUPPORTIVE CITIZENRY.

PHASES

* Phase I

- convening role
- identifying stakeholders
- coalescing imperatives

* Phase II

- facilitators
- authority
- path-expectancy and clarity
- homogenous deliberations

PHASES

* Phase III

- facilitators
- heterogenous deliberations
- baseline considerations
- consensus on results

* Phase IV

- coalition body
- adoption of timetable
- operational mechanism
- growing pains of coalition

GROWING PAINS OF COALITION

Stage

Description

- . Familiarization
- . Charge definition
- . Clarifaction of roles and authority/
responsibility relationship
- . Determination and usefulness of
skills in coalition activity

Formation

GROWING PAINS OF COALITION

<u>Stage</u>	<u>Description</u>
	<ul style="list-style-type: none">· Understanding coalition change· Promotion of certian views and interests
Diferentiation	<ul style="list-style-type: none">· Emergence of interpersonal conflicts· Working through conflicts

GROWING PAINS OF COALITION

Stage

Description

- . Balance the life of a coalition
- . Work flow handled easily
- . Development of cohesiveness among coalition members
- . Members perceive themselves as coalition

Integration

GROWING PAINS OF COALITION

<u>Stage</u>	<u>Description</u>
	<ul style="list-style-type: none">· Appreciation· Flexibility· Strengths and weaknesses
Maturity	<ul style="list-style-type: none">· Acceptance of individual differences· Efficient and effective coalition processes· Tolerance· Minimal intermember conflict

Appendix A.5

Thank you letter to project advisory members

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

Department of Agricultural Economics and Marketing • Cook College
P.O. Box 231 • New Brunswick • New Jersey • 08903-0231 • 908/932-9155

November 20, 1995

To: Donald D. Applegate
Joni Elliott
Gerald Hlubik
Sanford M. Jaffe
Lucy Joyce
Linda Stamato

I am writing to express our gratitude for your willingness to serve on the project advisory committee (PAC) for the Northeast Regional Sustainable Agriculture grant which we have received. The ideas and suggestions you made during the PAC meeting on Monday, November 6, added immensely to the conceptualization of the in-service training program on "facilitating consensus building and public policy education" which will be offered to Rutgers Agricultural Extension Agents and USDA field personnel (tentatively scheduled for late February, 1996).

Enclosed for your review is the outline of the agenda for the workshop which we developed during the PAC meeting. Jeanne Mroczko, Assistant Administrator, Office of Permit Information and Assistance, New Jersey Department of Environmental Protection, will be working with us to develop the "hands-on," interactive portions of the workshop. If you have ideas about those whom we might consider as panelists, please provide us with their names, addresses and telephone numbers as soon as possible.

Once again, thank you very much for your gracious and important contributions to this project.

Sincerely

Edmund M. Tavernier
Assistant Professor

cc: B. Barbour
A. Hahn
M. Hartley
Z. Helsel
L. Lange
J. Mroczko
T. Orton
J. Rabin

Appendix A.6

Letter expressing appreciation with meeting



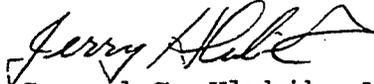
United States
Department of
Agriculture

Farm
Service
Agency

Mastoris Professional Plaza
163 Route 130, Bldg. 2, Ste. E
Bordentown, NJ 08505-2249
Tel: 609-298-3446
Fax: 609-298-8780

November 8, 1995

TO: Ed Tavernier


FROM: Gerard G. Hlubik, ACD

SUBJECT: PAC Meeting

The meeting of 11/6/95 went well and it appears we will have an interesting workshop.

For your information, my working title and address has recently changed. I am now Agriculture Credit Director for the USDA Farm Service Agency in N.J. My telephone number is 609-298 3446. FAX 609-298 8780.

The new address is listed above.

As per our discussion, I am enclosing the ticket. Thank you for your help.

Please contact me if I can be of further assistance.

Appendix A.6

Letter of invitation to county agents, extension educators, specialists, U.S.D.A. field personnel

THE STATE UNIVERSITY OF NEW JERSEY
RUTGERS

Department of Agricultural Economics and Marketing • Cook College
P.O. Box 231 • New Brunswick • New Jersey • 08903-0231 • 908/932-9155

February 1, 1996

Memorandum

**TO: Rutgers Cooperative Extension
County Agents, Extension Educators, Specialists, and
U. S. D. A. Field Personnel**

**FROM: Bruce Barbour
Tom Orton
Maurice Hartley
Edmund Tavernier**

RE: Special In-Service Training Workshop

We are writing to invite and encourage your participation in an in-service training workshop, **"Strategic Planning & Tools for Public Issues Education & Problem Solving,"** on Friday, March 1, 1996, at the Continuing Education Center on the Cook/Douglass Campus (see enclosed flier).

The **strategic plans** developed in Extension locally and nationally place emphasis on enhancing the way Extension helps society deal with controversial issues and public choices. While dispute resolution is not our primary activity, we often find ourselves on the fringe if not directly in the fray in issues related to "right-to-farm," sustainable agricultural practices, and environmental health and safety. Our record of service and established credibility positions us to play a pivotal role in the resolution of conflict and other problems, but most of us are not entirely comfortable in the role and recognize that we may benefit from further training.

A grant awarded by the Northeast Region SARE National Training and Education Program offers a rich and timely opportunity for in-service training for both the newcomer and those experienced in intervention, consensus-building and other conflict resolution strategies in areas related to public policy. **We ask that you complete the enclosed registration form and return it to Edmund Tavernier at the address noted by February 12, 1996.**

Your interest and prompt attention to this invitation are appreciated. We look forward to seeing you on March 1, 1996.

cc: T. Casey, Z. Helsel, I. Maw, J. Rabin, R. Sharp

Appendix B

Flyer and attendance list for March 1, 1996 workshop

Appendix B.1

Flyer

**Strategic Planning &
Tools for Public Issues
Education (PIE)
& Problem Solving**

*** * ***

An In-Service Training

Program for Rutgers

Cooperative Extension

&

U. S. D. A. Field Personnel

*** * ***

Friday, March 1, 1996

Continuing Education

Conference Center

Cook/Douglas Campus

Clifton Avenue

New Brunswick, New Jersey

**pivotal (piv' a tal) that
on which important
results depend**

**Pivotal defines the role of
County Agents, Extension
Educators, Specialists, &
Public Issues Education
practitioners who are often called
upon to assist when conflicts and
other problems arise.**

Who Should Attend?

**This workshop is designed for
both the newcomer and those
experienced in intervention,
consensus-building and other
conflict resolution strategies in
areas related to public policy.**

Workshop Goals

**Strategic plans developed
locally and system-wide place
emphasis on enhancing the way
Extension helps society deal with
controversial issues and public
choices. Participation in this
workshop should help you:**

**# See real-life issues in your
work setting in the broader
context of public problem
solving.**

Select the best role for yourself.

Issues Education & Problem Solving

Size up the contribution an educational and consensus building approach could make.

9:45 Panel Discussion: Agricultural, Regulatory & Environmental Perspectives on Sustainable Agriculture & Right to Farm

Decide how to get started.

10:30 Break

Incorporate the latest thinking about collaboration, problem solving, dispute resolution and other methodologies.

10:45 Elements of Intervention Processes

Help your community move toward a shared understanding of the issue and the process.

12:00 Lunch (Provided)

Identify resources to support your efforts.

1:00 Preparation for Conflict Simulation

Assess the impact of the collective efforts and activities.

1:15 Group Exercises & Discussion

2:00 Break

PROGRAM

2:15 Feedback & Plenary Discussion

2:45 Summary of PIE Models

9:00 Registration

3:15 Next Steps: Development of Intervention Strategies for Work Settings

9:30 Welcome & Introductions

4:00 Concluding Remarks, Work shop Evaluation & Adjourn

REGISTRATION FORM

Strategic Planning & Tools for Public Issues Education (PIE) & Problem Solving (March 1, 1996)

Name (Print) _____

First Name for Nametag _____

Daytime Phone () _____

Mailing Address _____

To help us achieve balance in group exercises & discussions, please rate your level of experience in conflict resolution/consensus-building/ intervention strategies:

____ Very Experienced
____ Moderately Experienced
____ Limited Experience

No Registration Fee is required.

This program is being sponsored by NJAES/Rutgers Cooperative Extension and a grant from the Northeast Region SARE National Training and Education Program.

Please detach & return registration form by February 14, 1996, to:

Edmund M. Tavernier
% DAEM, Cook College,
P.O. Box 231,
New Brunswick, NJ 08903-0231
908-932-9171 Ext 23

Appendix C.1

Deer damage

Problem Identification

Deer over population. Degradation of agricultural crops and residential landscapes, hunting quotas, and animal rights.

Stakeholders

Farmers, freeholders, fish and game, animal rights advocates, property owners, state legislators.

Alternative Solutions

1. Fencing.
 - a. Cost.
 - b. Concentrates deer in shrinking areas.
 - c. Decreases vandalism.
2. Bait and shoot.
 - a. Public outrage.
 - b. Safety Issues.
 - c. Unsportsmanlike.
3. Sterilize.
 - a. Decrease reproduction.
 - b. Economic feasibility.
4. Encourage shooting.
 - a. Lower populations.
 - b. Public outrage.
5. Encourage shooting fawns.
 - a. Much lower populations.
 - b. Public outrage to the 10th power.

6. Alternative landscape design.

May not work.

Information Required

1. Least cost and most effective fencing.

NJAES research/private industry

2. Bait and shoot (does/fawns).

Cornell video on this issue.

3. Sterilizing

Research - NJAES research.

4. Plant species resistant to deer, and what is source of resistance?

NJAES research.

Evaluation Plan

1. Reduced population.

2. Reduced damage.

3. Animal rights advocates participate.

Contributors

Mel Henninger

Bill Tietjen

James Willmott

Charlene Costaris

Appendix C.2

Food safety

Problem Identification

Consumer concerns with food safety as promoted by mass media.

Stakeholders

Mass media, consumers, Farm Bureau, producers/farmers, agricultural chemical industry, CES, lenders, youth, medical profession.

Alternatives Solutions

1. Research on tolerably harmful levels is available, educate the public.
2. Make media accountable and bear the cost of correction, lose license to do business.
3. Increased research on tolerance levels on young people. Set tolerances for infants and publicize.
4. Consequences:
 - a. People decide what is acceptable.
 - b. Media may make a greater effort to be accurate.
 - c. Parents can make more informed decisions.

Information Required

1. Retailers take responsibility for spot checking the produce that they sell. Use it as a marketing tool emphasizing quality and safety.
2. Educational program to raise consumer level of information.
3. Reconnect consumers with food supply.

Evaluation Plan

1. Large scale survey of consumer.
2. Monitor statistics and buying habits of consumers.
3. Less scare stories in media. More effort to present balance.

4. Put farmers' pictures above products in produce aisle.
5. Measure consumption changes.

Contributors

Linda Brown
Jerry Hlubik
Geoffrey Slifer
Peter Shearer
Jack Rabin

Appendix C.3

Recycling

Problem Identification

Goal of 60 percent recycling compliance rate in New Jersey has not been met.

Stakeholders

Waste haulers , recycling landfill operators, landlords, household consumers, legislators, manufacturers, supermarkets, and distributors of consumer goods.

Alternative Solutions

1. Curb site pickup (standardized time at same time as garbage pick-up).
2. State plan instead of municipal individual plan.
3. Recycling education in the schools.
4. Law enforcement, standardized fines.
5. Education of manufacturers on alternative packaging.
6. Negative consequences - cost, logistics.
7. Positive consequences - greater environmental health, unification, larger markets for products.

Information Required

1. Life cycle analysis of products.
2. University research.
3. Economic analysis.

Evaluation

1. Raising percentage of recycling.
2. Survey about purchasing and recycling rate.
3. Changes in manufacturer distributing practices.

Contributors

Ellen Williams
Carol Ward
Anne Rhinesmith
Daryl Minch
Lisa Boyles

Appendix D

Copy of article submitted for publication

**Lessons in Public Policy Education: Results from the Northeast Sustainable Agriculture
Research and Education Project¹**

Edmund M. Tavernier and Maurice P. Hartley

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Public Policy Education: An Expanding Role for Land Grant Colleges

Abstract

This paper examines the new and expanding role of public policy education at land grant colleges. While past public policy education programming involved the provision of agricultural production-related services to farmers, a new and vocal audience of environmentalists, policy makers and non-farm public is emerging to pose significant challenges to extension programming. These challenges revolve around consensus building and conflict resolution strategies. The readiness to provide these services was assessed recently at an in-service training workshop sponsored by the Northeast Sustainable Agriculture and Research and Education program held March 1, 1996 on the Cook College campus, New Jersey. Results from this study suggest that extension professionals may be ill-prepared to address these challenges because they are trained in the basic sciences and the necessary skills and practices needed are found in the social sciences including psychology and education.

Public Policy Education: An Expanding Role for Land Grant Colleges

Introduction

Public policy education (PPE), by definition is education about issues and policies that affect the public and thus has always been an important component of the extension mission of land grant colleges. Traditionally, this mission was to take information and recommendations that were generated by public or private research institutions or laboratories and encourage farmers to adopt practices arising from the scientific research (Hytche, 1993). In this function extension professionals had a distinct clientele, notably farmers whom they served. However, this function is gradually expanding to include more diverse audiences.

The inclusion of more diverse audiences becomes necessary because environmental and natural resource concerns are emerging as important areas in the public policy debate. As a result, extension arms of land grant colleges are often called upon to play a major role in helping to resolve conflicts because extension faculty have the responsibility to be objective, balanced, and neutral as they serve and work directly with people who are affected by public policy decisions. These decisions generally foster or involve disagreement and controversy which result from different roles, values, interests, and ideas. Thus, the Cooperative Extension System (CES) in recent years has established parameters which guide the involvement of extension professionals in public policy education. The basic parameters include roles as (i) invited speaker or sought after expert to provide and explain research data, (ii) educator in the numerous processes of policy development, including the development of community leadership skills; and (iii) convener/facilitator in providing the opportunity for diverse audiences to resolve contentious issues. The nature of the parameters mean that extension professionals may not assume advocacy

roles (House, 1988). Such roles would compromise extension's ability to bring together divergent parties to a dispute to formulate mutually agreed upon solutions.

Lange (1996) argues that the role of convener/facilitator is perhaps the most difficult for most CE professionals to accept. This difficulty may arise from the faculty member's professional identity as an expert and resource for the farmer and his/her role as a problem solver in areas relating to conflict. Moreover, many agricultural agents trained in the basic sciences do not have a foundation in strategies and practices found in the social sciences including psychology and education. These disciplines provide much of the knowledge and skills in group and community processes which can enhance the role of CES professionals as facilitators in issues of community conflict.

The conflict intervention role which CES professionals are often asked to play provides perhaps the greatest opportunity for CES to serve communities. This role is one not readily played by any other organization because unlike disputants, the facilitator has no primary stake in the outcome of the conflict, typically has no resources to transfer, and acts only to alter the decision ingredients of disputants through information (Kaufman and Duncan, 1992). These factors involve credibility and neutrality and may be more difficult to find outside the university system. Tavernier et al. (1995b) and Lange (1996) argue that extension professionals can play a significant role in conflict resolution because many have already established credibility as mediators through their record of service and work with individuals and groups who are directly affected by public policy issues. However, to be effective Extension professionals must (i) identify policy issues in the early stages of their evolution, (ii) involve stakeholders in the identifying issues that are important to them, and (iii) explicitly note different perceptions about

the issue in order to avoid being labelled as preferring a particular group (Dale and Hahn, 1994). These factors provide the essential elements for the involvement of CE professionals in PPE, yet are often lacking as an integral part of extension programming. This failure may ill-prepare extension professionals for the changes in new extension responsibilities around PPE that are occurring at land grant colleges.

Changing Roles and Forces of Change

Lund (1995) suggests that land grant colleges are changing, not necessarily out of choice, but because factors outside their control are forcing change upon them. Those factors include the rise of non-traditional vested-interest groups that have larger roles in local, state, and national policy making (Tavernier, et al., 1995a). These groups exert considerable influence on public policy issues, rarely speak with one voice and often hold a variety of views on controversial issues. The issues often focus on the role of the chemical and pesticide industries in environmental degradation rather than their contribution to improvements in crop and livestock productivity (Francis, et al., 1990). For example, the environment has benefitted from high-yielding agricultural varieties which have increased food production using fewer acres and thereby decreasing the likelihood of environmental degradation. Thus the positive contributions of agriculturalists are often not considered in the debate between environmentalists and farmers which increases the difficulty of finding common ground between the two groups. Further, although consensus may exist on some issues, the diversity of perceptions and vested interests contributes to increased tension, mistrust, and disharmony. These perceptions and resulting conflicts create obstacles to convening the groups to work and build on areas of consensus.

The difficulty of bringing divergent groups together has amplified the need for extension agents at land grant colleges to become involved in public policy issues. This involvement is a departure from the traditional role whereby extension agents were to both pass information from the college to the farmer and bring the farmers' needs to the college (Bonnen, 1986). In this role farmers were the primary constituents and points of reference from start to finish and their priorities were often satisfied before all other groups (Chambers, 1986). This exclusive focus is changing because of socio-economic and demographic developments.

