Advisory Committee Meetings and Report Development:

Process for Public Involvement

A Report of the Science Advisory Board Staff Office

Foreword

The U.S. Environmental Protection Agency (EPA) relies on the independent expert advice and counsel from its federal advisory committees to strengthen the scientific and technical bases for Agency actions in the pursuit of protecting human health and the environment. Advisory committee meetings and the preparation of a final report are among the key steps in the process of developing advice. The EPA Science Advisory Board (SAB) Staff Office manages three federal advisory committees that report directly to the EPA Administrator — the Science Advisory Board (SAB), the Clean Air Scientific Advisory Committee (CASAC), and the Advisory Council on Clean Air Compliance Analysis (Council). This pamphlet has been developed by the SAB Staff Office to provide information about how these committees work and how the public can participate in advisory meetings and report development.

Agency policy and the laws directing the establishment of these committees not only allow but also encourage public involvement. The Staff Office hopes that this pamphlet helps members of the public provide effective input into the activities of these EPA advisory bodies.

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The EPA Science Advisory Board (SAB), the Clean Air Scientific Advisory Committee (CASAC), and the Advisory Council on Clean Air Compliance Analysis (Council) welcome public involvement.

As the SAB Staff Office explains in detail in this pamphlet, to participate in activities you can do one or more of the following:

- Contact the appropriate Designated Federal Officer (DFO) or the SAB Staff Office to obtain information on or provide comments about committee activities.
- Attend and observe public meetings and teleconferences.
- Review materials used by committee members in their deliberations.
- Provide written comments for consideration by committee members.
- Present oral statements for consideration by committee members at public meetings during time periods set aside for that purpose.
- Review minutes of committee meetings and teleconferences.

Introduction

The federal advisory committees administered by the SAB Staff Office provide important scientific advice to help EPA meet its mission. Public involvement assists the committees in their work by improving the clarity of committee decisions and pointing out possible factual errors and alternative scientific interpretations that might have been overlooked. Public involvement also ensures confidence that the advisory committee decisions are objective and comprehensive. The current practices of the advisory committees and their subcommittees and panels described here are designed to enable the public to contribute to this process.

About the U.S. Environmental Protection Agency (EPA) Science Advisory Board Staff Office and the federal advisory committees that it supports

The Science Advisory Board (SAB) Staff Office performs management and administrative functions and provides technical assistance to three EPA federal advisory committees — the Science Advisory Board (SAB), the Clean Air Scientific Advisory Committee (CASAC), and the Advisory Council on Clean Air Compliance Analysis (Council).

The SAB was established in 1978 under the Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) [42 U.S.C. § 4365] to provide independent advice and peer review on the scientific and technical aspects of environmental problems and issues as requested by the EPA Administrator, or by the Congress through the Administrator. Most (though not all) preliminary work of the SAB is done by subcommittees or panels focused on various environmental science topics and chaired by Board members. Recommendations of subcommittees and panels are transmitted to the Board for discussion and deliberation. Recommendations are forwarded to EPA only if the Board determines that it is appropriate.

The CASAC was established in 1977 under the Clean Air Act (CAA) Amendments of 1977 (see 42 U.S.C. § 7409(d)(2)) to provide advice, information, and recommendations to the Administrator on the scientific and technical aspects of issues related to the criteria for air quality standards, research related to air quality, sources of air pollution, and the strategies to attain and maintain air quality standards and to prevent significant deterioration of air quality.

The Council was established in 1990 pursuant to the CAA Amendments of 1990 (see 42 U.S.C. § 7612) to provide advice, information, and recommendations on technical and economic aspects of analyses and reports EPA prepares concerning the impacts of the CAA on the public health, economy, and environment of the United States.

These committees exist primarily to provide expert outside advice to the Administrator and they are subject to the Federal Advisory Committee Act (FACA). This statute provides for public involvement in committee activities, primarily by means of open access to meetings and records and by providing the public the opportunity to submit comments to the committee.

