

National Conversation on Public Health and Chemical Exposures

DRAFT PURPOSE AND OPERATING PROCEDURES

1. VISION AND PURPOSE

The National Conversation on Public Health and Chemical Exposures is grounded in the vision that the United States will use and manage chemicals in ways that are safe and healthy for all people. Through the National Conversation, public health professionals and others bringing the experience and perspectives of government, communities, business, NGOs, and academic institutions intend to learn from one another and engage in a collaborative effort to produce an action agenda. Many organizations and individuals play important roles in protecting the public's health from harmful chemical exposures. Consequently, the action agenda that emerges from this process will be directed toward the full range of actors who might take steps to strengthen our nation's approach in this area. More specifically, the audience for the final action agenda will include the environmental public health community; policy makers at the federal, state, and local levels; industry groups and individual businesses; labor organizations; research organizations; community and nongovernmental organizations; and the public at large. All interested stakeholders are encouraged to contribute to the dialogue and to consider the suggestions for action that emerge, using the appropriate decision making procedures for implementing changes within their organization.

The action agenda will help the nation achieve the project vision by addressing the following public health aims:

- Collect information about chemical use, who is exposed, and the level at which people are exposed
- Gain more knowledge of how chemicals affect people's health
- Develop and implement policies and practices that protect people from harmful chemical exposures and encourage the development and use of safe chemicals
- Achieve equity in implementing policies and programs and serving the needs of affected communities
- Increase efforts to prevent, prepare, and respond to chemical emergencies
- Create a well-informed public and healthcare provider network so people understand chemical exposure risks
- Involve the public in government decision-making
- Encourage teamwork among partner groups and agencies.

For the purposes of the National Conversation project, "chemical" is defined broadly to include industrial and naturally occurring chemicals regardless of their source, including biologically produced chemical substances. National Conversation participants are encouraged to consider emerging chemical exposure issues such as those presented by engineered nanoparticles. The project will not address human health risks posed by radioactive properties of chemicals.

2. COMMITMENT TO TRANSPARENCY AND PUBLIC ENGAGEMENT

The *National Conversation* will be organized in the spirit and with best practices of transparency and public engagement. The kick-off meeting in June 2009 was a public meeting with travel funding provided to many participants to enable them to attend. Listening sessions will be organized at conferences and meetings during the course of the National Conversation. Public engagement in the process also will be fostered by announcing Leadership Council meetings in the *Federal Register*, the creation of a “community conversation toolkit” to assist in the convening of meetings at the local level, and by web dialogues open to the general public hosted at strategic points during the process.

Written comments about draft reports and the draft action agenda will be welcomed, and these comments plus the documents resulting from community conversations, web dialogues and other sources of input will be available to the work groups, Leadership Council and the public on a publically available web site. Discussions of this input by work groups or Leadership Council will be noted in the meeting and call summaries.

Notice of all Leadership Council meetings and calls will be posted on the National Conversation web site, and email updates will be sent to individuals requesting information about the National Conversation. All in-person Leadership Council and work group meetings will be open to the public on a space available basis. Opportunities for the public to listen will be provided for Leadership Council calls. All meeting and conference call summaries will be publically available on the National Conversation web site.

3. LEADERSHIP COUNCIL

A Leadership Council has been convened by RESOLVE and the National Center on Environmental Health / Agency for Toxic Substance and Disease Registry of the Centers for Disease Control and Prevention.

a. Membership

The membership of the Leadership Council is listed in Attachment A. Although the decisions of the Leadership Council reflect the views of the individual members, members have been selected to represent diverse perspectives and are asked to keep members of their organization or constituency informed about the issues and options being discussed, to solicit their perspectives, and to convey the concerns and interests of that organization or constituency.

Each member is expected to make a good faith effort to participate in all meetings or conference calls. No alternates will be appointed. If a member misses four calls or meetings following the adoption of these protocols, this will be considered a resignation

from the Leadership Council unless the member has contributed substantially in other ways and special arrangements have been made with the co-chairs.

b. Role

The Leadership Council will guide the National Conversation, providing direction pertaining to the work group process, the use of web-based opportunities for dialogue, and other forums for public engagement, such as the Community Conversation Toolkit. The Leadership Council will also advise the project team on communication and outreach strategies for encouraging broad-based engagement in the National Conversation and will have primary responsibility for considering the input received through the various public engagement mechanisms. Finally, the Leadership Council will approve work group charges and the action agenda.

