

Asbestos 2018 Rule Revisions

Advisory Committee Charter

September 28, 2017

Michele Martin

martin.michele@deq.state.or.us

Department of
Environmental Quality,
Asbestos Program
700 NE Multnomah
Street, Suite 600
Portland, OR 97232-4100
Phone: 503-229-5696
800-452-4011
Fax: 503-229-6124
Contact: Michele Martin
www.oregon.gov/deq

DEQ is a leader in
restoring, maintaining
and enhancing the
quality of Oregon's air,
land and water.



State of Oregon
Department of
Environmental
Quality

Table of Contents

Purpose and scope	1
Purpose	1
Fiscal and Economic Impact	1
Roles	2
DEQ Facilitator	2
Committee Members.....	2
Non-Committee Member Attendees	2
DEQ Staff	3
DEQ Support and Website.....	3
Committee Meetings	3
Decision Making.....	4
Membership.....	4
Travel Expenses.....	4
Public Records and Confidentiality	4
Information Exchange	5
Public Involvement.....	5
DEQ Contacts.....	5

Alternative formats (Braille, large type) of this document can be made available. Contact DEQ, Portland, at 503-229-5696, or toll-free in Oregon at 1-800-452-4011, ext. 5696.

Purpose and scope

Purpose

The Department of Environmental Quality's (DEQ) review of asbestos rules provides DEQ and stakeholders with an opportunity to evaluate and clarify regulations and standards for asbestos-related activities where a potential for exposure to asbestos fibers exists. Recommendations for rule changes are drafted with consideration and influence of existing asbestos-related laws from the Environmental Protection Agency, Oregon Occupational Safety and Health Division, and laws in other US cities and states. The limitations of this rulemaking include any statutory changes.

This rulemaking process will engage a variety of stakeholders and public representatives to evaluate and provide policy recommendations, as necessary, for Oregon Administrative Rules 340, Division 248 under the authority of Oregon Revised Statute 468A.700 -.760.

DEQ has convened this Advisory Committee to provide input on draft rule changes related to the regulation of asbestos and that will be presented to the Environmental Quality Commission (EQC) for adoption.

Fiscal and Economic Impact

ORS 183.333 requires that DEQ ask the Advisory Committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Roles

DEQ Facilitator

The facilitator:

- Encourages open, candid and robust dialogue;
- Starts and ends the meetings and agenda items on time;
- Encourages innovation by listening to all ideas;
- Endeavors to capture good ideas; and
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting.

Committee Members

The expectation is that Advisory Committee members will attend each meeting to ensure continuity throughout the process. In the event that an alternate is needed, it is each committee member's responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. It is recommended that alternate committee members attend the Advisory Committee meetings as members of the public and read all meeting materials to stay informed of the process. The primary and alternate members of the committee cannot participate in the same meeting. If a member's absence is unavoidable, please notify the DEQ project manager.

The committee member:

- Prepares for and sets aside time for the meetings;
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting;
- Stays focused on the specific agenda topics for each meeting;
- Communicates constructively and in good faith and accurately;
- Consults regularly with constituencies to inform them on the process and gather their input;
- Treats everyone and his or her opinions with respect and assumes good intentions when opinions differ;
- Allows one person to speak at a time;
- Is courteous by not engaging in sidebar discussions; and
- Avoids representing to the public or media the views of any other committee member or the committee as a whole.

Non-Committee Member Attendees

Those who attend the committee meetings, but are not members of the committee are there only to observe and not to actively participate. DEQ will schedule time during the meeting for non-committee member comments. DEQ requests that non-committee attendees refrain from communications during

meetings that distract from orderly focused conduct of the committee, including verbalizing outside of the designated public comment time and setting up or using visual displays. DEQ requests that persons intending to film advisory committee proceedings using tripods or other large equipment make request to DEQ 72 hours in advance.

DEQ Staff

DEQ staff will draft rule changes. DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas;
- Giving committee members reasonable access to staff;
- Encouraging all members to take part in discussions; and
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used.