The Staff Office manages EPA requests for advice and peer review and provides technical assistance to these advisory committees in conducting meetings and preparing reports. Under the terms of FACA, the Staff Office is responsible for ensuring that the membership of these committees is balanced in the points of view represented for the function the committee is to perform.

For the advisory committees supported by the SAB Staff Office, a balanced committee, subcommittee, or panel is characterized by inclusion of the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors can be influenced by work history and affiliation), and the collective breadth

of experience to address the charge adequately. These committees are technical advisory bodies, not committees designed to reflect stakeholder views.

In addition, the Staff Office is responsible for keeping the public informed of the advisory activities of these committees, for ensuring that the committees conduct advisory activities in public, and for providing the public an opportunity to provide input during the advisory process.

Advisory activities

SAB, CASAC, and Council provide advice to the Agency by means of:

Consultation—A public session in which a panel of knowledgeable experts discusses a technical topic before the Agency begins substantive work on that particular subject.

Advisory—A report summarizing the deliberations of one or more public sessions in which panel members provide advice on technical issues during the period in which the Agency is developing its position on a topic.

Peer review—A report summarizing the deliberations of one or more public sessions in which panel members review a completed Agency product.

Commentary—A short communication issued primarily by the SAB that provides unsolicited advice about an important technical issue.

Other activities—The SAB, CASAC, and Council, and their subcommittees often receive information briefings from the Agency. Periodically, the SAB conducts scientific workshops and performs original studies as deemed appropriate or requested by the Agency. The SAB, CASAC, and Council conduct reviews of and approve final reports of their subcommittees or panels prior to transmittal to the Administrator.

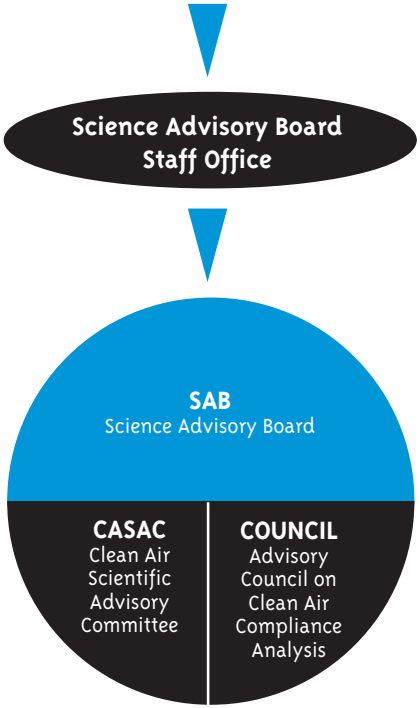
General order of business at a public advisory committee meeting or teleconference

The SAB, CASAC, and Council and their subcommittees and panels generally discuss their advice and recommendations in response to charge questions from the Agency at a face-to-face meeting. They may conduct teleconferences as they prepare and plan for the face-to-face meeting or conduct follow-up discussions and review of draft reports. Except for relatively simple issues, it is likely that deliberations on the charge questions may require more than one meeting or public teleconference. The agenda of each public session is available on the SAB website (www.epa.gov/sab) before the meeting or teleconference. Minutes of each meeting, approved by the committee chair as required by FACA, are placed on the SAB website and made publicly available within ninety calendar days after the meeting takes place.

All meetings subject to FACA are formally convened by the Designated Federal Officer (DFO) who is a member of the SAB Staff Office with technical expertise related to the area of the committee or subcommittee's responsibility. The DFO makes a statement certifying that the membership is in compliance with federal ethics and conflict-of-interest laws, and introduces the chair and members of the committee, subcommittee, or panel. The chair makes some introductory remarks, reviews the meeting agenda, and commences with the business of the meeting.

At initial meetings of a particular advisory activity, EPA representatives may make a brief presentation on the subject matter of the meeting and the charge questions. Oral statements from members of the public usually will be heard during a specific public comment portion of the meeting, and there may be an opportunity for a brief interchange of questions between public presenters and the members of the committee, subcommittee, or panel. The committee, subcommittee, or panel then conducts its deliberations on the charge questions.