A clear and collaborative relationship between the working groups and the Leadership Council is important to the creation of an action agenda that draws on the best thinking of and has the support of all involved in this process. The Leadership Council will review draft reports and action options from the work groups and provide comments and suggestions to the working groups for their consideration, with work groups retaining authority for final approval of their own reports. The Leadership Council will prepare a draft action agenda, drawing on, integrating, and selecting among the action options from work groups and the input from the other forums for soliciting public input. Action options also may emerge from the deliberations of the Leadership Council, but deference will be given to recommendations from work groups and the intent would be to vet new ideas with the appropriate work group where possible. The Leadership Council will solicit and consider comments from work groups and the public prior to agreeing on a final action agenda.

The Leadership Council may choose to identify in its action agenda, potential actors (by specifying organizations or sectors) in a position to implement each action option.

c. Meetings

The Leadership Council is anticipated to meet approximately eight times over the duration of the National Conversation, sometimes in person and sometimes by conference call.

Meetings and conference calls of the Leadership Council will be open to the public on a space available basis, and summary reports will be posted to the National Conversation website within four weeks of each meeting or call.

d. Public Notice and Comment

Interested members of the public will have the opportunity on the National Conversation web site and at meetings to sign up for notices of Leadership Council meetings. Meetings and conferences calls of the Leadership Council will be announced at least

three weeks in advance on the web site and in the *Federal Register*. Opportunity for public comment will be provided at each Leadership Council meeting. For conference calls, members of the public interested in providing comment will be asked to sign up to speak in advance so that logistical arrangements can be made.

[Note: Decision making was made its own section below.]

e. Vacancies

The convener of the Leadership Council may but will not be required to fill vacancies created by resignation of members, following consultation with the Leadership Council as a whole.

f. Co-Chairs

Co-Chairs will be Ms. Nsedu Witherspoon, Executive Director of the Children's Environmental Health Network and a co-chair to be determined by the independent facilitator in consultation with the Leadership Council.

g. Timetable

A draft action agenda is anticipated by the end of 2010 and a final action agenda is anticipated by spring 2011.

h. Non-Federal Status

The Leadership Council of the *National Conversation on Public Health and Chemical Exposures* is not an advisory committee under the Federal Advisory Committee Act, although the intention is to provide an equivalent degree of transparency and involvement by the public in this process. As noted above, the results of the *National Conversation* are meant to add to the public discussion of these issues. Formal decision making on any specific ideas that one or more federal agencies wish to consider is expected to follow the decision making procedures of those agencies.

FACA defines an advisory committee as "any committee, board, commission, council, conference, panel, task force, or other similar group . . . which is . . . established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal government." 5 U.S.C. app. § 3(2). Specifically, 41 C.F.R. § 102-3.40 (d) exempts *committees not actually managed or controlled by the executive branch*. This indicates that any committee or group created, managed, and controlled by non-Federal entities, including contractors or private organizations, are exempted from the requirements of FACA, even if federal employees are invited to participate.

A non-Federal, independent facilitator has made the invitations to Leadership Council members and will coordinate the activities of the Leadership Council. An independent

facilitator will be responsible for scheduling meetings, setting agendas, facilitating meetings, and drafting reports of the Leadership Council. Thus, the locus of control of the Leadership Council will rest with the independent facilitator and the Leadership Council itself, rather than with any federal agenda including NCEH/ATSDR.

4. WORK GROUP COORDINATION COMMITTEE

a. Membership

The membership of the Work Group Coordination Committee (WGCC) includes the Leadership Council co-chairs, the chair of each work group, a senior liaison to each work group from NCEH/ATSDR, and the facilitation team and staff for the work groups and for the Leadership Council.

b. Role

The WGCC will serve in a coordinating role, providing an opportunity for work group chairs and staff to discuss the overall approach to work group operations. The WGCC will also select work group membership.

c. Meetings

The WGCC will meet on an as needed basis, generally by conference call.