Among the developments, the shift from rural to an urban society is particularly significant. This shift means that less than 2% of the U.S. population actually lives on farms and suggests that much of the political power has moved away from rural counties to urban areas. As a result of this shift, political representatives are more likely to be responsive to their urban constituents who get them elected (Tavernier et al., 1995b). For example, legislatures in many states have passed agricultural land-use zoning statutes in response to environmental concerns (Hand, 1984; Lapping et al., 1983). These statutes protect environmental amenities but are likely to erode the equity of farmers (Adelaja et al., 1989). Although they are unpopular with farmers these statutes remain important legislation in several states.

Changes in agricultural practices and yields have also contributed to the move away from the traditional role of land grant colleges. Eckel (1995) argues that since 1930 one-third of the U.S. population (nearly 28 million farmers) involved in food production left the farm to pursue other productive non-farm careers. The 1.8 million farmers who remained on the farms made significant increases in agricultural productivity. The increases provided an abundant food supply and diminished food security concerns which tends to lessen support for agriculture (Tavernier,

et al., 1995a). As a result agricultural practices are questioned more than ever and greater accountability is demanded of agriculture from all citizens. This attitude suggests that the reservoir of goodwill towards agriculture is drying up (Libby, 1994). It also suggests that agriculture's ability to achieve real impact on agricultural-related issues might best be served if strategic alliances were developed to work directly and collaboratively with all groups. Thus, it is clear that in their new role extension professionals are simultaneously serving different clients and therefore have to be sensitive to the demands of all sides.

Agriculture and the Environment

Agricultural production activities and the environment provide a poignant example of the need for extension professionals to be sensitive to the interests of farmers and environmentalists. These interests or preferences lead to different consumption and production decisions which generate external effects that are at the foundation of many conflicts (Valavanis, 1958). An essential feature of the concept of an external effect is that the effect produced is not a deliberate creation but an unintended consequence of a legitimate activity (Mishan, 1971). The application of chemical fertilizer to agricultural crops is an example of a legitimate activity which may have an unintended effect of contaminating the groundwater. This contamination holds significant implications for the welfare of the public at large and often results in conflict between farmers and environmentalists.

External effects can be addressed through several mechanisms. These mechanisms include (i) outright prohibition - e.g. banning pesticides; (ii) tax/subsidy solution - e.g. taxing chemicals such that they would be used sparingly and thus decrease the likelihood of contamination; (iii)

regulation -e.g. placing constraints on the use of certain chemicals; (iv) voluntary agreements - e.g. bringing together the parties to a dispute to obtain mutually satisfactory solutions; and (v) preventive devices - e.g. purchasing technology which may have remedial action. While extension professionals can educate clientele on all five mechanisms, they are more likely to play a facilitating role in attempting to achieve voluntary agreements between opposing groups. Byers (1995) argues that environmentalists and farmers are natural allies because both groups want a healthy and nutritious food supply, productive soils, and an abundance of farmland. Jengo (1995) indicates that protecting the environment and ensuring a sound economy, two policy goals often seen as conflicting, can actually be symbiotic. Watson (1995) argues that addressing the immediate local and economic concerns of farmers is essential for environment conservation. Thus, it appears that there exists potential for extension professionals to find common ground upon which farmers and environmentalists can build constructive partnership.

Researchers have advanced several approaches for achieving cooperation among diverse audiences. Tavernier and Hartley (1995) provide a coalition building model which uses a focus group and consensus building approach to bring stakeholders together. Hahn (1988) presents an issue evolution/educational intervention model which assumes that an educator can determine the current stage of an issue and design and implement appropriate intervention for that stage. These models provide several elements such as including multiple perspectives, having a structured process, laying the ground rules, having a shared information base, and seeking mutually acceptable solutions for achieving common ground which facilitates public policy education. Although the elements provide important guidelines for cooperation and collaboration, the decision regarding the stage at which stakeholders might be included in the process may pose

some problems. Lockeretz and Anderson (1990) argue that although collaboration with farmers is important, it may not always be necessary that farmers play a major role in defining the parameters of research. Alternatively, Watkins (1990) suggests that farmers should be involved in the entire research process rather than as "subordinates or passive recipients of research results." Francis et al. (1990) suggest that the collaborative efforts of university, industry, farmer groups and environmental organizations will be needed to fully empower the individual farm operator to make rational and environmentally sound production decisions in the future. While the above arguments enhance the chances of a productive relationship among stakeholders public policy education efforts are needed to help stakeholders, including extension professionals, make wise public choices. These efforts are illustrated in the workshop exercise on conflict resolution which follows.

An Exercise in Conflict Resolution

The issues and practices involving environmental protection, agriculture and public policy development, have become increasingly complex and hence call for expanded training in PPE, consensus building, and conflict resolution strategies. The training opportunities provide a basis for assessing the readiness of extension professionals who wish to engage in PPE around contentious issues. Such readiness was assessed at an in-service training workshop sponsored by the Northeast Sustainable Agriculture and Research and Education program was held March 1, 1996 on the Cook College campus, New Jersey.

An overarching goal of the workshop was to provide the capacity to extension professionals who completed the training to reach and involve diverse audiences, create structures

and programs that facilitated learning about the perceptions, needs, and objectives of the respective interest groups (e.g. agriculturalists, environmentalist, policy makers, the general public) and to contribute substantively to dispute resolution. Specifically, the workshop sought to demonstrate and apply consensus building and public policy education skills in simulation exercises based upon real-life problems such as conflicts involving resource utilization, zoning and planning, property rights, and other problems on the rural/urban interface. Hence, the workshop provided an opportunity for extension professionals to mediate a conflict.

The workshop simulation exercises involved a hypothetical farmer, Mr. Brown, who grew potatoes and other vegetables on a 300+ acre family-owned farm and also ran a small seasonal produce stand. The farm was located in one of the last rural pockets of a rapidly developing county, and was surrounded on three sides by single family and town house communities. Mr. Brown received several telephone calls from homeowners located nearest the edge of his property, complaining of the noise and dust from his harvesting activities. Earlier in the year, the neighbors complained of odors coming from the potato fields and the cauliflower left on the ground from the previous harvest.

Mr. Brown agreed to meet with Ms. Green, a representative from the surrounding developments, to discuss their concerns. The local agricultural agent agreed to facilitate the discussion between Ms. Green and Mr. Brown.

Mr. Brown was eager to meet with the local agricultural agent and this "city slicker," Ms. Green about the complaints to his operations. He prided himself on keeping up with all the rules and restrictions that govern modern farming operations and believed that the "city folks" should have realized what they were getting into when they bought their fancy "country estates".

Ms. Green was not quite sure what to expect from this meeting with Mr. Brown, but she was determined to hold her ground and make him understand how awful it was to live downwind of his farm. She, like the rest of her neighbors, was tired of the constant layer of red dust that coated their cars, window sills and draperies, and the huge electric bills that resulted because they could not hang their clothes on the line to dry. In addition the smell of rotting vegetables was unbearable (Mroczko, 1996).

The above scenario provided the opportunity for extension professionals to experience the role of dispute resolver and practice mediation techniques in a guided, safe, and educational environment. In addition to Ms Green, Mr. Brown and the local agricultural agent, the scenario also consisted of an observer who provided the facilitator with suggestions to improve his/her facilitation skills after observing the exercise. The four participants rotated roles to allow each person an opportunity to experience the various sides of a conflict.

While many saw the value in serving as facilitators/interveners versus problem-solvers, they reported that to be effective in their "new role" would necessitate a shift in expectations from the farm community in the role/services that extension agents provided. The majority of those who participated in the exercises said that their current role required them to give advice and answers and to provide solutions to their clientele's problems. Thus, they experienced extreme difficulty acting as neutral interveners and reported an increasing temptation to solve the problem for the "disputants."

Several occurrences during the role playing highlighted some of the pitfalls for extension agents who participate in conflict resolution. These included (i) familiarity/allegiances with one of the parties, (ii) expert position and/or personal opinion, (iii) the departure from the role of a

science-based expert, to an expert on process resolution role, and (iv) tolerance of non-expert group input as participants sort through "obvious" inappropriate solutions. Ninety-three percent of participants in the Cook College workshop reported that the role playing and subsequent feedback and discussion was informative and appreciated the difficulty of mediating from an extension perspective.

Lange (1996) poses some interesting questions regarding the role of extension personnel and CES in conflict resolution. Among them, what does CES facilitation of contentious issues offer to a larger picture? Who values facilitation of contentious issues? What are its long-term educational benefits? Does the reward system recognize and honor those benefits? How does facilitation of contentious issues conceptually fit with the idea that the educational role of CES is to provide a solution that is systematic, portable, and useable by others? What organizational and personal pitfalls exist if extension personnel embarked on conflict resolution? Should a faculty member's professional identity as an expert now be adjusted to include that of being a convener or facilitator? These questions become major considerations when extension professionals decide to participate in some manner in a policy issue. Given the new role of extension professionals they are questions that will have to be addressed sooner than later.

Conclusion

PPE has always been an important function of land grant colleges. This function traditionally involved the provision of agricultural production-related services but is changing to include a more diverse audience of environmentalists, policy makers and the non-farm public. These audiences are causing a re-orientation of the extension focus of land grant colleges because

the public policy issues revolving around environmental and natural resource concerns are often contentious and cut across constituencies. The concerns occur because preferences of individuals lead to different consumption and production decisions which generate external effects. A pertinent economic feature of these effects is that their impact on the welfare of members of the public can be substantial, and they pose a significant problem for the public at large. Hence, the potential for conflict in such cases is enhanced and special skills are needed by extension professionals involved in public policy education. These skills have their knowledge base in social sciences or educational disciplines while extension professionals who are often called to resolve conflicts are normally trained in basic sciences.

The results of this study suggest this science training may be inadequate because of the contentious nature of many public policy issues. For example, when asked to mediate a conflict in simulation exercises, extension professionals reported extreme difficulty in refraining from interjecting their opinion or expert positions on the issue. Further, they reported an increasing temptation to solve the problem for the "disputants." This temptation is understandable for in their current role extension professionals are required to give advice and provide answers to their clientele's problems. However, their role as facilitators requires that the solutions come from the stakeholders to the dispute.

It is clear that the new role poses some interesting questions for the extension function of land grant colleges. For example, is this role acceptable to and valued by land grant colleges? Should new parameters be defined to guide extension programming? What are the long-term benefits for extension professionals engaged in public policy education? While answers to these questions may take extension into a whole new realm, they may help position the CES for

addressing the issues that extension professionals may face in the 21st century.

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Appendix E

Flyer and evaluation for Pennsylvania meeting

Appendix E.1

Flyer for Natural Resources and Environmental Management Meeting in Pennsylvania

Registration Form

Registration: \$85.00 (if returned by 4/19)

Registration after 4/19: \$105.00

Tavernier Edmund
Last name First name
Dept. of Ag. Economics & Marketing
P.O. Box 231, Cook College
Address
New Brunswick, NJ 08903
City/State Zip code
Rutgers University
Organization name
(908) 932-9171, / (908) 745-5898
Work phone Home phone

No. _____ at \$ SPEAKER _____ = \$ _____

NOTE: For additional registrations, please photocopy this form.

Make checks payable to: Penn State

Mail registration form to:

Forest Resources Extension
Attn: Stephen B. Jones
The Pennsylvania State University
7 Ferguson Building
University Park, PA 16802

Tele: (814) 865-3803 FAX: (814) 865-6275

Who Should Attend?

State NREM Team Leaders and state-selected extension educators and team members. The Northeast Directors have committed to sending 3-5 persons per state. We're looking for participants who can stimulate NREM action back home.

Participants should not be restricted to disciplines representing the three northeast NREM themes addressed by the training:

- Waste Management
- Integrating Natural Resources into Farm Management
- Wetlands and Riparian Issues for Farms and Forests

These themes simply serve as an in-service focus for accomplishing the broader training goals.



NREM

Natural Resources and Environmental Management

An Extension Base Program

In-Service for State NREM Team Leaders, Members, and Others

Tuesday May 28 through

Thursday, May 30, 1996

Northeast Extension Directors
Northeast Regional Center for Rural Development
NREM National Support Team

AGENDA

***** May 28 *****

4:00-6:30 pm

Registration
Dinner

NE NREM: A CSREES Perspective,
Paul McCawley, CSREES

***** May 29 *****

8:30 am

Introduction to NREM

Positioning NREM in CES, Diane Brown, PA

Extension Director

Setting the stage for this meeting, Bruce Wilkins,
Cornell

9:30 am

Problem definition/framing -- characterizing NREM
issues, Frank Dukes, Institute for Environ. Negotiation

- What are the key elements, their causes,
consequences, and stakeholders?
- Defining three key Northeast NREM Issues

1. Waste management, John Halstead, University of
New Hampshire and Uta Krogmann, Rutgers

2. Integrating Natural Resources into Farm Mgmt,
Gary Goff, Cornell and Charlie Barden, NE
Extension Forester

3. Wetlands and Riparian Issues for Farms and Forests,
Al Todd, USFS, Bob Tjaden, University of MD,
and Tom Simpson, University of MD

11:00 am

Crafting an Extension Response to NREM Issues

- Public Policy Education Skills -- Conflict Resolution
and Consensus Building, Ed Tavernier, Rutgers and
Luane Lange, University of Connecticut
- Concurrent Content Sessions

3:30 pm

Working Sessions on Framing an Issue and Crafting a
Response

6:00 pm

Evening Program Sharing

AGENDA

***** May 30 *****

8:30 am

NREM Programs of Excellence

1. Waste Management -- Carol Ward, Rutgers
2. Integrating Natural Resources into Farm
Management -- Jon Kays, University of Maryland
3. Wetlands and Riparian Issues -- Chester Arnold,
University of Connecticut

10:20 am

Program Evaluation, Ken Pigg, NERCERD

- GPRA Update, Linda Benning (invited),
NASULGC
- Tools and Techniques for Program Evaluation,
Midge Smith, University of MD and Lee Frost-
Kumpf, Penn State
- Working Sessions for Developing an Extension
Evaluation Plan

3:30 pm

Innovative Funding and Successful Grantsmanship
Discussion Session

4:30 pm

NREM: Where Do We Go From Here?, Tom Fretz,
Dean, University of Maryland

4:50 pm

ADJOURN



Location: *Pocomont Resort, in Pennsylvania's
Poconos. Along Delaware River, north of I-80 near
Bushkill, PA, on Route 209. Overnight rooms
available at the Pocomont Resort. 800-762-6668, or
717-588-6671; ask for the NREM rate.*

NREM Mission:

*The Natural Resources and Environmental
Management Program educates a diverse
people to make decisions and take actions to
improve the quality, productivity, and
sustainability of natural resources.*

NREM Vision:

*Extension is a premier provider of education
to sustain natural resources.*

~ ~ ~

Specific Objectives:

- Define the NREM context regionally
- Characterize NREM issues -- Elements,
causes, consequences, stakeholders.
- Understand and work with NREM issues --
Three specific examples.
- Develop an extension response
- Share NREM programs and ideas
- Evaluate NREM program impact
- Plan state and multi-state NREM initiatives

Workshop Goals:

1. Enable teams to better define and implement
the new base program at the state level.
2. Make NREM real within the northeast
region and states.
3. Begin to create an NREM identity by
focusing on specific issues/topics.
4. Facilitate multi-state collaboration.

Appendix E.2

Evaluation of Natural Resources and Environmental Management workshop

1996 NE NREM Training Evaluation

1 = did not meet

2 = partially met

3 = fully met

1. Enable state NREM teams to better define and implement NREM at the state level?

1 2 1.5 1 2 17 3 12

2. Make NREM "Real" within the NE states?

1 1 2 16 3 14

3. Create an NREM identity by focusing on specific issues?

1 2 1.5 1 2 16 3 12

4. Facilitate multi-state collaboration?

1 2 2 22 3 8

1 = not useful to me

2 = somewhat useful to me

3 = very useful

5. NREM - A CSREES Perspective (Paul McCawley)

1 4 2 14 3 10

6. Positioning NREM in CES (Diane Brown)

1 1 2 12 3 17

7. Problem definition (Frank Dukes)

1 4 2 13 3 12

8. Waste Management (John Halstead and Uta Krogmann)

1 4 2 8 3 3

9. Integrating Natural Resources into Farm Management (Gary Goff)

1 1 2 11 3 6

10. Wetlands and Riparian Issues (Bob Tjaden and Tom Simpson)

1 — 2 7 3 14

~~11. Public Policy Education (Ed Tavernier and Luane Lange)~~

~~1 1 2 12 3 14~~

12. State Displays

1 1 2 17 3 12

13. Innovative Funding (Ken Pigg and Steve Jones)

1 1 2 9 3 19

14. NREM Programs of Excellence (Carol Ward and Bruce Wilkins)

1 1 1.5 1 2 11 3 18

15. Program Evaluation (Midge Smith and Lee Frost-Kumpf)

1 — 2 11 3 18

16. Please rate the workshop overall

1 — 2 11 2.5 4 3 16

17. Would periodic future NREM workshops be valuable to you?

Yes 25 Maybe 2 No —

18. What topics would you suggest to be offered in future NREM workshops?

• Techniques of Public policy education will be key to the success of NREM. / It is much more than conflict resolution which the moderator kept bringing up. URBAN natural resource concerns!