Public input can provide:
- Short oral statements
- Specific written comments
- Scientific or technical information
- Clarification on issues



Committees provide to EPA Administrator:
- Scientific and technical peer reviews
- Independent advice
- Credible scientific information
- Scientific and technical advice on agency-related policy decisions

Role of key participants

The Designated Federal Officer (DFO) is responsible for ensuring that the legal requirements of FACA are met. The DFO, in consultation with the chair of the committee, subcommittee, or panel, develops the agenda for the meeting. The DFO's responsibilities also include:

- Arranging for meetings to be open to the public at reasonably accessible and convenient locations and convenient times;
- Ensuring that advance notice of the meeting is published in the Federal Register;
- Making available for public inspection and copying (subject to the Freedom of Information Act) documents and other materials prepared by or for the committee, subcommittee, or panel or presented to it (including minutes of the meeting);
- Convening each meeting and adjourning the meeting after completion of the agenda or when it is determined to be in the public interest to do so;
- Serving as the point of contact between members of the public and members of the committee, subcommittee, or panel.

It should be noted that although the DFO assists the committee in the preparation of documents and reports, the advice and recommendations contained in those materials are solely the responsibility of the committee, subcommittee, or panel.

The chair of the committee, subcommittee, or panel presides after the DFO convenes the meeting and informs the public of key departures from the agenda if there are any. The chair sets the ground rules for public participation at the meeting in accordance with EPA FACA policy, the agenda, and the nature of the advisory meeting. The chair assigns members of the committee, subcommittee, or panel as discussion leaders for specific charge questions. The chair concludes the meeting with a summary of its major outcomes — the areas of consensus, the areas where there are different views among the members, the major views expressed, and key follow-up steps. After the meeting, the chair certifies that meeting minutes are complete and accurate and is responsible for coordinating the writing of the report (or delegating the task to another member). The chair acts as a spokesperson for the entire committee, subcommittee, or panel.

Members of the committee, subcommittee, or panel (including the chair) consider Agency presentations, public comments, and background material on the subject and then deliberate and pro-

vide advice. Members have the shared responsibility of writing the report that summarizes the results of their deliberations.

Representatives of EPA offices provide briefings on scientific issues and how these issues affect Agency decisions. They are a resource for the panel members and answer questions about relevant Agency programs and policy.

Members of the public attend the meeting both as presenters of statements they wish to be considered by the committee, subcommittee, or panel and as members of the audience to observe the proceedings. All questions, comments, requests, and other interactions between the members of the public and members of the committee, subcommittee, or panel are made through the DFO.

Deliberations and report development

Ideally, the deliberative process should converge on some sort of consensus conclusion. Consensus can be described as a decision that all of the members of the committee, subcommittee, or panel can accept. At times it may not be possible to form a consensus, and discussion will reveal the range of views held by members. Where consensus is not reached, the major substantive areas of agreement and disagreement are captured in the final report.

Report preparation is a collaborative process. Individual members of a committee, subcommittee, or panel may write chapters or sections, which will then be integrated into a cohesive report by the chair with the assistance of the DFO. The details of the process may vary among the committees, but the author of record is the entire committee, subcommittee, or panel, not any particular individual member.

As the report is being developed, the members who are writing sections may communicate with each other through the DFO. Copies of this correspondence are retained by the DFO in the official file. In addition, at every major stage of report development, a public draft copy of the report is posted on the SAB website. Public comments on the draft report are welcome at all stages during the preparation and approval of the report. A chartered committee reviews and approves reports prepared by its subcommittees or panels. Reports are reviewed and approved in a public forum. After the authors address suggestions raised by this review, the report is finalized. After approval, the SAB Staff Office will transmit the report to the EPA Administrator and make it available to the public on the SAB website.

Questions and answers about public involvement in SAB, CASAC, and Council advisory meetings and report development

Why should I be interested in the activities of the SAB, CASAC, and Council?