5. WORK GROUPS

The work groups are organized around key components of public health action on chemical exposures, including Monitoring, Scientific Understanding, Policies and Practices, Chemical Emergencies, Serving Communities, and Education and Communication. Each work group will consist of about 30 members, selected from an open nomination process so as to represent a broad cross-section of stakeholders. Work groups will be supported by a staff team. Each work group will include a senior liaison from NCEH/ATSDR and will have the support of an NCEH/ATSDR staff member and an independent facilitator.

a. Membership

The initial membership of the work groups was determined by an open application process, from which approximately 30 people were selected for each of the six work groups by the Work Group Coordinating Committee. Although the decisions of the work groups reflect the views of the individual members, members have been selected to represent diverse perspectives and are asked to keep members of their organization or constituency informed about the issues and options being discussed, to solicit their

perspectives, and to convey the concerns and interests of that organization or constituency.

Each work group member is expected to make a good faith effort to participate in all meetings and conference calls. No alternates will be appointed. If a member misses four calls or meetings following the adoption of these protocols, this will be considered a resignation from the work group unless the member has contributed substantially in other ways and special arrangements have been made with the chair.

b. Role

Work groups will be the principal forum for identifying and studying issues and for framing high priority action options to the Leadership Council for the action agenda. Work groups also will discuss and make recommendations to the Leadership Council about the proposed scope or charge for the work group. In addition, work groups also will propose questions for web-based dialogue and other forums, and will review ideas generated from those forums as part of preparing a report with action options to the Leadership Council for the action agenda. Work groups will make available to the Leadership Council, and the public, a draft report. Work groups will consider comments from these sources in finalizing their reports to the Leadership Council. Work groups will have final approval of their reports, which will be appended to the Leadership Council's action agenda.

c. Work Group Charges

The purpose of work group charges will be to clarify the scope of each work group and overlaps, if any, between work groups. The work group chair and senior liaison will provide a working draft of the charge to work group members. The initial task of each work group will be to discuss and refine their proposed charge. Work group charges, as revised by each work group, will be reviewed, revised, and approved by the Leadership Council.

d. Meetings

Work groups are anticipated to meet approximately 12 times over the duration of the National Conversation, up to three times in person and other times by conference call.

Following the first in-person work group meeting, in-person meetings will be announced two weeks in advance and will be open to the public on a space available basis. Summaries of meetings and calls will be posted on the National Conversation web site.

e. Public Notice and Comment

Opportunity for public comment will be provided at each in-person work group meeting, provided space is available.

f. Vacancies

If a member of a work group resigns, or if the work group finds that it needs an additional perspective or expertise on the work group, the work group chair may make a proposal to the WGCC that a member be added to the work group. A rationale for the addition will need to be provided.

g. Chair

Each work group will have a chair who also serves as a member of the Leadership Council. Work group chairs will make decisions about work group activities, utilizing input from work group members, as well as the Senior Liaison, facilitator, and staff, and Leadership Council. Chairs will also report on work group activities to the Leadership Council. Finally, chairs will coordinate work group activities with other National Conversation work groups by participating on the Work Group Coordinating Committee..

h. Timetable

Draft work group reports including analysis of the challenges and opportunities for action discussed by the work group, along with proposed action options are anticipated by July 2010 and with a final report expected in late September or early October 2010.

6. DECISION MAKING

Participants in the National Conversation affirm the importance of a decision making process that is based on a respect for the perspectives, interests and concerns of all members. Thus, to the extent possible, the Leadership Council and working groups will operate by consensus of members present. Consensus is defined as each member “can live with” or abstains from a decision, taken as a whole. Members agree to make an active and good faith effort to reach decisions that all can accept, seeking to satisfy as many interests and concerns as possible and to increase the likelihood that decisions are more likely to be implemented.

Participants also are committed to producing an action agenda that improves public health. Thus, if consensus either on process matters or on work group reports or the action agenda itself has not been reached in the time available, the independent facilitator may take a straw poll on the options being discussed. For process decisions, the facilitator will make a determination based on the straw poll and will record the other options, the rationale for those options and the degree of support for the determination made in the meeting or call summary. Where consensus is not reached on substantive matters, the work group reports or the action agenda will clearly state recommendations, characterize the degree of support for those recommendations (perhaps as a percentage), and describe the range of members’ views about the potential pros and cons associated with the recommendations, including alternative approaches that were seriously considered. The independent facilitator will consult members about the accuracy of the summary of views but will not attribute views in any way. If members are unsatisfied

with the characterization of pros and cons of the recommendations discussed in work group reports, they are free to submit a minority report for consideration by the Leadership Council. Minority reports also will be posted on a publically available web site along with the work group reports. Similarly, minority reports to the Leadership Council's action agenda will be posted on a publically available web site.