• Management of septic systems

Teaching use of GIS & GPS to key audiences

Urban water management

• Water quality issue

Alternative income opportunities for farmers and landowners

Appendix F

Flyer for National Public Policy Education Conference in R.I.

Farm Foundation

1211 West 22nd Street, Suite 216 • Oak Brook, Illinois 60521-2197
Phone: (708) 571-9393 • Fax: (708) 571-9580 • E-Mail: farmfnd@interaccess.com

June 24, 1996

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TO: 1996 NPPEC Official Delegates

**FROM: Steve A. Halbrook
Associate Managing Director**

RE: Registration

The National Public Policy Education Conference will be held September 16-18 at the Providence Biltmore Hotel, Kennedy Plaza, Providence, Rhode Island 02903. Tel: (401)421-0700. Fax: (401)455-3050. Please make your reservations directly with the hotel by calling (800)294-7709. The conference hotel rates are \$79 (Standard) single/double, or \$99 (Deluxe) single/double, plus 12% tax.

This year's conference features three optional preconference workshops on Sunday, September 15. A short description of each workshop is enclosed. A separate registration fee of \$30 is charged to cover workshop materials, lunch and coffee breaks.

The 1996 program also features a tour of Slater's Mill, one of the first textile mills in North America. The Monday evening tour will be followed by dinner. The cost of this event is included in the conference registration fee. However, spouses and guests of conference participants may attend this event for a special registration fee of \$50.

For the first time, the National Public Policy Education Conference will be held concurrently with the annual meeting of the National Extension Association of Family and Consumer Sciences (NEAFCS). NEAFCS members have been invited to participate in the preconference workshops and in any conference sessions their schedules will allow. We hope that this accident of scheduling will encourage NEAFCS and NPPEC members to learn from their colleagues.

Preregistration for the conference and workshops is required by August 23. There are two forms enclosed.

1. The conference registration form should be completed and returned to Farm Foundation with your registration fee of \$160, payable to Farm Foundation (**\$185 after August 23**).
2. The preconference workshop registration form should be completed and returned to Farm Foundation with your registration fee, payable to Farm Foundation.

NATIONAL PUBLIC POLICY EDUCATION CONFERENCE
September 15-18, 1996
Providence, Rhode Island

DRAFT PROGRAM
June 21, 1996

Sunday, September 15

8:30 a.m. - 2:30 p.m. Preconference workshops

- A. Introduction to Public Policy Education
Georgia Stevens and Neil Meyer
- B. Consensus Building and Coalitions
Edmund Tavernier and Members of the Northeast
Public Policy Education Committee
- C. Accountability and Evaluation for Public Issues
Education
Ethics Subcommittee - Otto Doering and Audrey
Maretzki

3:00 p.m. - 6:30 p.m. Regional Committee Meetings

7:00 p.m. Reception and Poster Session

Monday, September 16

7:00 a.m. Breakfast - continuation of regional committee
meetings

8:30 a.m. The Changing Relationship Between Federal, State
and Local Governments

Keynote Speaker (invited)

Panel on Implications of Changing Federalism
Barbara Sheen Todd - County level (confirmed)
Tom Stinson - State Level (confirmed)

Interactive Case Situation (Simulation/Role
Playing) to be organized by Tim Kelsey and Luane
Lange

Reaction and Observation from case study
Barry Flinchbaugh
Sue Williams
Beth Moore
Lois Frey
Otto Doering

12:00 noon Lunch

POLICY EDUCATION WORKSHOPS

The National Public Policy Education Committee and Farm Foundation are pleased to offer three workshops to help extension professionals deal with controversial public issues. Each workshop is scheduled for 8:30 a.m. - 2:30 p.m., Sunday, September 15, 1996. The registration fee of \$30.00 covers a continental breakfast, breaks, lunch and workshop materials.

Workshop #1

SURVIVING PUBLIC ISSUES EDUCATION PROGRAMS

Leaders:

Georgia Stevens, University of Nebraska
Neil Meyer, University of Idaho

What should you do when an issue program involves a controversial public decision? Should you proceed or pass? If you proceed, how can you provide information about alternatives while working in a political context? Extension educators face this decision regularly. This introductory workshop introduces proven methods for educating about controversial issues without being controversial.

This workshop will help professionals programming in public issues to:

- Utilize the public issues education process as an effective means for educational intervention (the process objective).
- Improve their ability to participate effectively in the policy making process as an educator (relationship objective).
- Understand the links between policies and individuals, families, and communities (content objective).
- Have the knowledge to develop a comprehensive plan of action for conducting an educational program on an issue or concern (product objective).

Participants completing the workshop should understand: the process of issue identification; stakeholder identification and analysis; strengths of alternative educational models; and the basic elements of designing a public issues education program.

Workshop #2

PROBLEM SOLVING THROUGH CONSENSUS BUILDING AND PUBLIC ISSUES EDUCATION

Leaders:

Edmund M. Tavernier, Rutgers University
Members of the Northeast Public Policy Education Committee

Strategic plans developed by Cooperative Extension (CE) place emphasis on enhancing the way Extension helps society deal with controversial issues and public choices. And

(OVER)

although dispute resolution is not our primary activity, we often find ourselves on the fringe, if not directly in the fray, on issues requiring problem solving skills. Indeed a major goal of CE is the development of citizens' skills in leadership and interpersonal relationships to improve youth, family, and community living and to reach realistic personal and social goals. Extension's history of established credibility positions its faculty to have a pivotal role in educational efforts that address community issues and conflict. Many of us, however, are not quite comfortable in such roles and recognize the need to acquire more skills and expertise.

The objectives of the preconference workshop are to:

1. Increase understanding of contentious community issues in the context of public issues education/problem solving.
2. Demonstrate dispute resolution and mediation skills in simulation exercises based upon real life problems.
3. Facilitate the application of skills to a community case study and analyze the results.
4. Support the initial development of a public issues education program.

Workshop #3

ACCOUNTABILITY AND EVALUATION FOR PUBLIC ISSUES EDUCATION

Leaders:

Otto Doering, Purdue University

Audrey Maretzki, Penn State University

The target audience is public issues educators and administrators.

The three objectives for this workshop are:

1. To explore the relationships between accountability and evaluation for Public Issues Education programs, recognizing the different goals and time frames of these programs compared to others,
2. To explore the interface between personal and institutional accountability, and
3. To develop appropriate and useful indicators for evaluating Public Issues Education programs and diagnostic/performance tools for public issues educators (recognizing the development and implementation of GPRA).

The workshop will focus on the experience and views of the participants about the evaluation process, its impact upon programs and individuals, the needs for accountability, and the relationship of evaluation to accountability. The participants will determine what accountability/evaluation goals and needs are critical to public issues educators and administrators. Special attention will be paid to different institutional and program needs.

With assistance from evaluation professionals, alternative evaluation mechanisms will be suggested and assessed on the basis of meeting participants' needs. Specific suggestions for diagnostic and accountability evaluation of Public Issues Education programs will be the output of the workshop.

Appendix G

Evaluation form

Strategic Planning & Tools
For Public Issues Education (PIE) & Problem Solving

PROGRAM EVALUATION FORM

1. The goals of the in-service training program were identified clearly.
 AGREE SOMEWHAT AGREE SOMEWHAT DISAGREE DISAGREE

2. The panel discussion was interesting and informative.
 AGREE SOMEWHAT AGREE SOMEWHAT DISAGREE DISAGREE

3. The elements of the intervention processes were explained clearly.
 AGREE SOMEWHAT AGREE SOMEWHAT DISAGREE DISAGREE

4. The group exercise and the subsequent feedback and discussion was informative.
 AGREE SOMEWHAT AGREE SOMEWHAT DISAGREE DISAGREE

5. The summary of the PIE models was interesting and informative.
 AGREE SOMEWHAT AGREE SOMEWHAT DISAGREE DISAGREE

6. What were the most useful or relevant aspects of the program?

7. What were the least useful or relevant aspects of the program?

8. Considering the usefulness program as a whole, the program merits a grade of (check one):
 EXCELLENT GOOD FAIR UNSATISFACTORY

9. Please add any additional comments you deem appropriate. _____

Appendix H

Evaluation results

**Strategic Planning and Tools
For Public Issues Education (PIE) and Problem Solving
March 1, 1996
(Number of Attendees = 35)**

Program Evaluation Results

1. The goals of the in-service training program were identified clearly.

AGREE 79%	SOMEWHAT AGREE 21%	SOMEWHAT DISAGREE	DISAGREE
--------------	-----------------------	-------------------	----------

2. The panel discussion was interesting and informative.

AGREE 43%	SOMEWHAT AGREE 43%	SOMEWHAT DISAGREE 7%	DISAGREE 7%
--------------	-----------------------	-------------------------	----------------

3. The elements of the intervention processes were explained clearly.

AGREE 79%	SOMEWHAT AGREE 21%	SOMEWHAT DISAGREE	DISAGREE
--------------	-----------------------	-------------------	----------

4. The group exercise and the subsequent feedback and discussion was informative.

AGREE 93%	SOMEWHAT AGREE 7%	SOMEWHAT DISAGREE	DISAGREE
--------------	----------------------	-------------------	----------

5. The summary of the PIE models was interesting and informative.

AGREE 36%	SOMEWHAT AGREE 36%	SOMEWHAT DISAGREE 7%	DISAGREE 7%
(14% did not answer)			

6. What were the most useful or relevant aspects of the program?

- * Role play
- * The group exercise was worthwhile.
- * The simulation exercise
- * Describing and discussing the elements of the intervention/mediation process and the difficulties of mediating from an extension perspective.
- * Group exercise/PIE summary

- * The process of mediation - Jeanne did an excellent job!
- * Discussion of mediation techniques; role play
- * Recognizing the process to use to facilitate
- * Role playing group and feedback
- * Intervention process; PIE roles and process
- * Intervention processes and role play. Could use longer session. Would be nice for each person to role play intervener.

7. What were the least useful or relevant aspects of the program?

- * All was useful.
- * We would seldom be doing one-to-one mediation; more useful to focus on public issues group work.
- * The last exercise, Public Issues Education - Problem Solving Guide seemed ill-timed. Perhaps a take home would have allowed me to invest more thought and energy.
- * Didn't give enough real life examples for use.
- * Not very conducive to networking and working together with colleagues in RCE(?).
- * Although the farm issue was common ground and will need further expansion - time too short on the issue to really come to terms with.
- * Everything was worth discussing.
- * Panel discussion

8. Considering the usefulness program as a whole, the program merits a grade of:

EXCELLENT	GOOD	FAIR	UNSATISFACTORY
50%	43%		
	(7% did not answer)		

9. Please add any additional comments you deem appropriate.

- * There seemed to be a mixed message here. 1. That we probably won't be actually facilitating and 2. That we should do public issues education. If the object is to

encourage/enable us to do more PIE, training needs to be more extended in depth.

- * Give the out-of-state speakers better introductions and more time to speak. They were interesting.
- * The filling out of the PIE problem solving forms was scheduled too late in the day to be completed with care and as thoroughly as it should have been to be included for publication.
- * Small group on hands role play was good idea. Great session, good food.
- * Extension people do not have more time to engage in new project issues education programs.
- * Very good. Future training should address non-ag issues/situations. We need guidance in evaluation of PIE an how to document effectiveness.

PROCEEDINGS

**Promoting Sustainable Agriculture through a
Systems Approach to Consensus Building and
Public Policy Education: The Workshop**



Edited by

Edmund M. Tavernier and Maurice P. Hartley

January 1997

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Preface

The second report of the National Research Council's Committee on the Future of the Colleges of Agriculture in the Land-Grant University System, *Colleges of Agriculture at the Land-Grant University: Public Service and Public Policy*, states:

...receipt by Land-Grant Colleges of Agriculture of USDA-administered research and extension funds...should be contingent upon their ability to demonstrate that a *wide variety of stakeholders* [emphasis added] have effective input into a systematic prioritization...of research, extension, and joint research-extension issues that specifies areas of increased and decreased emphasis.

This requirement indicates a recognition by observers of the system for the need to include all stakeholders in the public policy process.

In the past, public policy education programming involved providing of agricultural production-related services to farmers, but today a new and vocal audience of environmentalists, policy makers, and the nonfarm public is emerging to pose significant challenges to extension programming. These challenges involve the need for training and skills in public policy education in general and conflict-resolution strategies in particular. These skills are required to facilitate discourse between farmers and nonfarmers in the hope of

avoiding costly litigation. The March 1, 1996, in-service training workshop, sponsored in part by the Northeast Sustainable Agriculture and Research Education program, sought to provide such skills.

The perspectives presented in the proceedings focus on the role of public policy education in resolving conflicts that involve natural resource use. The perspectives document the genesis of conflicts and also illustrate the different visions held by participants at the workshop regarding the relationship between society and natural resource use issues. Also contained herein is a framework within which these different visions may be addressed. For these reasons, the material provides much needed information for assimilation by the agricultural community, extension educators, public interest environmental groups, government regulatory agencies, the scientific community, and students.

We have carefully organized the proceedings to reflect the perspectives offered by the participants and are extremely grateful for the editorial assistance of John Hannon and the desk-top publishing expertise of Phil Wisneski.

We acknowledge the support of the Northeast Sustainable Agriculture and Research Education program and the New Jersey Agricultural Experiment Station.

E.M.T
M.P.H

Welcome and Remarks

Tom Orton, Chair
Department of Extension Specialists, Rutgers Cooperative Extension
New Jersey Agricultural Experiment Station

Welcome to the campus of Cook College/ New Jersey Agricultural Experiment Station. I am pleased to see among us county agents, extension educators, specialists, and a number of USDA field personnel.

As you are aware, the strategic plans developed in locally by Rutgers Cooperative Extension and nationally by the Cooperative Extension Service emphasis on enhancing the way we help society deal with controversial issues and public choices. Though dispute resolution is not our primary activity, we often find ourselves on the fringe if not directly in the fray in issues related to the right-to-farm, sustainable agricultural practices, and environmental health and safety. Our record of service and established credibility places us in a position to play a pivotal role in the resolving of conflict and other problems, but most of us are not entirely comfortable in the role and recognize that we may benefit from further training.

Thus, a grant awarded by the Northeast Region SARE National Training and Education Program offers this timely opportunity for in-service training for both newcomers and those experienced in intervention, consensus building, and other conflict-resolution strategies in areas related to public policy. As indicated in the flier and registration information sent to you in advance, the program today is entitled "Strategic Planning and Tools for Public Issues

Education and Problem Solving." I invite your active participation throughout the day and believe that doing so will help us achieve the following goals:

- See real-life issues in your work setting in the broader context of public problem solving.
- Select the best role for yourself.
- Size up the contribution an educational and consensus building approach could make.
- Decide how to get started.

Our record of service and established credibility places us in a position to play a pivotal role in the resolving of conflict...

- Incorporate the latest thinking about collaboration, problem solving, dispute resolution, and other methodologies.
- Help your community move toward a shared understanding of the issue and the process.
- Identify resources to support your efforts.
- Assess the impact of the collective efforts and activities.

Again, I welcome your participation and thank you for being here today.

Overview

Edmund M. Tavernier
Specialist in Agricultural and Environmental Policy
Rutgers Cooperative Extension
and

Maurice P. Hartley
Professor, Department of Agricultural Economics and Marketing
Cook College

Today's proceedings provide the background and the method used to prepare extension professionals for public policy education involving contentious issues. Public policy education provides an important framework within which extension programming is facilitated. Such a framework assumes new importance because the strategic plans developed by extension locally and nationally place significant emphasis on enhancing the way extension helps society handle controversial issues and public policy choices. However, extension professionals may be ill-prepared to address the challenges that lead to situations of conflict because of the changing policy environment.

This workshop was conceived with two main goals in mind. First, we wanted to give extension professionals the skills and training to do public policy education as it relates to the contentious issues surrounding sustainable agriculture and the environment. Second, we sought to assess the readiness of extension professionals for public policy education efforts. The skills and training were provided during simulation exercises, and the readiness of extension professionals for public policy education was assessed during evaluation and feedback sessions. The workshop

and simulation exercises can be described as follows.

The contribution by Orton recognizes the fact that, although dispute resolution is not the primary responsibility of extension professionals, the prevalence of issues concerning sustainable agricultural practices and environmental health and safety often draw extension into situations of conflict. Orton also recognizes that extension can play a pivotal role in resolving conflict because of its record of service and established credibility with various clienteles.

The paper by Tavernier outlines the challenges facing farm families in the United States. Tavernier argues that the challenges increasingly result in strained relations between farmers and their nonfarm neighbors, which can be addressed in a collaborative framework. The paper also defines key concepts, namely, sustainable agriculture, consensus building, and public policy education.