If you are concerned with the actions of EPA, you will be interested in the advice and recommendations of these EPA advisory committees. From the highest level down, EPA is committed to relying on credible scientific information as a basis for its actions. The advice and recommendations of these EPA scientific advisory committees are an important factor the Agency considers when making policy decisions.

How can I enable the advisory committees to consider my views?

You are entitled, by law, to observe advisory activities of the SAB, CASAC, and Council—including their face-to-face meetings and teleconferences. In addition, by EPA policy you may observe activities of subcommittees and panels. As required under FACA, meetings of chartered committees are open to the public unless the Administrator (in the case of EPA) determines that a meeting or portion of a meeting may be closed to the public for the reasons enumerated in the Government in the Sunshine Act (5 United States

Code § 552b). You are also entitled to submit comments for consideration by these committees.

EPA's Public Involvement Policy, which can be found at www.epa.gov/publicinvolvement, is designed to provide guidance to EPA staff and program managers on methods that ensure effective and useful public involvement. The SAB Staff Office works to meet EPA's public involvement goals in the management of its advisory committees by providing timely, accessible, and accurate information about meetings and including consideration of public comments in the advisory process.

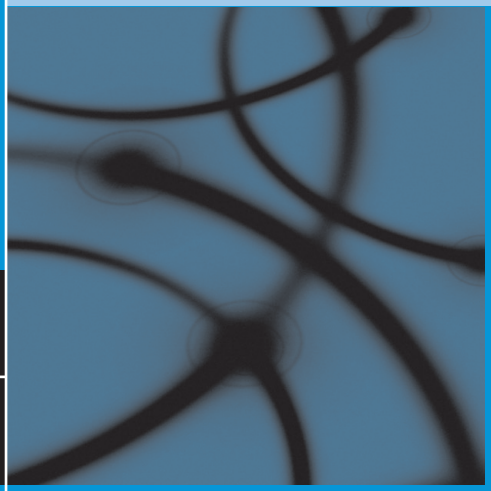
Public involvement in the advisory committees managed by the SAB Staff Office has a slightly different emphasis than involvement for EPA program offices. Program managers consider scientific, technical, economic, policy, and political issues when making decisions and appreciate public comments that address these issues. Advice and recommendations by members of the SAB, CASAC, and Council, on the other hand, are focused on scientific and technical issues related to the charge questions. Thus, input from the public to these advisory committees and their subcommittees and panels will have the most impact if it consists of comments that provide specific scientific or technical information or analysis for the committee, subcommittee, or panel to consider, or if it relates to the clarity or accuracy of the recommendations being considered.

If, after considering the subject of the meeting, you wish to raise a scientific issue to the attention of members of a committee, subcommittee, or panel, you may prepare a public comment. It is best to submit written comments in advance of the meeting because those comments will be available to the members before and during deliberations. The earlier comments are received, the more opportunity the members will have to consider them prior to the meeting. You may wish to provide a short oral statement summarizing your written comments or an oral presentation of comments that you have not submitted in written form. It is also a good idea to bring extra copies of your written comments or a written summary of your oral comments to pass out at the meeting.

How do I find out how to participate in upcoming advisory activities?

The first place to look is at the SAB website (www.epa.gov/sab). The website includes descriptions of each advisory activity, information about the formation of the panels and subcommittees providing advice, links to the Federal Register notice for public meetings or teleconferences conducted for advisory activities, the names and contact information for the responsible DFOs, and links to relevant background materials. It may also include links to other committee documents. Documents, whether or not posted on the website, can be requested (subject to the limitations of the Freedom of Information Act) from the DFO. The Federal Register notices generally provide a description of the issue being considered by committees, subcommittees, or panels, a listing of the charge questions, and ground rules and detailed instructions on how to submit public comments. In some cases, references to background material are also provided in the notice.

All public involvement related to the work of committees, subcommittees, or panels is arranged through the DFO, and individual advisory members should not be contacted directly. For more general information, the SAB Staff Office can be contacted directly by telephone at 202-343-9999.



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For more information, please contact the SAB Staff Office directly at 202-434-9999 or visit www.epa.gov/sab.

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