



# State of Oregon Department of Environmental Quality Air Toxics Science Advisory Committee Charter

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## Purpose of the Air Toxics Science Advisory Committee

The purpose of the Air Toxics Science Advisory Committee (ATSAC) is to provide the Oregon Department of Environmental Quality and the Oregon Health Authority with advice on changes, additions or deletions to Toxicity Reference Values, as listed in Table 2 of Oregon Administrative Rule (OAR) 340-247-8010. At DEQ's request, the committee may also review proposed changes to the Priority Toxic Air Contaminant List found in OAR 340-247-8010, Table 1 and Risk Based Concentrations detailed in OAR 340-245-8010, Table 2.

ATSAC deliberations and advice are limited to reviewing and providing input to DEQ and OHA on the process and science being relied upon to justify revisions to TRVs. As noted, the agencies may also seek advice on revisions to RBCs or the Priority Toxic Air Contaminant List. ATSAC will not deliberate on policy or fiscal impacts of such changes. The agencies and separate stakeholder/policy committees will discuss policy and fiscal considerations in the subsequent rulemaking process associated with proposed revisions to values or lists detailed in rule.

The ATSAC is not a decision-making body nor a governing board. Its role is to advise staff on the matters detailed above. The Oregon Environmental Quality Commission may also review ATSAC advice as it considers proposed changes to TRVs and other health-based values used throughout Oregon's air toxics programs.

## Background

DEQ first convened an Air Toxics Science Advisory Committee in 2004. The original committee was tasked with reviewing air contaminant toxicity information and voting on recommendations for new or updated non-regulatory, health-based goals for toxic air contaminants, known as Ambient Benchmark Concentrations. ABCs were not legally enforceable, but DEQ used them to identify potential air quality issues and trends in Oregon. More recently, DEQ and OHA staff considered the ABCs in setting some regulatory values used in the Cleaner Air Oregon program.

The EQC's 2018 adoption of Cleaner Air Oregon rules established a regulatory program to require stationary sources of pollution to report toxic air contaminant emissions, assess their risk to neighbors and, where needed, reduce risks. Currently, the CAO rules reference and use TRVs, which DEQ and OHA use to assess the risk of cancer and non-cancer health effects to people nearby. TRVs are used to set legally enforceable RBCs.

TRVs are the concentration of a pollutant in the air that corresponds to an excess cancer risk of 1 in 1 million (i.e., the likelihood an additional one person out of one million equally exposed people would develop cancer), or the concentration in the air above which relevant non-cancer health effects might occur in humans following environmental exposure. These are the science-based values that support regulation of air toxics at particular risk levels established by the EQC and the Oregon Legislature.

OAR 247-0040 details the process by which the Priority Toxic Air Contaminant List and TRVs are to be reviewed for potential updates. The first comprehensive review will begin in fall 2022 and is expected to extend throughout 2023.

OAR 340-247-0050 details the purpose, scope, membership and operation of the ATSAC. In the spring 2022, DEQ and OHA initiated a process to identify ATSAC member nominees for confirmation by the EQC. Additional details on the recruitment and appointment processes are in “Item A: Air Toxics Science Advisory Committee membership confirmation, Staff Report of the July 21-22, 2022 EQC meeting”<sup>1</sup>

## **Roles**

### **Agency staff**

DEQ and OHA are committed to making the most effective use of committee members’ 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;
- Providing a clear description of members’ roles, the committee timeline, the level of agreement expected and feedback on how members’ input is used; and
- Providing technical materials and guiding questions to ATSAC members at least two weeks in advance of each meeting.

### **Third-party facilitator**

DEQ and OHA are contracting with an independent third-party facilitator to manage the ATSAC meetings. The facilitator is responsible for:

- Designing meeting agendas in consultation with agency staff;
- Developing and ensuring the committee honors a set of operating principles when deliberating and discussing issues;
- Encouraging open, candid and robust dialogue of scientific findings;
- Starting and ending the meetings and agenda items on time;
- Encouraging innovation by listening carefully to all ideas; trying not to lose good ideas to the consensus process; recognizing when the discussion is outside the scope and steering it back to the focus of the meeting; and
- Developing meeting summary documents for use by the agencies and ATSAC members.