The agricultural perspective offered by Adelaja concentrates on right-to-farm conflicts related to state and municipal regulations governing agriculture. Adelaja argues for a reasonable regulatory environment to encourage profitable farming and to maintain open space. Adelaja also suggests that a mecha-

nism for resolving conflicts should be an essential part of right-to-farm legislation.

The contribution by Rabin examines the role of common law versus regulated law in addressing natural resource disputes. He argues that common law is a solution-oriented method for addressing natural resource disputes. Rabin also argues for strengthening private property rights as a mechanism for solving disputes.

The presentation by Tucker is concerned with point and nonpoint source environmental degradation. Tucker argues that the evidence from New Jersey suggests that regulatory law is a more effective mechanism for addressing natural resource disputes than common law. He argues that farmers and environmentalists should be strong allies, but suggests that the farming community does itself a disservice by aligning with the extreme property rights movement.

The discussion among Adelaja, Rabin, Tucker, and other participants was very extensive, informative, and deliberate, and it covered a wide range of issues, such as the nature of resources (e.g. fugitive versus private) and the nature of conflicts. The disagreements that resulted from the discussion provided an opportunity for the moderator to define conflict and offer strategies for addressing situations of conflict. The discussion also set the stage for the simulation exercises which provided hands-on-training and experience in conflict resolution.

The simulation exercise devised by Mroczko centers on a dispute between a farmer and a nonfarm neighbor, with an agricultural agent as facilitator. The dispute involves odor, noise, pesticides, and other activities associated with farming. The exercise provides a real-life example of farm and nonfarm disputes.

Hahn's paper examines the information needed to make public and individual decisions. Hahn argues that giving people information that helps them decide what they want is not sufficient when dealing with public decisions. He suggests that educators fail in their

responsibility if they simply help people decide what they want without providing a mechanism for interaction with other people on a different side of the issue. He argues that the public wants interpretation of the facts from the experts when public decisions are to be made.

The contribution by Lange provides the parameters within which public policy education can be facilitated. These include the role of an expert, an educator on the processes of policy development, and the role of facilitator or convener. Lange argues that the role of facilitator is perhaps the most difficult for extension professionals to accept and perform and suggests that the difficulty may be the result of the science-based training and the absence of skills drawn from such disciplines as psychology and education.

Mroczko suggests, in plenary notes, that the participants who played the role of agricultural agents found it difficult to avoid "solving" the problem for the disputants, versus acting as a neutral intervener. Participants said that their current role required them to give advice and answers and to provide solutions to their constituency's problems. Though many saw the value in serving as a facilitator or intervener versus a problem solver, they felt that modifying their behavior was only a partial solution and that a change in roles would necessitate a shift in the farming community's expectations of the role and services that the extension agents and specialists provide. Historically, agricultural agents have served as advocates for the farming community, and the farmers have come to expect and rely on their support. The broader role of extension, of course, is to serve various constituents. Thus, the more balanced role of the mediator may become increasingly necessary.

The participants indicated that many of the specific techniques and approaches presented at the workshop were useful and welcome additions to their repertoire. Others, however, were more interested in learning how to "systematize" the intervention process, i.e., develop a mechanism that would apply across

the board to certain categories of disputes, as opposed to a process that required one-on-one intervention. Some discussion suggested that the current university structure did not

reward participants for effectively and efficiently intervening in such disputes, an issue that remains to be addressed.

Strategic Planning and Tools for Public Policy Issues Education and Problem Solving: The SARE Project

Edmund M. Tavernier
Specialist in Agricultural and Environmental Policy,
Rutgers Cooperative Extension

Across the United States, farm families are facing increasing challenges brought about by changing product markets and strained relationships with nonfarm neighbors because of noise, odor, and certain agricultural practices. The challenges to product markets are dictated, for the most part, by the laws of supply and demand and are outside our jurisdiction, but the increasingly strained relationships between farmers and their nonfarm neighbors can be addressed in a collaborative framework, which results in win-win solutions for all parties.

Cook College and the New Jersey Agricultural Experiment Station look to the future, positioning the university, students, and our stakeholders to confront and overcome seemingly intractable challenges (Casey, 1996). These challenges often lead to conflict and have been accelerated by expanding farms, changes in agricultural technology, the movement of nonfarm people to rural areas, and urbanization.

The strategic plans developed by extension locally and nationally recognize of those challenges and therefore emphasize enhancing the way extension helps society deal with controversial issues and public choices. Indeed, a major goal of RCE is the development

of skills in leadership and interpersonal relationships to improve youth, family, and community living and to reach realistic personal and social goals (Casey, 1996, p.7). And although dispute resolution is not our primary activity, we often find ourselves on the fringe, if not directly in the fray, of issues related to right-to-farm (RTF), sustainable agricultural (SA) practices, and environmental health and

...the increasingly strained relationships between farmers and their nonfarm neighbors can be addressed in a collaborative framework, which results in win-win solutions for all parties.

safety. Our record of service and established credibility positions us to play a pivotal role in resolving conflict and other problems, but most of us are not entirely comfortable in that role, and we recognize that we may benefit from further training.

A grant awarded to the New Jersey Agricultural Experiment Station by the Northeast

Sustainable Agriculture Research and Education (NESARE) National Training and Education program is designed to provide the opportunity for in-service training for both newcomers and those experienced in intervention, consensus-building, and other conflict-resolution strategies in areas related to public policy.

The objectives of the grant are to:

1. identify and explain key issues related to sustainable agriculture and the role of agriculturalists as environmentalists;
2. identify and describe the basic elements of coalition building and public policy education models and skills;
3. demonstrate and apply consensus building/public policy education (CB/PPE) skills in simulation exercises based upon real-life problems, such as conflicts involving resource utilization, zoning and planning, property rights, and the rural/urban interface;
4. develop and implement CB/PPE forums, programs, and/or strategies appropriate to their respective work settings to facilitate improved communication, understanding, and dispute resolution (see Appendix); and
5. assist in the training and education of other colleagues, community leaders, and constituencies who may wish to join them in CB/PPE endeavors as they arise.

The objectives raise important concepts that need to be clarified.

1. What is sustainable agriculture? Sustainable agriculture (SA) is an integrated system of plant and animal production practices having a site specific application. It is a goal rather than a rigidly defined set of practices. The goals include:
 - production of food in ways that can be continued indefinitely;
 - consideration of both environmental and economic consequences of SA practices;
 - reduction in chemicals; and
 - use of ecological practices, such as crop rotation, application of manure (NW Area Foundation, 1994).

2. When is consensus building necessary? Consensus building is generally necessary when groups acting alone do not have the political, economic, and cultural resources to achieve their agendas effectively and efficiently (Tavernier et al., 1995).

3. What is public policy education? PPE is education about public issues, policy making processes, and opportunities for effective participation; it can help public policy workers by helping create a more knowledgeable and potentially supportive citizenry (Hahn, 1992).

This in-service training program contains all the elements of the above concepts. As noted above, manure application forms one component of SA practices. Those practices could pose complex problems for farmers and their nonfarm neighbors. In New York, for example, neighbors complained to local officials about odors from manure spreading on the Phillips Family Farm and asked the town to place restrictions on that farm. David Phillips said, "They never tried to address the issue with us; we didn't know there was a problem."

That example has all the makings of a conflict. The neighbors could file a lawsuit, and the Phillipses could invoke the right-to-farm laws. Instead, the town supervisor, who was trained in dispute mediation, arrived at a mutually satisfactory solution. The Phillipses agreed to: limit manure spreading on weekends, avoid spreading during special events, incorporate the manure into the soil, and notify the neighbors when they planned to spread the manure. In turn, the neighbors agreed to notify the Phillipses of special events and discuss concerns directly with them not the town (Hilchey and Leonard, 1995).

Today, during the simulation exercises, you will be in the position of the Phillipses and their neighbors. Our "town supervisor" will be Jeanne Mroczko of the Department of Environmental Protection. Alan Hahn of Cornell University and Luane Lange from the University of Connecticut will provide models that

facilitate the resolution of conflicts not unlike those that could have arisen between the Phillipses and their neighbors.

I am sincerely grateful to all of you: the panelists, Dr. Adesoji Adelaja, Dr. Robert Tucker, and Mr. Jack Rabin; Mrs. Jeanne Mroczko for her role as facilitator and mediator; Dr. Alan Hahn and Ms. Luane Lange for offering their perspectives on public policy models; Dr. Maurice Hartley for helping coordinate the project; the sponsors for funding the project; and you, the participants, for making this day possible. A special thank you to all of you.

References

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Panel Discussion

Agricultural Perspective: Right to Farm

Adesoji O. Adelaja, Chair

**Department of Agricultural Economics and Marketing
Rutgers University**

I have led a research team that has been researching right-to-farm legislation in New Jersey. The study has examined the provisions of the act as well as the intent of the legislature when it passed the act in 1983. Our group has also conducted a review of the right-to-farm program in New Jersey to see how the right to farm could be improved both to help the agricultural community and to help the general public. Our study has also examined the various ways that farmers have been im-

I consider agriculture to be perhaps the most important industry in New Jersey.

pacted by right-to-farm conflicts, including conflicts that arise from nuisance complaints by neighbors and from inappropriate state and municipal regulations.

I would like to start by stating very firmly that I consider agriculture to be perhaps the most important industry in New Jersey. When you consider the quality-of-life contributions of agriculture, you would agree with me that it is a very important and essential industry.

Farming has to be profitable in order to maintain open space. This is the only way we can keep farming going long-term in New Jersey. You also need a reasonable regulatory

environment. Already, about half of our farmers are losing money from farming, that is when you do not include fair compensation for the value of the farmer's time. When you account for the value of the farmer's time, about two-thirds of our farmers are losing money. How can you sustain an industry on this type of economics? I think many of you know as well as I do that even though we do have a large number of farms that are losing money, there are some benefits that accrue from the appreciation of land, which seems to suggest that, in the long run, with farmers losing money, about the only way many of them can recoup their losses is to sell the land. As a matter of state policy, we have already decided to put in place very aggressive policies to try to retain open space and retain agriculture. My own personal feeling is that the best way to retain open space is to make agriculture more profitable. To the extent that there are constraints on agriculture, such as right-to-farm conflicts and inappropriate state and municipal regulations that make it difficult for farmers to farm, it is very difficult for us to maintain and protect agriculture and to have a viable agricultural industry in the state of New Jersey.

I also say that there are 9,000 farmers and 7.5 million state residents. The odds are against the farmers from a political standpoint and from a local decision making standpoint.

On one hand, the 9,000 farmers control 20 percent of the land area in the state. That 20 percent of the land area represents more than 50 percent of the total open space in the state. New Jersey therefore has the makings of a severe and uncommon conflict. In New Jersey, the quality of the environment has also been compromised to the point where it has been a matter of state policy to preserve open space and the environment. This translates into controlling resources that belong to just a few farmers who are not making a tremendous return from their operations. I therefore feel that the right to farm is one of the most important issues that agriculture faces today, because you really need to resolve the right to farm environment of farmers before we can have profitable agriculture.

Let me give you a little bit of information on the study we conducted and some of its findings. First, we examined the Right to Farm Act that was passed in 1983, focusing on the legislative intent of the act. We determined that the legislature felt that state regulations, municipal regulations, as well as private nuisance actions against farmers do make it very difficult for farmers to farm profitably and the intent of the act was to put in place legislation to protect farmers from inappropriate intrusion on the farm. When you look at the act itself, however, it falls short of achieving those objectives. We identified several very important elements of the right-to-farm program based on an actual survey of all state right-to-farm legislation in the United States and found that the New Jersey Right-to-Farm Act is relatively weak compared with other states. New Jersey is a state where you need stronger right-to-farm protection for farmers.

I can give you a number of reasons why the act was considered weak. These include: very limited funding for right to farm mandates, absence of rule-making authority, lack of full authority to negotiate state regulations with other state agencies by the agency that administers the act, and the very limited right-

to-farm program in the Department of Agriculture. The language of the act itself is very loose in terms of who is protected, what kinds of protection they get, and what farmers have to do to get right-to-farm protection. But most importantly, the law offers little in the way of a conflict-resolution process and this is a very essential part of the right to farm. You need to have a mechanism by which you can resolve right-to-farm conflicts in a neutral environment, where both parties can walk away from the table feeling satisfied or at least with a kind of solution that makes mutual sense. Very briefly, before I end my piece, I would like to make a few points about the types of right-to-farm conflict that farmers have tended to face in New Jersey. The most significant one is local zoning ordinances restricting land use, buildings, changes to farm structures, and so forth. Some 46 percent of farmers that we interviewed indicated that they have had those types of conflicts with their municipalities. The second category is wetlands regulations and property encroachment, for which 39 percent of the farmers indicated that they had problems. The third is noise from machinery and equipment, which 42 percent of the farmers said they had problems with. Other issues of concern include lack of highway access (39 percent of farmers), issues related to soil conservation (35 percent of farmers), disposal of agricultural waste (32 percent of farmers), nutrient application (32 percent of farmers), runoff (28 percent of farmers), and odor (27 percent of farmers). These farmers reported that it costs a tremendous amount of money just to deal with some of the litigation that results from these conflicts. Some farmers indicated that they spent more than \$25,000 just responding to various allegations. It is going to be awfully difficult for us to have a sustainable agricultural industry in New Jersey if these right-to-farm conflicts continue unabated. I think it should be a matter of public policy that mechanisms be developed to protect agriculture from these conflicts.

Regulatory Perspective

Jack Rabin
Assistant Director
New Jersey Agricultural Experiment Station

I just came from a national meeting in Washington-on-the-Potomac, so I have a good feel for policy. I am here to tell you that I think public issues education does not have good long term educational benefits for those of us who work in institutions. I am just here to present that view, and I do not say it as a challenge or to be flippant or to be a devil's advocate, but because I think a lot of people recognize that individuals, communities, industries have lost tolerance for each other, but they have philosophically misplaced the cause that leads to this intolerance in farmers, in their communities, in whomever, and so they have misplaced the solution and say that conflict resolution is the answer.

I want to stress two themes today. The first one is the role of common law versus regulators' laws in addressing natural-resource-use disputes. Common law versus regulated law. The second is the role of private property rights in addressing natural resource disputes, especially in addressing environmental protection. Those are the two bandwagons I have been on for a number of years.

Well, Dr. Adelaja says we need a reasonable regulatory environment. I am going to read you a quote. This is by Jeremy Radkin who writes in a journal called *Commentary*.

One of the most striking things about the United States today is the dispro-

portion between issues that agitate the national government and problems that affect people in their daily lives. The government has become so preoccupied with ever more subtle definitions of sexism or sexual harassment while illegitimacy rates have tripled in 30 years. The government has become preoccupied with ever more obscure and minute health risks from ordinary foods while the murder rate likewise has tripled. The government has become preoccupied with ever more ambitious programs for multicultural recognition, for bilingual education, while public schools can no longer ensure that even native English speakers will learn to read and write and do arithmetic at what were once grade school levels. A government that has sucked more and more resources and regulatory power to its center has become prey to a wider and wider circle of special interest groups, which makes it impossible to focus on immediate priorities of ordinary citizens.

And ordinary citizens are farmers and those of us in this room. There is a real important message there regarding the sense of common law versus regulatory law. Set yourself back, say you are on the upper Hudson River. You

are a dairy farmer on the upper Hudson River, and the year is 1904. You have your cows. Your milk production begins to decline over a period of two or three years. You get calf abortion. You finally determine that it is the paper mill upstream that is putting effluent into the river water that is causing the decline in your animal production and your fertility and your milking. You go in front of a judge because remember at this time there is no EPA, there is no Department of Environmental Resources in states. You go in front of a judge. What does the judge say? The judge says "Shut that paper mill down! Shut it down today and remediate the situation under riparian rights common laws that we have inherited over the centuries."

Let us take the same dispute in 1985 on the Hudson River. We now have a Department of Environmental Resources that would say, "Well, we're going to measure the effluent. We're going to permit that effluent. We're going to fine the paper mill if they exceed the effluent, but by gosh there are 2,000 jobs in that paper mill and it must stay open to support the economy of the region. The bottom line is that as brutal as it was, there is a far more solution-oriented method to get at natural resource disputes using common law than after we had actually created a lot of the environmental and governmental regulation that we have today.

For example, Dr. Adelaja mentions municipal ordinances. I will give you an example that I worked on when I used to be a productive county agent. Two kinds of zoning: one is pesticide drift, which leads to frequent conflicts in communities; and another is setback requirements for spray distances. I will give you an example that I actually worked on. You have a peach orchard. Pesticides regulations require that you have a 100-foot (I think it is 100-foot) setback between where you intend to spray and a dwelling on a property line. So what happens if you own or rent a farm, and a neighboring property owner subdivides and

somebody puts a house on there, and then you, the farmer, are now required to lose a hundred feet of productive area around that dwelling because the setback requirement becomes incumbent on you under state pesticide policy. That is an economic loss due to regulatory law. What would a common law judge probably say? He would probably say to the local zoning board, if this became a common law dispute, "You create a zoning ordinance that requires the setback to be on the person who moves in or you require them to divide it equally between them."