The Leadership Council will post a draft action agenda on a publically available web site for public comment, circulate this draft to work group members and consider other opportunities to gain the perspective of interested stakeholders. The Leadership Council will review and consider comments received prior to reaching agreement on the action agenda.

7. SAFEGUARDS

a. Good Faith

All participants agree to operate in good faith in all aspects of the National Conversation deliberations. Good faith is understood to be the commitment to articulating interests and concerns fully and in a timely manner with the intent to reach agreement. Leadership Council and work group members agree to communicate their views honestly and not to withhold salient information. Members will inform others in a timely manner when they are aware that there is a substantial likelihood that they will not be able to support specific proposals. Members also agree not to represent their personal or organizational views as those of the National Conversation, and that they express consistent views and opinions in this and in other forums, including in press contacts.

b. Right to Withdraw

Any individual may withdraw from participation in the National Conversation at any time. However, prior to withdrawing, the member will communicate the reasons for withdrawal (in person if practical) to the applicable work group and/or Leadership Council.

c. Communications with the Media

Leadership Council and work group members and staff are asked but not required to direct questions from the media about the National Conversation to their respective chairs. When members or staff speaks with the media, they are asked to inform staff of the media contact. Periodic updates will be developed by staff, and members are encouraged to draw on this information when talking with the media.

d. Others' Positions

To encourage a free and open exchange, participants in the National Conversation agree not to characterize the position of any other participant in public statements or in discussions with the media, even if that individual withdraws from the Leadership

Council or work group. To the extent feasible, participants will refer others to approved meeting summaries or the National Conversation web site for information.

8. SUPPORT FOR THE LEADERSHIP COUNCIL AND WORK GROUPS

a. Convener/Facilitator

An independent organization with experience in supporting national dialogues of similar scope and extent will convene and facilitate the Leadership Council and Work Groups, and will coordinate other aspects of the National Conversation including web-based opportunities for dialogue and the Community Conversation Toolkit. The convener/facilitator will work with the Leadership Council and the Work Group Coordination Committee to ensure that the process runs constructively. The convener/facilitator will serve at the will of the Leadership Council and will withdraw if there is a consensus of the Leadership Council that it do so. The role of the facilitator will include: scheduling meetings, developing draft agendas, focusing meeting discussions, working to resolve any impasses that may arise, working with members to support between-meeting activities, working with the Leadership Council and work group staff in locating and circulating background materials, drafting Leadership Council reports, and other appropriate functions. The facilitator will take no positions on the issues before the Leadership Council or work group.

b. Senior Liaisons

Each work group will have a senior NCEH/ATSDR liaison. Work group Senior Liaisons will serve the interests of the work group as a whole as subject matter experts on work group issues. They will provide support and advice to the work group chair, as appropriate, in framing issues to integrate and reflect the diverse interests on the work group. Senior Liaisons will provide personal and/or NCEH/ATSDR organizational perspectives on issues under consideration by work group members, on a limited basis and explicitly noting when they are doing so. (Senior Liaisons assigned to work groups that have another NCEH/ATSDR representative generally will defer to that representative to express personal or agency views.) Senior Liaisons will also support the chair in coordinating work group activities with other National Conversation work groups by participating in Work Group Coordinating Committee meetings. The senior liaison will not be a member, for purposes of reaching consensus, of those work groups where another NCEH/ATSDR representative is a member.

c. Staff

NCEH / ATSDR will provide staff support for the Leadership Council, work groups and other aspects of the National Conversation including web-based opportunities for dialogue and the Community Conversation Toolkit. The role of staff will be to take notes and draft meeting summaries, track action items and follow up activities, collect background materials and synthesize information as requested by work groups and the

Leadership Council, compile and/or synthesize results of other National Conversation activities and forums and provide information on the results of that activity to work groups, and track relevant events in news sources and professional publications and provide periodic updates on these happenings to work group members. Like the facilitators, NCEH/ATSDR National Conversation staff serves the needs of the National Conversation as a whole and will not advocate any specific proposal.

9. CHANGES

These Operating Procedures were prepared by the facilitator and approved by consensus of the Leadership Council for the purpose of making National Conversation on Public Health and Chemical Exposures operations transparent and mutually understood. Changes consistent with these purposes can be made by the Leadership Council.

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