DEQ Support and Website

DEQ will post the agendas and meeting materials on the advisory committee website at least one week in advance of the meetings. The facilitator will provide meeting summaries that highlight committee discussions, different perspectives and input of committee members. DEQ will not prepare a formal committee report. DEQ will send draft meeting summaries to the advisory committee for review and input. Final meeting minutes will be posted to the advisory committee website and will be part of the public record.

The advisory committee charter, a full roster of the committee, meeting agendas and minutes, and background materials will all be located on the advisory committee webpage at

<http://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rasbestos2017.aspx>

Committee Meetings

1. All committee meetings will be:
 - Open to the public;
 - Advertised on DEQ's webpage calendar two weeks before the meeting at DEQ's Event Calendar;
 - Noticed by email to those who have signed up through [GovDelivery](#) to receive updates on the rulemaking;
 - Notice on DEQ's Facebook/Twitter account, as possible; and
 - May be accessible via a call-in number or webinar.
2. Committee meetings will have time scheduled for public comment.
3. The committee is expected to convene for two meetings at the following locations:
 - Thursday, September 28, 2017 at 9:30 a.m. to 4:00 p.m., Oregon OSHA Training Center, Durham Plaza at 16760 SW Upper Boones Ferry Road, Suite 200, Tigard, OR 97224

- Wednesday, November 29, 2017 at 9:30 a.m. to 4:00 p.m., Oregon OSHA Training Center, Durham Plaza at 16760 SW Upper Boones Ferry Road, Suite 200, Tigard, OR 97224

The meeting duration times above may vary depending on topics and committee progress.

4. Meeting materials and agenda will be posted to the Advisory Committee Webpage.

Decision Making

DEQ is seeking input from a diverse group of key stakeholders for these rule changes. DEQ will not seek consensus positions from the committee, nor will the committee be asked to vote on specific issues. DEQ will seek input and recommendations from each individual committee member. The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comments as part of DEQ's rulemaking process.

Meeting summaries and a final report will document the different perspectives and recommendations of committee members.

The product of this Advisory Committee will be a DEQ report summarizing Advisory Committee discussions and recommendations to the DEQ Director. DEQ staff will draft the report, in consultation, with the Advisory Committee to ensure accuracy and completeness. This summary report will be made available to the public at the end of the committee process.

Membership

In convening this committee, DEQ selected members that reflect the range of stakeholders both directly and indirectly affected by implementation of revised asbestos rules. Representatives should be able to consider the policy and the fiscal and economic impact the proposed rules will have on the business or organization they represent, and consult regularly with constituencies to inform them on the process and gather their input. Committee members are expected to adhere to the responsibilities outlined in this charter. A roster of the advisory committee will be available by September, 2017 on the Asbestos Rulemaking webpage.

Travel Expenses

DEQ is able to reimburse any in state, out-of-town committee members for travel expenses, if DEQ approves them in writing two (2) weeks in advance.

Public Records and Confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. DEQ captures and maintains workgroup agendas, meeting summaries, materials and workgroup reports and member recommendations. DEQ will destroy the

workgroup record 10 years after Oregon repeals the related rules in accordance with public records retention schedules.

Information Exchange

Committee members will provide information as much in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public Involvement

All meetings will be open to the public. DEQ will schedule time during the meeting for public comments.

There are several planned opportunities for public input on the rulemaking:

- The advisory committee meetings are public meetings with time specified for public feedback. The first meeting of an estimated two meetings will be Thursday, September 28, 2017.
- A fiscal advisory committee meeting will be required for this rulemaking.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will seek public comment on the proposed rule from approximately February 15, 2018 through March 25, 2018. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ will consider all comments received and may modify the final proposed rules based on public comment before preparing a final rule proposal for consideration by the EQC in June 2018.

For a description of the timeline of public engagement activities related to this rulemaking, please visit <http://www.oregon.gov/deq/Regulations/rulemaking/Pages/Rasbestos2017.aspx>

DEQ Contacts

Primary Contact: Michele Martin, martin.michele@deq.state.or.us, 503-229-5103

Alternate Contact: Jaclyn Palermo, palermo.jaclyn@deq.state.or.us, 503-229-6491

Media Contact: Jennifer Flynt, flynt.jennifer@deq.state.or.us, (503) 229-6585