Another example I worked on was this: somebody wanted to put a house in the middle of a field. There was a lot in an agricultural area in South Jersey in Cumberland County, and a couple of farmers objected because they went to the zoning meeting and they said, "Well, every time we get tillage operations and any dust is kicked up, they will complain." The bottom line was that I got the lawyer to get the person who wanted to build the house to write a statement saying that he would never request notification for pesticide application, and then the zoning board approved that. These examples show, I believe, that a lot of the solutions to these public issues are no-win situations for us as public employees, unless we go back and advocate a balanced return to using more common law and less regulatory law; shrink our regulatory agencies to achieve that.

There is a valid role for environmental regulation in agriculture and that brings me to the second topic. The stronger individual freedoms you have, the more people and their communities will learn to tolerate each other, because they will have to get along. Strengthening private property rights is another mechanism of helping to solve these disputes. In water and in air there is a valid role for government regulation and agriculture, because these are things that are not owned and do not have deeds and they do not obey property orders. So that is my message.

Environmental Perspective

Robert Tucker
Director, ECOPolicy Center
Cook College, Rutgers University

I can see why I was invited to be on the panel. The purpose of this meeting today is to examine controversial issues, and I think there are some real disagreements between some of the agricultural positions that Jack Rabin advocated and those of the environmentalists. My roots are in agriculture. My great-grandparents homesteaded at Antelope Valley in California. My dad was forced off the land in Oklahoma during the Dust Bowl days, and, in fact, I think it was he who got me to remember Will Rogers comment, "The Okies

...environmentalists and farmers ought to be strong allies.

are moving to California and raising the intellectual level of both states." I grew up in the Central Valley of California and worked on farms, and I know that love of the land and the stewardship that can be part of the farming community is very real. But I have also seen environmentally destructive practices in farming. One of my initial responsibilities when I came to work for the Department of Environmental Protection in New Jersey (I worked there for 18 years before I came to Rutgers) was to look at toxic chemicals in water in New Jersey. We did groundwater sur-

veys and then drinking water and surface water surveys. It is estimated now that probably 50 percent of the toxic chemical input into surface water comes from point sources. In fact, I suggest that if you compared the regulatory picture now with that existing under common law that we are very much better off now than we were in the 1960s.

Over the past 25 years of regulation, we have made vast improvements in water quality and other environmental areas in the nation and in New Jersey. New Jersey is on the forefront of those issues. In fact, here in New Jersey and elsewhere, probably 50 percent of water contamination comes from nonpoint sources. And it is not just farms; there are other areas of runoff, although farms have contributed substantially to problems of pesticide contamination of our fisheries and of some of our waterways. A study of the Chesapeake Bay indicated that much of the nitrate coming into that system was coming out of the Susquehanna as a result of farming practices in the Susquehanna Basin. We have substantial problems with mercury and nitrate contamination in wells in South Jersey. Again, I am not going to point the finger just at agriculture, I think there may be other sources. But, in fact, agriculture and agricultural practices must bear some of the blame. You know back in the 1960s there were landowners, maybe farmers, who were in real economic

trouble, who essentially dug big ditches for the disposal of hazardous waste on their farms. We have had instances in Ocean County where aquifer contamination resulted from those kinds of practices.

I happen to believe very strongly in the right to farm, and I think environmentalists and farmers ought to be strong allies. I think some of the provisions of the right-to-farm legislation, where you talk about more regulatory flexibility and more involvement of the agricultural community in developing the kinds of management practices, are very important. Environmentalists have often been accused of being extremists, but there is an element in the agricultural community that arose out the western advocacy of extreme property rights: the idea that you could run your cattle on federal land as a property right. In my opinion, I think that the farming community does itself a disservice by aligning itself with the extreme property rights movement. First of all, as I said, I grew up in California. The property rights movement is allied with mining interests, with shortcuts—slash and burn agriculture, and forestry prac-

tices that lack are not the kinds of management practices that preserve the land or sustainability. In fact, such practices ruined the streams for salmon fishing. I think there are real conflicts in those situations. As I pointed out, there are conflicts in terms of pesticide use, the contamination of water, the fact that wetlands need to be preserved, because they are buffers for runoff from agricultural land. The extreme property rights movement says, "We can do whatever we want with our wetlands, so long as long as it is on our property." I would submit, because Jack Rabin mentioned common law, as part of common law, the public trust doctrine is very, very important. And that gives the public, as a whole, the right to have the preservation of resources (resources that are held in common). Water is a definite resource held in common. The critters that move on the land need to be protected as well. So, to me, if the environmental community and the agricultural community are to work together, we need to have a flexible regulatory program, but we need to recognize that those real problems need to be looked at from several different directions.

Challenging Presenters' Perspectives

Male Participant: Well Bob [Tucker], I would like to challenge a couple of things that you said. One of the things that we need to realize is that a lot of our farmers own their land or bought their land for economic purposes, not to carry the weight of the rest of New Jersey, environmentally. Farmland is a productive resource. There are people whose livelihoods depend on it, on crops and animal products that come from the land. If you look at the statistics, right now farmers in New Jersey generate the lowest return on investment of any state, less than 2 percent. One cannot

...farmers in New Jersey generate the lowest return on investment of any state, less than 2 percent.

live on this low return. I understand the concern about the environment, and I think it is very important. At the same time, though, I think we need to recognize that there are people whose livelihoods depend on some of these resources that we are trying to protect. You indicated that we need to protect the wetlands and wildlife habitat, but there are also people and families who need protecting. What many in the agricultural community are saying is that as we advance some of these regulations, we should also bear in mind that these regulations themselves make it very

difficult for farm families to survive. As we protect one resource, you know, one actually may be hurting real human beings.

Male Participant: There is no such thing as the public trust. There are lots of small, private, competing interests. Wildlife management or lack of wildlife management by regulatory agencies in New Jersey is a very, very good example that Bob brought up. We have about \$30 million of wildlife damage to agricultural crops in New Jersey. We have 10,000 deer striking automobiles per year at an average cost of \$2,000 to \$3,000 apiece. The purpose of the Division of Fish, Game and Wildlife in Trenton is to manage herd population at their highest biological carrying capacity to generate fees for hunting licenses. It is not to manage populations at their social carrying capacity. The regulatory agencies themselves will tell you that their purpose in management is to make sure that they have adequate deer for hunting, and they will even tell you that they know that the value of hunting licenses exceeds the value of agricultural production, and, therefore, they do not have to create regulatory flexibility to manage deer damage on agricultural crops in New Jersey. Who owns the deer? They are a fugitive resource just like air, just like water. I agree that you need to accept government regulation of fugitive resources. Many people are familiar with the parable of the whale. It is 1870 off the coast of Massachusetts. I am the captain of the whale boat, and Soji [Adelaja]

is my first mate. We are off there sailing. I see a small whale. I mount my harpoon gun. I get ready to shoot. Soji says, "Captain, it's a small whale. Why are you going to shoot the whale?" My answer is: "I don't care, it's not my whale. I don't own it. It's not my property." So whales have a tendency to go extinct, whereas dairy cows, which are owned, do not have a tendency to go extinct. Wildlife, which has become a public trust and not, therefore, privately owned and managed by regulatory agencies now causes \$30 million in damage to agricultural crops in New Jersey. You get to a point where the ultimate goal, in my opinion, would be to find a private property rights mechanism either to compensate farming landowners for the damage; I will accept that, if the public wants to own the resource because it is a fugitive resource. Maybe we need to dedicate a dollar from every hunting license, maybe we need to allow farmers to shoot four deer in one day instead of one per day and go back and get another permit and create more flexibility that way. But the bottom line is, you can use private property rights, actually strengthen the solutions to a lot of these natural resource conflicts and problems we have in agriculture.

Male Participant: I think it is simplistic to think that Fish and Game is managing the herds only for hunting licenses. It is much more difficult than that, and there are many other stakeholders in that debate. But to go back to your point about economics, yesterday the House of Representatives passed what has been called the farthest reaching changes since the 1930s in terms of farm supports. In my estimation, agriculture has been held in very high regard, and should be, in this country, and maybe some of the changes will be good if we get into a more market-driven kind of an agricultural policy situation. In my opinion, the future of agriculture is very bright in terms of market forces. But still, the ultimate issue between the environmentalists and the agricultural community is to make sure that agricultural practices are environmentally sustainable.

Female Participant: They have to be so as to be economically sustainable in the long run.

Male Participant: Right.

Female Participant: They have to be.

Male Participant: I guess my point is that we have a history of instances where they were not necessarily sustainable for the agricultural community or the environmental community.

Male Participant: There are farmers who are right now being affected by the topics you are talking about. The deer problems, the Pinelands Commission. Soji, you mentioned the survey; did you add the Pinelands Commission into that survey, and what was the response?

Male Participant: Yes.

Male Participant: Our farmers see red every time they hear it. And the damage is unbelievable. I have been with extension for 33 years and have never witnessed such a terrible situation. There are so many issues coming up here, I tell you the farmers at this point

...the ultimate issue is to make sure that agricultural practices are environmentally sustainable.

are getting militant about this. They really are. They are fighting back and doing a very effective job. I have got some fellows in Cape May County, I am sure Fish and Game have their names up on a dartboard right now, because they are really getting it right up to here. They have had enough. I have farmers looking at a Chapter 11 because of a 100-year drought. I have processors packing up and leaving going to California. The issues are here, and I tell you we are not getting many answers back from regulatory agencies.

Male Participant: Deer and water are both fugitive resources that people individually do not own. Therefore, as fugitive resources it actually makes it harder to control them. Remember the dairy cow. Why aren't dairy cows extinct and why are they managed well? Because they are owned by somebody. And I am

not talking about crazy private property rights enthusiasts - there are always extremists. There is a project both in the Carolinas right now and the Everglades using nutrient management tradeoffs between water quality and farmers, where they are trying to create a private property owned mechanism to reduce environmental risk. I think in the long run we have gone far too far in the idea of trying to use regulatory authority to fix natural resource competition/public policy problems, and we need to actually get creative and use some private property types of approaches. A fellow named Terry Anderson in Montana actually works with kayakers and farmers on stream-access issues, trying to create a market, if you will, to resolve those disputes. If you can find an economic and not a regulatory mechanism to address those issues, I will

If you are looking for an endangered species, you cannot find a better one than farmers in New Jersey.

submit to you that there may be an educational benefit for extension educators to engage in dispute resolution.

Male Participant: If you are looking for an endangered species, you cannot find a better one than farmers in New Jersey. In 1950 we had somewhere around 27,000 farms, but only 9000 today. We had about 1.8 million acres of farmland in 1950. Currently, we have about 800,000 acres. The disappearance rate may rival if not exceed that of the most endangered species. Yet I think a lot of people have demonstrated that the quality of life of our state depends greatly on open space. While we are out there trying to protect wildlife, we also need to be thinking about protecting human beings. We need to put some of these issues into perspective.

Since the inception of the Environmental Protection Agency, we have witnessed the loss of about 50 percent of our acreage in farms

and about 70 percent of our farms. I think that needs to be considered.

Male Participant: I would like to consider the question of the number of farms. If we take the commercial farms out of that group, we have only 3000 farms. That leaves 6000 other farms that are really noncommercial farms or hobby farming.

Male Participant: That is a very important point. The conflicts are generally not black and white either, and there are a number of different ways to approach them.

Moderator: Okay. I want to thank my very tactful, genteel, docile panel. They were supposed to carry on and get into an argument and bang on the table. But they were mild mannered and kind to each other. Nevertheless, it was certainly very interesting. Thank you very much.

Now, let us switch gears for a minute. I am going to talk a little bit about conflict resolution, how we intervene in disputes, the different types of intervention processes, and some real hands-on skills and techniques you can use. And these techniques go across the board. How many people here have spouses? Okay. I see four hands. You all know how to get involved in and resolve disputes, at least get involved in disputes. Now, here's my first question to you: what did you observe here? Okay. You observed a conflict. What happened? Who can define conflict for me? What is a conflict?

Male Participant: It is a breakdown.

Moderator: It is a disagreement. What else?

Female Participant: Difference of opinion.

Moderator: Difference of opinion. All right. What else?

Male Participant: Where people act on a difference of opinion.

Moderator: Where people act on a difference of opinion. All right.

Female Participant: Clash of values.

Moderator: Clash of values. Okay. So the conflict is where people act on the difference of opinion, they carry out or act out their disagreement. But what causes the conflict. You are no closer to what causes conflict than to

what conflict is. A clash of values causes a conflict, what else?

Male Participant: Different interests.

Moderator: Different interests. Okay. What else causes conflict?

Male Participant: Sometimes lack of information.

Moderator: Lack of information. How about different goals? Different perceptions. Different needs. Any time people have different needs, values, and perceptions there is a potential for a conflict. All right? I do not have it here, but there is a famous Chinese figure that depicts two words for conflict—opportunity and danger. All right? In conflict there is always danger. The conflict is also an opportunity to get into a problem and try to solve it. All right? How do people respond to conflict? What are some of the ways that people respond to conflict?

Male Participant: They fight.

Moderator: They fight. Okay. What else.

Male Participant: They shoot at the deer.

Moderator: Anything else?

Male Participant: They shoot at each other.

Moderator: Basically, people respond to conflict in three ways: (1) they either strike back; (2) they give in; or (3) they back off. Okay. What kinds of methods have we developed for resolving conflict? What kinds of methods has society developed for resolving conflict?

Male Participant: Court.

Moderator: Court litigation. What happens in litigation?

Male Participant: One side wins, usually.

Moderator: One side wins. Litigation or adjudication involves a third party whether it is a judge or a jury, who gets to hear the facts of the dispute and determine guilt or innocence. That is their job. It is steeped in history, it's got a long tradition. Evidence is presented, it is a very scripted type of process, everyone knows his or her role. Attorneys come in and advocate for their clients, and the judge in his or her eminent wisdom hears the facts and renders a decision. All right? What happens then? What happens to the people that are involved in that decision? They are not em-

powered. Someone else is their hired guns, their attorneys who can advocate their position and try to win for them. It also means you are getting power to make a decision through a third party. Okay. What is another way we resolve conflicts. Mediation. What happens in mediation? What is the difference?

Male Participant: An attempt to bring the two parties to common ground. To a mutually acceptable solution.

Moderator: Okay. It is the introduction of neutral third party, a person who has no stake in the outcome, but who has a certain set of skills and who is acceptable to the parties, who can sit down and ask for the respective views of the problem and how to attain a mutually satisfactory resolution?

Male Participant: If the court is a win-lose situation and mediation means compromise, then it is win some and lose some.

**In conflict there is
always danger.**

Moderator: Okay. Is it better to win or lose or is it better to win some and lose some? Mediation does a couple of things. It empowers the parties who are involved in the process. They are not giving the power to make a decision to this third party sitting up on a bench, but they have to figure out between themselves, with the help of the mediator or the intervener, how best to solve their problems. What is one of the results of that kind of process?

Male Participant: Compromise.

Moderator: Compromise? You implied a negative connotation. As in she compromised her virtue. Or does compromise mean what am I going to give up to get what I need? Okay, I see some in the audience nodding approval. So compromise is not always bad. It is what I am willing to give up to get my interests or needs satisfied.

Male Participant: It is not always good either.

Moderator: I have heard many matrimonial judges, because I used to work in a court system, say that if both parties leave my court unhappy I have obviously made the right decision or done a good job. I started out in the neighbor versus neighbor municipal court type of program. I would sit down with the two neighbors who would be quarrelling back and forth. What happens if they go before the judge? The judge is going to find one guilty and the other innocent. The guilty one will probably be hit in the pocketbook which is going to crack him or her up even more. Then the couple goes home; how has this been resolved? It has not. So we have to help resolve the problem. Mediation gives people's problems credence. It gives the people an opportunity to air their problems. It empowers them to become a part of the solution.

The judge is going to find one guilty and the other innocent.

The decision is not imposed. They have to work toward it. And the mediator does not have the right to say, "I think you should do X or I think you should do Y." The intervenor asks questions. "What if...?" "Suppose that..." "Have you tried...?" "You used to be friendly in the past; what happened?" The intervenor can go into the hidden agendas. The intervenor can go all over the place, being very creative. That is how you help people solve disputes. We also use arbitration to resolve disputes. What is the characteristic of arbitration?

Male Participant: I think it is similar to a judicial process, but it is a full blown process.

Moderator: Exactly. The parties give the arbitrator or the third party the right and the responsibility to make the decision in their dispute. And there are several types of arbitration. There is binding, there is nonbinding, there is last best offer—you know what that is? That is the final offer. The arbitrator must pick one side or the other. What does

that process tend to do to the parties?

Male Participant: Polarize them.

Moderator: No.

Male Participant: Make them get real.

Moderator: Makes them get real. Thank you. Knowing that the arbitrator is going to pick one or the other tends to make their demands more realistic. So it tends to bring the parties together. Knowing you or the other will be picked, you cannot have an unrealistic demand. All right. One of the other methods we use in dispute resolution is facilitation, which is like shuttle diplomacy. The facilitator gets people talking, sets the stage, creates the atmosphere for people to communicate, carries messages back and forth, and so forth. All right? Any questions or comments?

Female Participant: Can you tell us the difference between a facilitator and a mediator.