### **Committee members**

To maximize the value of ATSAC, and the time spent meeting as a collective, members commit to the following:

- Attend each meeting throughout the process to ensure continuity. If a member’s absence is not avoidable, the member will notify agency staff as soon as possible before the meeting;
- Each serve a three-year term. Members may serve multiple terms;
- Review materials that DEQ and OHA send in advance of each ATSAC meeting and be ready to discuss the materials;
- Provide DEQ staff with copies of relevant research and documentation cited during the meeting;

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<sup>1</sup> Staff report available at: [https://www.oregon.gov/deq/EQCdocs/072122\\_A\\_ATSAC.pdf](https://www.oregon.gov/deq/EQCdocs/072122_A_ATSAC.pdf)

- Review draft meeting minutes and provide any suggested edits within two weeks after receiving the draft meeting minutes;
- Avoid representing to the public or media the views of any other committee member or the committee as a whole; and
- Engage in meetings according to the operating principles developed by the third-party facilitator.

## Committee membership

The following committee members were appointed by DEQ's Director with concurrence by the Oregon Environmental Quality Commission. Member bio-sketches are provided as a convenience.

- **John Budroe, MS, PhD.** - Dr. John Budroe is chief of the Air Toxicology and Risk Assessment Section of the Office of Environmental Health Hazard Assessment in the CalEPA and has 25 years' experience performing human health risk assessments on environmental chemicals. Dr. Budroe meets the ATSAC expertise requirement with professional knowledge in toxicology, toxicity assessment and epidemiology, with additional specializations in inhalation toxicology and environmental public health.
- **Qiaoxiang (Daisy) Dong, MS, PhD.** - Dr. Daisy Dong has been a toxicologist in the Department of Pesticide Regulation at California EPA and an adjunct professor at The Second Affiliated Hospital and Yuying Children's Hospital of Wenzhou Medical University in China for over six years. Dr. Dong meets the ATSAC expertise requirement with years of study and practice in toxicology and toxicity assessment, with additional specialties in inhalation, reproductive and developmental toxicology.
- **Jefferson Fowles, PhD.** - Dr. Jefferson Fowles is a staff toxicologist (specialist) in the Environmental Health Investigations Branch at the California Department of Public Health. He has been in this role for more than 11 years. Dr. Fowles meets the ATSAC expertise requirement with a specialty in toxicology and toxicity assessment, with additional experience in inhalation toxicology and environmental public health.
- **Jessica Myers, PhD.** - Dr. Jessica Myers has been a senior toxicologist and risk assessor at the Texas Commission on Environmental Quality for the past nine years. Dr. Myers meets the ATSAC expertise requirement with professional knowledge in toxicology and toxicity assessment, with additional specialties in inhalation and reproductive toxicology.
- **John Stanek, PhD.** - Dr. John Stanek has been a toxicologist with the Center for Public Health and Environmental Assessment at the U.S. Environmental Protection Agency for almost 20 years. Dr. Stanek meets the ATSAC expertise requirement with years of study and practice in toxicology and toxicity assessment, with additional knowledge in inhalation toxicology.
- **Susan Tilton, MS, PhD.** - Dr. Susan Tilton is an associate professor in the Environmental and Molecular Toxicology Department at Oregon State University and director of Academic Programs for Toxicology. She is also a member of the OSU Environmental Health Sciences Center, an affiliated member of the OSU Center for Quantitative Life Sciences, and Principal Investigator on the OSU Superfund Research Program. Dr. Tilton's research focuses on modeling toxicity and disease from environmental factors, including complex chemical mixtures. She meets the ATSAC expertise requirement with a specialty in toxicology, with additional experience in inhalation toxicology.
- **John Vandenberg, MS, PhD.** - Dr. John Vandenberg has over 35 years of experience in environmental health risk assessment. He retired from the EPA in 2021, where he served as director of the Health and Environmental Effects Assessment Division of the Center for Public Health and Environmental Assessment. Dr. Vandenberg meets the ATSAC expertise requirement with professional knowledge in toxicology, toxicity assessment and epidemiology, with

additional specialization in inhalation, reproductive and development toxicology and environmental public health.

## Operating principles

### Ground Rules

- Prepare for and set aside time for the meetings.
- Provide DEQ staff with copies of relevant research and documentation cited during the meeting.
- Stay focused on the specific agenda topics for each meeting.
- Communicate constructively, in good faith, and accurately.
- Treat everyone and their opinions with respect and assume good intentions when opinions differ.
- Allow one person to speak at a time.
- Avoid representing to the public or media the views of any other committee member or the committee as a whole.
- Limit discussion to health risk assessment.