Moderator: A facilitator drives the bus. You all know where you want to go, you are just not sure how to get there. So if you have a topic you want to discuss, you write some boundaries around it you would like to come out with an end result. The facilitator keeps you on track, keeps the process moving, very similar to a mediator. I think you are right, the mediator is more invested in this process, in helping the parties reach a solution. Whereas the facilitator merely takes people through a process to help them.

What kinds of skills do you need to be a successful intervenor? A good listener. How many people think that being a good listener is important? Think of a good listener, someone that you know, whether it is a teacher, a clergyman, a friend, a relative, or even yourself. What are some of the characteristics of good listeners? Not selfish. Good eye contact. Why is good eye contact important?

Male Participant: Because it shows a person is paying attention to you.

Moderator: Absolutely. Initially eye contact is very awkward whether it is a two-party dispute or a multiple party dispute. We are going to hash that out a little bit later. What other characteristics do good listeners have?

Female Participant: Nonjudgmental.

Moderator: Nonjudgmental. How many people when they talk or when you are listening tend to nod and say, "I understand what you are saying." What is that called?

Male Participant: Agreement.

Moderator: Agreement. You have to watch those head nods when you are intervening. People read a lot into them.

Male Participant: Taking eye contact a little further, it is really body language.

Moderator: It is reading body language. It is knowing what is said and what is not said. Many times I have sat down with parties, and they have come into a room and sat down and did not talk to each other. It is fascinating to watch as the dispute unfolds, and they start to communicate, how they start to turn and talk to one another. And you are responsible as an intervenor for watching all those kinds of cues and clues, because as parties start to get closer to agreement, their bodies almost betray them. Their bodies will start to turn toward one another.

Male Participant: Empathy.

Moderator: Empathy. Okay.

Male Participant: Feeling with instead of for.

Moderator: Exactly. Feeling with instead of for.

Male Participant: Patience.

Moderator: Patience. What do intervenors do? What do you do as an intervenor, or mediator or facilitator.

Male Participant: Another comment about empathy. The person who is empathic is really bearing the message on two levels, and that goes to your next question. There is the concept level, and there is a feeling level. And it is important that both of those be heard.

Moderator: Right. A lot of people listen here; they do not listen there. When I worked in a municipal court in this neighbor-versus-neighbor program, there was a senior citizen development right next door. They liked nothing better than to get dressed and come to traffic court. If that was not exciting enough, they would come down the hall and watch the mediation program. So what do we want to

do? Managing conflict you advocate a process; you do not advocate a position. You build trust. Why do people need people to help them solve a dispute? Why do you think people need help?

Male Participant: Because increased agency involvement reduces freedom. What I am getting at is that mediation is frequently needed in areas between agriculture and their communities because of the rise of regulatory fiats. We have to reduce the number of regulatory fiats so that the people have freedom and power to use mediation tools in their communities to solve these kinds of problems.

Moderator: Why do people need help? A skilled intervenor helps parties see the other side of the picture. One of your goals as an intervenor is to make the parties realize that there is more than one way or more than their

**...increased agency
involvement reduces freedom.**

way to resolve the dispute. What you do is open up a whole cornucopia of options. You do not limit yourself. What do you really need to happen? "Well, I need to have her stop parking in my space," or "I need her to do this, because I sleep during the day and work at night and I need my sleep." Okay, there is the need. There is the answer. The position was "I want her locked up!" But you have to go below that and discover what the needs of the people are. And that is what you try to satisfy. When people are too close to an issue, they cannot look at it objectively. People like having some boundaries, a process around what they are going to do. It does not feel safe enough to take it on without a process. How many people here know what their conflict resolution style is? There are a couple of distinct styles. Are you a compromiser? Are you a confronter? Do you withdraw? Anybody?

Male Participant: Well, most of the time I tend to compromise, but some of the time

also to withdraw.

Male Participant: After he is confronted.

Moderator: Okay. Let me just tell you what the objectives of an intervenor are: you will learn these skills in the simulation exercise on intervening in an agricultural dispute. All right? Now, what are some of your objectives? Let us talk about narrowing the gap between the parties. What does that mean? What do we mean by narrowing the gap?

Male Participant: Trying to find if there are some areas of agreement!

Moderator: Okay, it is trying to find what, if any, areas of agreement exist between the parties. Are they totally polarized? Is there *anything* they agree on? Is there a piece of an issue that they agree on? You want to narrow the gap, you want them to start to fight the problem and not each other. Sometimes it's just language, and you will see that in one of my handouts later on. It is good for an intervenor to do his or her homework before he or she gets involved in the issue. You should know the issue, know the history of the issue, know the parties, know the jargon. And one of the first things you do in a dispute is decide on common definitions of important concepts or words. Because if I mean one thing when I say sustainable agriculture and you mean another thing, we are never going to have a meeting of the minds. It's been said that 50 percent of the solution of any problem is the correct definition of the problem. Now you hear people talk about framing the issues all the time when they go to resolve disputes, and it is very important. And we are going to get into that. Keeping the parties talking is one of your objectives. You want the parties to communicate. It is their problem, it has got to be their solution. You want to explore the differences and point out the areas of agreement. And as an intervenor you want to add an impartial perspective. A good intervenor facilitates private meetings or caucuses. What? Why would you do that? Everything is supposed to be aboveboard, on the table, under glass. Why would you want to have a private meeting?

Male Participant: Some people do not want things on record.

Moderator: Some people do not want things on the record. All right.

Female Participant: To identify the real problem.

Moderator: Exactly. You can be the best intervenor in the world, you can sit there and you can say, "Ah, I have the perfect answer to your problems. Gee, Bob, why don't you and Terry look at this way?" Which one of you is going to say, "Hey, sounds like a great idea, I'll go for that?" Probably neither of you. All right. Because it was not your idea, number one, and you are going to be thinking - if you take my idea too quickly, you are going to be giving in. If you can do that in a caucus, if you make these suggestions in a caucus, they are much more likely to be heard. People kind of think it is their own idea. They feel more comfortable coming to the table that way. And lastly, one of your objectives is to create doubt in the minds of parties that their way is the only way to solve the dispute. Questions? Comments?

Male Participant: Can we get back to the issue of right to farm!

Moderator: Go right ahead.

Male Participant: One of the challenges we face in New Jersey is how to find an appropriate state agency that balances the interest of the farm community as well as public health concerns of the nonfarm public, the interests of municipalities, and the interests of state agencies that promulgate regulations. Do you have any suggestions on how one might go about setting up an agency that would head off right to farm conflicts or when the conflicts do arise, a mechanism to handle them in ways that will provide solutions that are acceptable to the farm community and the nonfarm community. Problems that spark up every single day tax the finances of farmers significantly, and if conflict resolution is to be a major strategy that we use to handle the situation, then we need to be thinking very seriously about how to develop a very credible conflict resolution process.

Moderator: Well, two thoughts on that. One is I really would not want to set up another agency to deal with this. And that is why I think that we are all here. We all do this, we may not call it mediation, but we all do this in some way, shape or form, and we do it every day. So enhancing your skills and understanding and comfort level with doing these types of interventions is I think where we are headed. And secondly, you said can we come up with an agency that can take all these different interests and represent them impartially and give the farmers solutions they can live with. Again that is the antithesis of what I am saying. An agency is going to come and say "Thou shalt; this is the answer." This is not what works here. Sitting down with the parties, communicating, and asking them, "What's going to work best for you?" Okay. And then they say "hmm," and they come up with the answer. So again, I think we do this all the time. And you have got to trust the process. I do not think another agency is necessary.

Male Participant: There is absolutely zero reward for public policy education at the university.

Moderator: What do you get rewarded for?

Male Participant: Research, research publications.

Moderator: It is farmer by farmer, dispute by dispute, you are not changing through the current communication and sharing of ideas, and meeting of the minds, you are not changing client practices, you are not making an impact. (Laughter) We are making this kind of critical shift now in the Department of Environmental Protection. We are moving away from enforcement actions toward measuring how the environment is improving; we are looking for environmental indicators. Is the air cleaner? Is the water cleaner? We need to measure our performance and our success for things like that not how many violations did we write and how many thousands and millions of dollars in fines did we collect? So it's a shift, it's a paradigm shift. It is a quality issue, and it's a much more difficult process.

We have an alternative dispute resolution process in place for about a year and a half now, where a person does mediation or facilitation. We bring the parties to disputes together and help them solve their problems.

Moderator: All right. Yes!

Male Participant: If you are mediating, aren't you building a case by case experience which is like providing common law solutions.

Male Participant: In the context of who we are and what we do for a living our goal should be that we need to find a way to reduce the number of incidents we get involved in. This is not the business of Rutgers Cooperative Extension.

Male Participant: I would like to stress the point that extension agents have played a critical role in heading off conflicts. I think it needs

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also to be understood that extension can do a whole lot more. There are a number of conflicts that extension agents never become aware of, and I think part of the reason may be that the general public may not feel that they have an impartial judge or adjudicator in extension. To really improve the right-to-farm situation in New Jersey, would take a whole lot more than what is being done now and would involve a change in the framework for farmland assessment. I was thinking about an agency that does something like the Office of Administrative Law does, where people know that they can go.

Male Participant: The point that there is a more general principle, that often prevention does not get the recognition that it deserves is well taken. I mean, if you prevent a conflict or prevent a situation, that is the most effective way of dealing with it but often you do not get the proper credit, and you do not get the resources to do prevention.

Moderator: Right. The Supreme Court in New Jersey has been very, very active in alternative dispute resolution. As a matter of fact, two years ago the legislature passed a law that said every municipality in the state of New Jersey must offer their citizens at the municipal court level an alternative to going to court. They must offer an alternative, i.e. mediation program or some other type of intervention. About 330 municipalities in New Jersey have these programs in their municipal court. Volunteers from the community are trained in mediation. The court then diverts a certain number of cases to the volunteers that are appropriate for the type of training they received. That frees the court for the more serious offenses. Moreover, people walk away having resolved their problems.

Male Participant: The example of the water issue that came up earlier this week stays with farmers. When you have got people competing for the same resources it drives up prices. There used to be a time when there was very little irrigation going on in New Jersey.

Moderator: In dispute resolution, you attack the problem, you pick apart the problem, but you don't pick apart the other party. You focus on interests and not positions. What does that mean? What is the difference between an interest and a position? How many times have you heard someone say, "It's the principle of the thing?" Tell me the difference between an interest and a position. Anyone.

Male Participant: Interests are the "why" of dispute resolution. What I want and why I want it.

Moderator: What I want and why I want it. All right. Now, I want a new BMW. But I need a car to get to work. There is a big difference between what I want and what I need. I want a nice, big, fancy, foreign car. I need transportation, reliable transportation. The Solomon example was already been mentioned. Fischer and Urey use an example of two sisters fighting over the last orange. Sister A said, "Well, you had one orange last night, this one is mine." Sister B said, "But I bought it at the store." Sister A said, "But I carried it home

from the store." Sister B said, "You need to lose a few pounds so it's mine." All rights? So they are going back and forth and back and forth over this orange. So what would Solomon do? Solomon would take a knife and cut the orange in half. Each sister gets half of the orange. But if you ask them their need for having this orange, "What is your interest?" you find out Sister A wants the pulp for orange juice, and Sister B wants the rind to make marmalade. That is a kind of trite example, but you have got to get down to interest. One interest is "I want orange juice." Another is "I want to make orange marmalade." Okay. That is very different from cutting the orange in half. And I think most of us tend, in a situation like that, to say, "Okay, the fair thing is we cut the orange in half."

The Supreme Court in New Jersey has been very, very active in alternative dispute resolution.

We are now going to talk about the stages, the elements, and the techniques for intervening in disputes. We are going to examine the elements of the intervention process. I have developed a framework to examine the stages of a dispute. Let me take the elements of a dispute and address the techniques and skills needed for the different elements. Now an element means a critical or necessary part. Most disputes are going to have these stages. You have got preintervention. Your first contact. Your opening meeting. You may or may not have a caucus. You do some joint meetings and then you come to closure. Each process has core elements around it. And there are some different variations. Let's look at the first part *Intervening in Disputes*. Preintervention. What do we mean by preintervention? What do you do there?

Female Participant: Fact finding.

Moderator: Okay. You're assessing the dispute.

You're sizing up the situation. That is where you do your homework. All right Some of the things that you do in that preintervention stage are: you research previous attempts at settlement. Who else has tried to fix or solve this problem? How successful were they? How receptive were the parties? Is the dispute ready for intervention? What is the timing? I had a colleague who used to say, "I will mediate no dispute before its time." Disputes have a cycle, a time, and a life, and if you get involved too early, the parties may not necessarily be ready and willing to deal with the problem. If you get involved too late, it is too late. You have to enter the dispute cycle where the parties are frustrated almost to the point of being at the end of their rope, but they are not. And you are going to avoid missing a critical deadline or some kind of terrible consequence. Okay? So timing is important in your intervention. What role will you play? That is a very important question you must ask yourself. Because you can play a variety of roles, which is what we talked about earlier. You could be a mediator, you could be an arbitrator, you could be a facilitator.

In the preintervention stage, try to identify opportunities to resolve the issues. You also need to decide and this ties in with the readiness of dispute for mediation - whether there are sufficient incentives for the parties to sit down at the table. Is time running out? Is someone paying a lot of money on one side of this problem? And last, you need to identify the resource you need. If it is a minor dispute, you may be able to bring the parties into your office or go out to a neutral location. Or do you need to reserve a room, and just what are your resource? What are your logistical needs for the size of the groups that are involved and the depth of the issues? How do you go about assessing the logistical needs? You ask. You ask lots of questions in this phase. What happened? Tell me your perception of what happened? Why do you think it happened? I like to have people speaking for themselves. Sometimes, disputants say, "Well, if she would only stop doing that, there would

be no problem." Tell me what happened and how it affects you. Don't tell me what she should do to solve the problem. People have to speak for themselves; they cannot speak for someone else. You should speak with all the affected parties in the dispute.

We are going to talk about how we identify who the stakeholders are a little bit later. You need to get familiar with the issues in this preintervention stage. Do your homework! What is it about? What is its history? Who is involved? Are there any technical issues attached to this dispute. If so, what are they? You do not have to be a technical expert to be an effective intervenor. These skills are transferable. I helped intervene in a dispute over 37 municipalities that did not want to become a part of a regional sewage system. I have intervened in situations where parents are

**"I will mediate no dispute
before its time."**

upset because the town budget was cut, and they did not have school crossing guards. I had to become a traffic expert very quickly. I have intervened in situations where parents took their kids out of school because dioxin-laden ceiling tiles were not being removed properly in one of our urban schools. So you need to know enough about the dispute so that you can walk the walk and talk the talk. That is how you help establish your credibility with parties. Your first contact begins when you explore and try to get down to some specifics of an issue. You identify and involve your stakeholders. How do you do that? How do you know who to ask? Obviously, the person who brings the problem to your door is a very likely, obvious stakeholder. But how do we go about figuring who the other stakeholders are? Anyone? Someone?

Male Participant: The nature of the problem.

Moderator: Okay, the nature of the problem. What else? Who are some likely stakeholders

in your disputes? Let's look at it that way.

Male Participant: The public in general.

Moderator: The public in general. Well, if it is that clear, let's do it. You are saying the general public, the adjoining property owners? Okay. Who else? Unborn generations. Let me know how you bring them to the table.

Male Participant: That is a very legitimate problem.

Moderator: It absolutely is. I am not making light of it. That is one of the philosophical debates we get into in this business all the time. Who is going to represent those souls? Private industry? Okay. So it is a specific public; an affected public, client. Let's put clients. Okay. Who else might be a stakeholder in any given dispute?

Male Participant: It is never just the general

Unborn generations. Let me know how you bring them to the table.

public. It is people in the Sewage System Authority and its consumers and so on.

Male Participant: That is why I said it depends on the nature of the problem.

Male Participant: Targeted public.

Moderator: Target public. Okay. What about that group that Bob represents? Yes?

Male Participant: People that are receiving benefits from something and people that are getting negative impact from the same thing.

Moderator: Okay, so you are plus and minus—the people who benefit and the people that don't benefit. Anything else? Who else can be a stakeholder?

Male Participant: Policy makers.

Moderator: Policy makers.

Male Participant: Taxpayers.

Moderator: Taxpayers, that goes back maybe to the general public. What about your environmental groups? Your environmental commissions, your environmental activists, your special interest groups.

There is a wonderful publication in your

packets. That black and white book. And that goes into a lot of detail about how you identify stakeholder groups; how you get them involved, how you reach out to them, and so forth. But we are really working on a very abbreviated schedule so I am only touching some of the highlights.

In your first contact, you want to establish agreement on the procedural issues. How are we going to manage this discussion? Are we all going to talk at once? Are you going to let me drive the bus? Are we going to take turns. Are we going to discuss the problem? Are we going to file papers? How are we going to sit down and communicate on this? So you need to make the procedural process very clear before you intervene in a dispute. Try to get agreement on the scope of the issues. What are we going to focus on? Very often the complaint that was on the piece of paper many, many times was not the real issue in dispute between the two parties. In order to have a productive, efficient, and effective intervention, you need to decide on the scope of the issue. Well, let me ask, is that difficult to do? Do other people think that is difficult to do? It comes back to problem definition and framing the problem.

Male Participant: One strategy is to acknowledge that there are broader issues but coming to agreement in this mediation, in this facilitation, in this intervention, we will stay on a particular path, and I will be the gatekeeper. If you have done your homework, it is easier to call attention back to the issue.

Moderator: Right. You set ground rules. You say, "Here are the ground rules." And I like to use the phrase, "We don't have many rules around here. One of them is only one person speaks at a time; we don't interrupt each other; and we don't call each other names." Those are three basics. Okay. It is in the ground rules that you get agreement on the scope of the issue from the people with whom you will be working. Whenever I facilitate a large meeting or even at work when I am trying to help people solve a problem, I have a flip chart. And I put the words "parking lot"

on it. When an ancillary issue arises, I say, "Let's park that over here for now. Put that in our parking lot so we don't forget it, and we will come back to it." That is one technique I use.

Well, what are some of the techniques for identifying and involving people? First, you need to explain the process. You need to know what it is you are going to take them through before you are going to sell them on it or get them to buy into it. And it doesn't have to be a formal, lengthy explanation. We are going to use the process today. I am going to help you discuss your problem. I am not going to impose any judgments. I am going to ask each of you to tell me what your view of the problem is. You are going to have ample time to discuss it. If you need to meet me privately, we can do that. But nothing that we do here today is going to be anything that you don't agree to. It has to be mutually agreeable and acceptable to both of you. You need to explain your process. I have had people come into the mediation program and say, "Well, do we have to sit on the floor and cross our legs?" I say, "No, no, no, that is meditation, this is mediation." So you need to explain what you are doing so people feel comfortable, and they can relax and say, "Okay, she's going to watch the time and make sure I don't get interrupted. She is going to watch my back so that I get to say what is on my mind." You establish your neutrality and your credibility, and you build trust. And building trust is such a critical component to being an effective intervenor. How do you do that? How do you build trust with somebody? Do you know most of the people you deal with? Is it a fairly consistent audience or do your clients change all the time? They change a lot? They are pretty consistent? It is the usual suspects. I mean it is always the same people. How do you build trust, say, with someone you have never met before? You have to be scrupulously neutral. If I talk to Party A, I have to talk to Party B. If I promise them at the beginning of the meeting that I won't let them interrupt each other, I have to stop it the first time some-

body interrupts. I have to make sure they know that I am in charge and that they are going to get to say what they need to say and that their problem will be heard and that they will be given credence. And that is how you build your trust.

Male Participant: You say "agree on scope." Earlier you talked about defining terms or something like that. Does that come in?

Moderator: Well, no. I think if I were to explain "agree on scope" - help give me an issue, give me a dispute.

Male Participant: Well, let me just take sustainable agriculture as one.

Moderator: Okay. To me that is like so amorphous, and so huge; what part of sustainable agriculture?

Male Participant: You have some people who think that American agriculture has gone back to preindustrial agriculture. To some

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and your credibility, and you
build trust.**

people, sustainable agriculture means we need to farm in concert with the stars, to others it means integrated pest management, and they cannot even agree on that term. There are a lot of issues where people cannot even agree on the definition of the term.

Moderator: And that is your role!

Male Participant: You cannot even get to established procedure unless you can agree on what the term means.

Moderator: Right. And I keep hearing, "Gee, you got to frame the issue. You've got to define the problem." People have to agree on what they are going to discuss. Yeah, there are a 110 things connected to these issues, but we attack only one. That is what I mean by defining your scope.

Male Participant: What we are here about today is to focus on narrowing the big picture.

Male Participant: So when you use that word

“procedure,” it gets back to that scope. You have got to narrow it down or else you will never accomplish anything.

Moderator: Right. It has to be manageable. Okay. So you find nonthreatening, neutral terminology. You defuse the problem. You take the sting out of it. And that is what you also do as an intervenor. In the heat of anger during mediation sessions, people say such things as, “If she would just keep her little snotty brats out of my yard, I wouldn’t have a problem.” “Well, Mrs. Johnson, what we’re hearing you say is if her children respected your property boundaries and didn’t trespass into your yard that you wouldn’t have a problem.” Okay, so you take the nasty comment and you dilute and reframe it and then restate it. You take the sting out.

All right. Let’s go on to opening the meeting. And this is where we emphasize the process. You need to jointly develop and agree on an agenda. Establish acceptable ground rules. And again, in your packets, are the book outlines establishing ground rules. I mentioned some of my ground rules earlier. One person speaks at a time. We do not interrupt. We do not call names. It is up to you to manage the process. But some of the other ground rules you might say are: We are going to be specific, and we are going to use examples wherever we can. We are going to try to define and nail down that amorphous “they.” They say, they feel. Who are “they?” We are going to agree on what important words mean. Like integrated pest management or best management practices. What does that mean? We are going to jointly design ways to test agreements and solutions. So the ground rules are whatever you and the group feel are needed to keep that process moving. For example, we are going to take a 15-minute break every two hours. I am the only one to speak to the press if asked about our negotiations. Okay? So those are your ground rules. That is the framework in which you operate. You define the problem. You do joint fact finding. You jointly explore initial offers. Explain your process. The more people know about what

you want to do and what you expect from them, the greater your chance for success. If they feel comfortable and they understand the process, they are much more likely to get involved. Go over your ground rules. You set the stage for success. How would you seat the parties to a dispute at the table.

Male Participant: I would be in the middle.

Moderator: You would be in the middle!

Female Participant: I would seat them next to each other so it is not adversarial.

Moderator: Great! Often the parties in a dispute sit opposite each other. What does that do? That tends to have the parties challenge one another. A much more effective way is to have the parties sitting beside each other; they are on the same side of the table. We are going to attack the problem and not each other. And now the intervenor has the ability to control the parties; the parties talk to her

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and through her. Okay? Of course, she has to leave enough space so they cannot reach out and bump one another. There is a psychological effect when parties are seated on the same side of the table. So, where and how people sit is extremely important. Round tables work really well. How do you model effective communication? If you want people to listen to each other, you have to model good listening skills; do not interrupt; do not look at your watch; do not think about what you are going to pick up at the store on your way home. It is up to you to listen on two levels - the subjective and the empathetic levels. Let the parties vent. Do not be afraid of some good, healthy debate. Remember, you are not involved in the problem. And if they can vent their frustrations and get all negative emotions out and feel that they have been heard, then you can start to do your work. You can say, “Okay, now that we have called

each other names and carried on and whatever, let's get down to solving the problem."

Caucuses or private meetings. This is where you encourage people to focus on their interests and not their positions. You generate alternatives. And you provide a reality check on extreme positions. How do you do that? What is a good way to do that? Okay. I like to ask, "You want her to move? You want her to pack up and move? Fall off the face of the earth? Tell me how you see that working." And you just have to ask, and if it is an unrealistic or extreme demand that one side is making, you say, "Tell me how you see that working." Then when they realize that it is not going to work because it is so extreme, they may modify their position. I always use "what if" and "suppose that" in statements. "What if she agrees to pay you for your storm door and keep her kids off your property?

...you encourage people to focus on their interests and not their positions.

Would that satisfy your interests?" or, "Suppose that the farmer notified you 24 hours in advance before he spread the manure, so that your daughter's fifth birthday party wouldn't be ruined. Would that satisfy you?" "Suppose that," or "what if?"

Joint and shuttle meetings. You want to develop mutually agreeable criteria. Who can tell me what I mean by that? What are mutual and agreeable criteria? For example, when you go to sell your house, you think it is worth \$259,000 because you put a lot of sweat into it, and it is as clean as a whistle and really nice. And the real estate agent comes along and says, "I am sorry, but all the houses on the block are selling for \$159,000. You are not going to get \$259,000." And then here comes the prospective buyer who offers you \$109,000. Now, where are the objective criteria? Again, it is the real estate market. What is the market doing? What are comparable

houses selling for? That is what I mean by objective criteria. You are not objective about your own house. The buyer is going to try to get you down as low as he can. But what is the objective criterion you should both work from? It is the condition in the market. And that is just one example.

You generate ideas and reframe alternatives. You make it easy to say yes and difficult to say no. How do you do that? How do you make it easy to say yes? Try to find something that is important to both parties but not critical to either. You want to develop mutual agreement. The more times people say yes, the easier it is to say yes when it comes down to big issues. Even if it is just where they agree to sit. You have got them starting to agree on something.

We talked about maintaining eye contact. We want to stress win-win, which means we offer choices. And we want to focus on the problem and not the people. Last, when we close, you need to explore and agree on how you are going to implement any agreements that you have reached. You want to focus on the future. I always find that is a big trap for intervenors. Because the parties want to be told that they are right. I always say to people, "I am not here to judge right or wrong, guilty or innocent. I do not really care. What do you want to do from now on to solve your problem?" We always try to make it future-oriented. Let's not go over the grievances of the past. Let's not dwell on the past. Let's move forward from today. Where are we going to go from here? What is livable for both of us? Any agreement that the parties reach, I like to state it in positive terms. "Bob agrees to do X," as opposed to "Jack says he will never do this again." I always make agreements very clear. Who is agreeing to do what to whom and when.

I rushed through that last section in order to identify the stages in every dispute, explain the core elements, and address certain techniques that are used in dispute resolution. Now I promise you in our simulation, you are not going to hear me talk. I am not

going to stand up here and talk at you. You are going to practice intervening in a real life dispute. We are going to do it in a very painless way. You are not going to do it in front of the room, you are going to go off into a small group, into a separate room, and you are going to have a lot of fun with these exercises.

Do not be afraid of strong words and strong feelings, because you are a manager of conflict, and people do get hot under the collar. Also, do not be afraid of periods of silence. I think people feel that if there is a lull in the conversation, you have to leap in and say something. That is real dangerous for an intervenor. You need to sit back, listen to what was said, absorb it, try to figure out, "Gee, what did I just hear? Did I just hear a clue that someone would agree if this were met, or whatever?" But do not be afraid of silences.

Do not be afraid of strong words and strong feelings...

Do not allow too much discussion either. So that is the balancing act; you have to let people ventilate, but not so much that they become so entrenched in their position that they could not react to a good idea or a good offer.

Try never to agree privately with one side in the dispute. I have had mediation sessions where Party A will say, "Boy, he is a real nut isn't he?" or "You know the problem is a strange one. If he didn't drink so much he wouldn't have these problems." So then later on in the dispute if the other person acts up, that party will turn and you will try to say something to that person, the party turns and says, "Well, didn't we just agree back there in the caucus that he is a nut case?" So even if you said "Yeah, he is being really difficult, but I can handle it." you never agree privately with one side on an issue that is in dispute between two of the parties because it will come back to haunt you. They will use it in the joint session. Try to avoid personal identification with the interests of either party. That may be

hard for you because you have a certain background, you have a certain bent, but that is going to put your neutrality and impartiality skills to the test. You do not ask questions to imply that you have made a judgment. Use nonjudgmental questions. I will give you an example. "All right-thinking parents want their children to be well-fed, well-clothed, and well-housed. Wouldn't you agree?"

Male Participant: Yes.

Moderator: Okay, what is the judgment here? All right-thinking parents was how I prefaced it. Now, what can you say? That is like a take-off on "Do you still beat your pet?" No or yes. Either way it is wrong.

Male Participant: Careful, that might get you in trouble.

Moderator: Try to advance new ideas in a caucus because it increases the likelihood of being accepted by the parties. Do not get down to the narrow core of the issue too soon. People need time to beat their chests and rant and rave and make sure their positions are on the table. Do not be passive. We are talking about developing a habit of agreement. So, that glazed look is setting in.

Male Participant: I have a question. When you say, do not cut off the catharsis. Suppose they are breaking the rules?

Moderator: Well, it is a judgment call on the intervenor's part. I mean if someone constantly interrupts the other party, you have got to call them on that. You have got to check that. You need to address it. But if people are having a heated representation of the issues, you do not cut that off. As long as they are sticking to the ground rules. Caucus is pretty self-explanatory. The caucus helps you as the intervenor. If a party is not participating in the discussion, you might want to call a quick break or quick caucus and say, "I'd like to see you. I need to ask you a few questions privately, and we will be right back." Now the way you set this up is to mention it in your ground rules. You say to your parties, "At some point during our meeting I may wish to speak with each of you privately. If that should happen, rest assured you will both have an equal

opportunity to speak with me, and you are each going to get a turn to tell me your concerns.”

Most of your facilitation and intervention is done in a joint session but again, if somebody is particularly angry and not participating, you might want to take him or her aside and try to find out what is going on. If a hidden agenda becomes glaringly apparent, if someone has got a private agenda, a personal agenda and it is getting in the way of the task of the group, you may want to call a caucus and discuss it with that party or that group in private, not in front of the rest of the group. You will get a good chance to use the caucus. How many people have ever done that? How many people have actually formally intervened in a dispute and set themselves up as the intervenor and brought the parties in and sat them down and taken them through their paces? Never caucused? Okay. Some mediators use it all the time. Others use it rarely. Again, it is a tool in your toolbox. Situations very often dictate where you wind up. Cau-

cusings is very often the tool to use if there is a lot of animosity between parties. Other times, you can get things out on the table and discuss them rationally, and you do not need to have private meetings with the parties.

We are going to break you up into groups of four. One person is going to be the intervenor. One person will be Farmer Brown. Another one will be Ms. Green. And then one will be an observer. Everybody gets the same fact sheet that lays out the situation. If you are Farmer Brown or Ms. Green, you will get a specific, private set of instructions that tells you who you are, how you feel, and what you think about the situation. You may adorn her a little bit. The observer is invisible. You cannot help the mediator or the intervenor. You may not crank up the parties. You may not egg anybody on. We are going to have an observer's critique sheet that will take you through the steps of process, and I want you to jot down comments on how well the intervenor does. Everybody gets the same scenario.

Simulation Exercise

Jeanne Mroczko, Administrator
Environmental Regulation
Department of Environmental Protection, Trenton, New Jersey

Bill Brown grows potatoes and other vegetables on a 300+ acre, family-owned farm and also runs a small, seasonal produce stand. The farm is located in one of the last rural pockets of a rapidly developing county and is surrounded on three sides by single-family and townhouse communities. Mr. Brown has recently received several telephone calls from homeowners located nearest the edge of his property, complaining of the noise and dust from his harvesting activities. Earlier in the year, these same neighbors complained of odors emanating from the potato fields and cauliflower left on the ground from the previous harvest.

Brown has agreed to meet Ms. Green, a representative from the surrounding developments, to discuss their concerns. The local agricultural agent has also agreed to stop by and has offered to facilitate the discussion between Green and Brown.

Mr. Brown

Bill Brown can't wait to meet with the local agricultural agent and this "city slicker" about their complaints about his operations. How do these folk think the food gets on their plates? He has watched farmer after farmer sell their land to developers, who put up these condos with pretty names like "Merrydale" for folks who don't know the business end of a

Holstein!!! Farming is messy, hard work—and there's far too much of it to do to stop every time a little breeze kicks up. And he's not about to pay good wages to pick up the vegetables the harvester missed—that's what nature smells like!

These folks should have realized what they were getting into when they bought their big, fancy "country estates;" it's not his problem. Brown prides himself on keeping up with all the rules and restrictions that govern modern farming operations. In addition, he knows there's a right-to-farm law, and he can do whatever he wants.

Brown's not sure he is going to bring up the recent vandalism to some of his farm machinery—after all, he didn't see anyone, but who else could have done it except the kids over in that development?

Ms. Green

Ms. Green is not quite sure what to expect from this meeting with Bill Brown, but she is determined to hold her ground and make him understand how awful it is to live downwind of his farm. She, like the rest of her neighbors, is tired of the constant layer of red dust that coats their cars, window sills, and draperies—not to mention that their electric bills have soared because they can't ever hang their clothes on the line to dry—they

get covered with dust! And who knows what else is in that dirt—probably pesticides or DDT or who knows what! And the smell of rotting vegetables (at least they **think** that is what causes that smell) is unbearable—causing everyone to run their air conditioners, even on cool, temperate days!

Her neighbors have elected her to speak to Mr. Brown—after all, they pay high taxes and are entitled to the quality of life they all

envisioned when they moved out here.

Ms. Green is not sure how or if she will use the information given to her by a neighbor who works in the municipal building, who intimated that Brown's roadside vegetable stand is known not to be up to code. Town officials tend to "look the other way" regarding Brown's stand, as his family has lived in the area for generations.

Comments on Workshop

**Alan J. Hahn, Professor
Human Service Studies
Cornell University**

Public issues education is education about public issues, and public issues are issues that affect the public. Although that sounds circular, it's actually a much more important statement than it seems to be on the surface. Issues that affect the public—which is to say issues that affect significant numbers of people—affect people who are in different situations and people who have different values. Farmers and neighboring residents, for example, are in different situations and often have different values. Therefore, they disagree about what should be done. Such disagreements are perfectly natural and normal. Any community or society needs processes or mechanisms for making public decisions in the face of such disagreement. Public decisions are different from individual decisions, and those differences have important implications. Many of us are accustomed to helping people make individual decisions—for example, by providing information. When we're dealing with public decisions, however, providing information to people that helps them decide what they want is not sufficient. Other people, on other sides of the issue, are also affected, and have a right to have some influence on public decisions, so something needs to be "worked out" with them. Educators are not doing their jobs if they simply help people decide what they want, without also helping them "work something out" with others on

different sides of the issue.

Helping educators develop the ability to educate about public decisions is the purpose of the book, *Public Issues Education: Increasing Competence in Resolving Public Issues*, which each of you received in today's materials.

That book includes some discussion of roles, and I'd like to say a little bit about that. The book has a somewhat more detailed classification of roles, but I'd like to focus on three of them—expert, facilitator, and mediator. The expert role is one that many educators are familiar with. When we're dealing with public decisions, however, the expert role needs to be played a bit differently than it does when we're dealing with individual decisions. We often think of experts as "the people with the facts," but, in reality, what they usually have are a few facts and a whole lot of interpretation—and interpretation is the most important part. Interpretation is what people want—they want to know "what the facts mean." When we're dealing with individual decisions (or working with relatively homogeneous groups, such as farmers), presenting and interpreting facts is fairly easy. But, when we're dealing with public decisions, the facts often need to be interpreted differently for people on each side of an issue, since their situations and values are likely to be different. Experts dealing with public issues like

the ones you've been discussing today need to be able to explain not only what the facts mean, but the implications they hold for the different stakeholders.

Turning to the mediator role, I think that my understanding of the difference between mediation and facilitation is similar to Jeanne Mroczo's. As I see it, mediators typically have the goal of assisting the parties to a dispute in actually reaching a settlement, a resolution of their issue, and are usually working with issues that are "hot" and in need of fairly prompt resolution. As such, mediation is challenging, as well as rewarding, work. Today, you had just a few hours training in mediation. Jeanne did a tremendous job, but I'd be surprised if any of you (unless you had a big head start) feel very confident about going out and actually mediating a dispute. Some colleagues and I are the evaluators for a leadership development institute in North Carolina, which emphasizes dispute resolution and has

Educators are not doing their jobs if they simply help people decide what they want...

provided 12 days of training, and the participants in that institute tell us that they don't feel capable of being mediators. They believe that they have become "more effective stakeholders," but not mediators.

Facilitators, in my view, are more likely to be working in situations that are not quite so "hot" and where a decision does not necessarily need to be made right away. Their goal is to promote dialogue, not necessarily to reach a settlement. A facilitator would try to anticipate potential conflicts, get all the stakeholders involved, and give them an opportunity to talk to one another, listen to one another, and work at understanding one another. Rather than reaching an actual settlement, the goal might be to anticipate and prevent future conflicts or to make them easier to resolve when they do arise. Many of the meth-

ods and skills that mediators use—which Jeanne was teaching today—are also useful for those who play the facilitator role, but the two roles are not the same. I agree with Maurice Hartley's comment that many of you will not become mediators (though some may want to get additional training and take on that role), but most of you may want or need to play the role of facilitator. And, as Maurice said, one valuable thing that facilitators can do is to recognize when mediation is needed, and then help the stakeholders understand what mediation is and get them hooked up with a qualified mediator.

Finally, I want to make a few comments about evaluation, which is another topic that has come up several times in today's discussions—such as in the discussion of, where are the rewards for this kind of work? Over the past few years, I have had some opportunities to be involved in evaluating public issues education projects or programs. What my colleagues and I have done is to conduct open-ended interviews with participants in programs that bring together people on different sides of issues. What has impressed me is that many wonderful things happen in these programs, but—as was said in today's discussion—educators often do not get adequately rewarded for them, and also the results do not get communicated as effectively as they should. What I would like to do is to give you some examples of the kinds of things participants say about these programs. Their reactions are almost, but not quite, uniformly positive. They do not often say, "We reached a solution," but that has not necessarily been the purpose of most of the programs that we have evaluated. Participants do say, "We had some good discussion." Sometimes they say, "I had a chance to explain my position to the other side," which might be quite an important outcome—people don't often have that opportunity, and they value it. Often participants say, "I learned something about the other side." Much of the time, that involves getting a more complex, less stereotyped picture of the other side or "I can see that their

concerns are real (even if I still don't agree with them)." They say, "I see more common ground than I expected," or "I now feel more optimistic about finding a solution." In some cases, they say, "The groups are even farther apart than I thought they were," so there are some negative outcomes (although I'm not certain that even those are negative—perhaps people are becoming less naive, and that may

be a positive result). Sometimes they say, "I changed some of my views about the issue," and, even more often, they say, "I saw other people's viewpoints change." (Apparently, it is sometimes hard for people to admit that they changed their own views.) Above all, participants in discussions like the ones you practiced today say, "We need to have more opportunities like these."

Public Issues Education

**Luane J. Lange, Specialist
University of Connecticut
Cooperative Extension System**

The foundations for Public Issues Education (PIE) lie in the historical work of Cooperative Extension System public policy specialists and educators/agents and innovators in the leadership, community development disciplines. The modules, in the 1987 manual, *Working With Our Publics*, referenced much of the public policy education conceptual base that had evolved from those key pioneers.

The transformation from public policy education to public issues education has been exacerbated by numerous case studies in which advocacy approaches to policy involvement by extension professionals created tensions among traditional extension support groups, between support groups and their communities, and between levels of government. The environment was ripe to redefine the parameters of public policy educational programming with which the Cooperative Extension System would participate.

Basically, three approaches to PIE create the arena for policy education by CES professionals. These are: (1) as an invited or sought expert, providing research-based data and information; (2) as educator about the numerous processes of policy development, including the development of community leadership skills; and (3) as facilitator/convener of diverse parties concerned with contentious issues to provide dialogue opportunities for addressing the resolution of problems.

It is this latter role, with strong process, community and organizational development disciplines, that is most difficult for many CES professionals to accept. Some professionals, used to expert status, find it difficult to set the stage for participatory involvement. In addition, some people, in their roles as basic science researchers, do not readily accept a social science knowledge base. Participation in that type of arena is one that can include the role of facilitator in community conflict issues.

It is, however, the conflict intervention role that has perhaps the most opportunity for CES

Some professionals, used to expert status, find it difficult to set the stage for participatory involvement.

to participate in the resolution of community issues. There are only a few who are comfortable enough to take this position. And CES credibility provides the stage for participation. However, process and conflict resolution knowledge is necessary. CES can supply and apply numerous strategies within PIE, from the choice of intervention to the mentoring/coaching of parties to a contentious issue. All phases rely on a strong understanding of the

parameters of conflict and the processes needed to address the resolution of the issues.

Within *Public Issues Education: Increasing Competence in Resolving Public Issues*, it is especially appropriate to draw your attention to Chapters 1, 2, and 3. Chapter 1 provides the basic framework for how education can help resolve public issues and the role for neutrality. Chapter 2 provides specific models of PIE and step-by-step approaches. Chapter 3 addresses the components necessary for designing a PIE program. Of particular interest to the understanding of the role of conflict in PIE is interest-based problem solving in Chapter 2 and the Chapter 4 section on collaborative conflict resolution with polarized groups. Because the role of conflict is inherent within community policy development and issues, understanding and skill development related to conflict is a necessary key component.

The workshop topic of Mediation and Dispute Resolution provided a framework extended beyond the experience in policy issues by extension faculty and staff. The content of the simulation addressed key components for skill development while providing the opportunity to experience conflict from the positions many of our program participants experience. For a few of the participants, role playing provided opportunity to experience the role of dispute resolver. It is unlikely that the role of participating as a two-party dispute resolution or mediator is one in which CES should be engaged. The role playing simulation did provide, however, the opportunity to better understand the parameters of acting as a convener or intervener. The simulation also provided a first-hand experience in understanding why the model of expert is difficult to continue or is ineffective in such a situation. Several occurrences during the role playing highlighted some of the pitfalls: familiarity with one of the parties; expert position and/or personal opinion; the factual resource role; and tolerance of group input as participants sort through "obvious" inappropriate solutions

and so on.

The panel that preceded the simulation provided a model for a program design strategy: developing and convening meetings and the participation of an expert and both parties to an issue. PIE programs, whatever levels or point in an issues one determines is the best to enter, must include facts and must include the stakeholders on all sides of the contentious issues. The roles taken by the panel members also exhibited the roles of personal opinions, bias, expert contentions.

The simulation thus raised the following issues: What is the conceptual base for CES involvement in PIE? When can facilitation by CES offer a larger picture? Who values this? What are the pitfalls in participating? What are the differences between positions and interest?

All these become major considerations when designing an effective PIE program or making the decision to participate in some manner in a policy issue. For any CES faculty or staff, whether proactively deciding to develop a public issue education program because the need is identified, or whether CES faculty or staff members themselves smackdab in the middle of a contentious issue that has evolved from a different educational program, it is important to have familiarity with the basics of PIE.

Recurring questions related to PIE include many "hows." How does it conceptually fit with the idea that the educational role of CES is to provide a solution that is systematic, portable, usable by others? How does it fit with the need for long term educational benefits? What are long-term benefits in these scenarios? How is the faculty member, whose role of expert is now one of convener, facilitator to be adjudicated? Where is the "I" that can solve problems relegated to the "You" problem solving of a group. What personal professional reprogramming is necessary? What organizational reprogramming is necessary? What are the rewards within the traditional higher education arena? Where might Boyer's "Reconsideration of Scholarship" fit,

for example? And, when should a CES specialist or educator choose such a role? Does such a role, i.e., prevention and intervention warrant public funding?

For those who have worked in social sciences and prevention, PIE goals and strategies are easier to accept. For those with adult education, community development, or other "process" backgrounds, PIE is easy to implement. For those involved in the expanding

views of higher education as outreach and community service, it is easier to consider. Even, if this is not an arena for the basic sciences, who can argue that there are not policy issues related to basic animal and plant science, i.e., animal rights, wetlands - any areas where different values and priorities exist? It is therefore important for all CES professionals to have a working knowledge of PIE.

Conclusion

Maurice P. Hartley, Professor
Department of Agricultural Economics and Marketing
Cook College

The history of public policy, including policy related to agriculture and the environment, has been marred by frequent conflicts with groups of citizens. Today, as in the past, these conflicts are often addressed through expensive, time-consuming litigation. In recent years, citizens and representatives of educational institutions, business, and government have experimented with alternative procedures and strategies they can often satisfy the concerns of all parties, and thus reduce the likelihood of later disputes. These alter-

...conflicts are often addressed through expensive, time-consuming litigation.

natives go by various names, including *environmental dispute settlement*, *conflict resolution*, *consensus resolution*, and *coalition building*.

Procedures and strategies, alone, are not enough. If citizens are to make reasonable and responsible decisions, they must be informed. Thus, public policy education programs have emerged for the purpose of enhancing society's capacity to understand and respond to a plethora of issues and choices. As Tavernier noted in the overview to these proceedings, public policy education provides

an important framework within which extension programming is facilitated. Moreover, as reflected in strategic plans developed locally and nationally, increasingly the role of cooperative extension professionals is expanding as they are being called upon to help their constituents handle challenging and often controversial issues and choices.

With a vision toward strengthening extension's effectiveness in public policy education, especially as relates to the contentious issues that often surround sustainable agriculture and the environment, the workshop described in these proceedings was conceived and delivered. Participant evaluations of the workshop and other formative and summative evaluations referenced in the project report suggest that we were successful in achieving three major project objectives. For example, the panelists Adelaja, Rabin, and Tucker identified and explained a number of key issues related to sustainable agriculture, property rights, and the environment (Objective 1); Hahn, Lange, Mroczko and Tavernier identified and described the basic elements of consensus building and public policy education (CB/PPE) models and skills (Objective 2); and the participants themselves (extension and USDA field personnel), guided by Mroczko, demonstrated and applied CB/PPE skills in a simulation exercise based upon a real-life conflict found in many communities on the rural-

urban fringe (Objective 3).

Our assessments also indicate that we may have been overly optimistic and ambitious, though partially successful, with regard to two objectives. Specifically, that participants, as a result of “new skills” acquired, would develop and implement CB/PPE forums, programs and/or strategies appropriate to their respective work-settings to facilitate improved communication, understanding, and dispute resolution (Objective 4—see Appendix). And further, that participants themselves would assist in the training and educating of other colleagues, community leaders, and constituencies who may wish to join them in CB/PPE endeavors as they arise (Objective 5).

While there are indications that Objectives 4 and 5 are being met to a degree, the evidence for that is greatest among participants who were already experienced in intervention, consensus building, and other conflict resolution strategies in areas related to public policy. As Hahn noted, even participants in an intensive 12-day CB/PPE training institute in North Carolina, with which he has worked, leave without complete confidence that they are

able to take on the role of mediator. Thus, especially for the “newcomer,” the project’s greatest contribution may be one of “consciousness raising,” but we are convinced that this is a worthy achievement. Consciousness of one’s own limitations and the ability to recognize and act upon the need for referral to those with the expertise appropriate to a specific situation are among the characteristics of a professional.

Serving as a convener and identifying qualified resource people who can facilitate the mediation process may appear to be but small contributions, but when we observe the tremendous consequences that often come from little things, we may be tempted to consider the possibility that there are no little things. If we who serve the public can help our constituents on various sides of an issue understand and trust that the higher ground of true win-win solutions is preferable to costly, demeaning and destructive conflicts, we will have opened the door to the opportunity for communication and mutually beneficial resolutions.

Appendix: Sample of "Implementation" Plans

Deer damage

Problem Identification

Deer over population and implications for sustainable agriculture. Degradation of agricultural crops and residential landscapes, hunting quotas, and animal rights.

Stakeholders

Farmers, freeholders, fish and game authority, animal rights advocates, property owners, state legislators.

Alternative Solutions and Issues

1. Fencing.
 - a. Cost.
 - b. Concentrates deer in shrinking areas.
 - c. Decreases vandalism.
2. Bait and shoot.
 - a. Public outrage.
 - b. Safety Issues.
 - c. Unsportsmanlike.
3. Sterilize.
 - a. Decrease reproduction.
 - b. Economic feasibility.

4. Encourage shooting.
 - a. Lower populations.
 - b. Public outrage.
5. Encourage shooting of fawns.
 - a. Much lower populations.
 - b. Public outrage.
6. Alternative landscape design.

Information Required

1. Least cost and most effective fencing.

NJAES research/private industry
2. Bait and shoot (does/fawns).

Cornell video on this issue.
3. Sterilizing

Research - NJ Agricultural Experiment Station (NJAES) research.
4. Plant species resistant to deer, and what is source of resistance?

NJAES research.

Evaluation Plan

1. Reduced population.
2. Reduced damage.
3. Animal rights advocates participate.

Contributors

Mel Henninger
Bill Tietjen
James Willmott
Charlene Costaris (chair of session)

Food safety

Problem Identification

Consumer concerns with food safety as promoted by mass media.

Stakeholders

Mass media, consumers, Farm Bureau, producers/farmers, agricultural chemical industry, CES, banks, youth, medical profession.

Alternatives Solutions and Issues

1. Grow produce using sustainable agriculture practices.
2. Research on tolerable levels of chemicals.
3. Make media accountable and bear the cost of correcting erroneous information.
4. Increased research on tolerance levels for the most vulnerable citizens.
4. Consequences:
 - a. People decide what is acceptable.
 - b. Media may make a greater effort to be accurate.
 - c. Parents can make more informed decisions.

Information Required

1. Retailers take responsibility for spot checking the produce that they sell. Use it as a marketing tool emphasizing quality and safety.
2. Educational program to raise consumer level of information regarding sustainable agriculture practices.
3. Reconnect consumers with food supply.

Evaluation Plan

1. Large scale survey of consumer.
2. Monitor statistics and buying habits of consumers.
3. Investigate the degree to which there are less erroneous stories in media and greater effort to present balance.

4. Put the picture of farmers who are involved in sustainable agriculture practices above products in produce aisle.
5. Measure consumption changes.

Contributors

Linda Brown
Jerry Hlubilk (chair of session)
Geoffrey Slifer
Peter Shearer
Jack Rabin

Recycling

Problem Identification

Goal of 60 percent recycling compliance rate in New Jersey has not been met.

Stakeholders

Waste haulers , recycling landfill operators, landlords, household consumers, legislators, manufacturers, supermarkets, and distributors of consumer goods, farmers.

Alternative Solutions and Issues

1. Curb site pickup (standardized time, i.e., pickup recycleables at same time as garbage pickup).
2. State plan instead of municipal individual plan.
3. Recycling education in the schools.
4. Law enforcement, standardized fines.
5. Education of manufacturers on alternative packaging.
6. Negative consequences—cost, logistics.
7. Positive consequences—greater environmental health, unification, larger markets for products.
8. Investigate the role of farmers in recycling.

Information Required

1. Life cycle analysis of products.
2. University research.
3. Economic analysis.

Evaluation

1. Raising percentage of recycling.
2. Survey about purchasing and recycling rate.
3. Changes in manufacturer distributing practices.

Contributors

Ellen Williams (chair of session)
Carol Ward
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