### Framework for Identifying Agreement

- Staff will plan key guided questions for the committee ahead of time with the facilitator and share those guiding questions with committee members in advance of the meetings.
- Facilitator will begin an open discussion.
- Committee members will answer questions from each member of the committee sharing their reflection to ensure we are capturing everyone's advice.
- Facilitator will create space for additional dialogue and deliberation.
- Each committee member will answer the question one final time.
- Committee member answers will be recorded by the minute taker and presented as numbers- "# committee members agreed/disagreed/agreed with caveats/disagreed with suggestion" (not a goal or a requirement to obtain consensus).

## Conflict of interest

ORAR 340-247-0050(6)(a) prohibits ATSAC members from having an actual or potential conflict of interest as those terms are defined by Oregon Revised Statute (ORS) 244.020<sup>2</sup>. The rules further provide that committee members must abide by Oregon government ethics requirements detailed in ORS Chapter 244.

ORAR 340-247-0050(6)(a) requires ATSAC members to be free of actual and potential conflicts of interest. The definitions of "actual conflict of interest" and "potential conflict of interest" are defined in ORS 244.020 (1) and (13) as follows:

“Actual conflict of interest” means “any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in the ‘potential conflict of interest’ definition.”

“Potential conflict of interest” means “any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment

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<sup>2</sup> ORS Chapter 244 in its entirety is available for review at:  
[https://www.oregonlegislature.gov/bills\\_laws/ors/ors244.html](https://www.oregonlegislature.gov/bills_laws/ors/ors244.html)

of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

- (a) An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.
- (b) Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.
- (c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code."

It is the obligation of committee members to disclose any actual or potential conflicts of interest to DEQ immediately upon discovery. Furthermore, the agency will request, at least annually, that committee members affirmatively declare in writing that they are free of any actual or potential conflicts of interest.

Agency staff remain available to answer questions or consult with committee members about conflict of interest or ethics issues.

## **Supporting materials**

DEQ will strive to make meeting agenda and supporting materials available to the ATSAC members and the public at least two weeks in advance of each meeting. The agency and the Facilitator will prepare and circulate meeting summaries that highlight discussions, different perspectives and input of committee members. Final meeting minutes will be posted to the advisory committee website and will be part of the public record. All ATSAC meeting agendas, meeting summaries and supporting materials will be available to committee members and the public on DEQ's webpage<sup>3</sup>.

DEQ will publish a final committee report at the conclusion of the review process.

## **Committee meetings and schedule**

DEQ anticipates ATSAC will meet eight to 10 times over approximately 18 months following the first ATSAC meeting. Meetings will be held virtually and DEQ anticipates that each meeting will be three hours or less.

Agencies may engage, and ATSAC members may request, guest speakers to provide relevant specialized information to committee members at meetings where related topics are being discussed.

ATSAC will address technical issues, not policy or fiscal impact issues. In addition, the committee will focus on chemical and toxicity issues related to human health risk, not risk management decisions. ATSAC is intended solely as a technical advisory body, not as a committee designed to reflect the values of other interested parties. Third party facilitators and agency staff will record opinions and recommendations from all committee members. DEQ and OHA will consider them once reviewed and approved by members. Therefore, no committee consensus will be required of the ATSAC. Members are not expected to keep minutes or draft any reports as a group. However, majority and minority opinions will be recorded in the meeting minutes as appropriate.

All committee meetings will be:

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<sup>3</sup> ATSAC webpage accessible at: <https://www.oregon.gov/deq/air-toxics/pages/atsac.aspx>

- Open to the public;
- Advertised on DEQ's webpage calendar two weeks before the meeting date;
- Notified by email to the Cleaner Air Oregon and Air Toxics GovDelivery lists; and
- Accessible via a call-in number or webinar.

## **Public participation**

Non-committee members, i.e., audience members, will be allowed to attend and observe, but not participate in ATSAC deliberations. If audience members are present at a meeting, DEQ may allow time for them to share verbal input, depending on time constraints. DEQ and OHA will not record or respond to input from the audience. There will be opportunities for official public comment in the rulemaking process associated with any proposed changes.

## **Public records and confidentiality**

Committee communications and records, such as formal documents, discussion drafts, meeting minutes 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. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

## **Information exchange**

Committee members will provide information as much in advance as possible of the meeting at which such information is used. 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, they will provide a general description and the reason for not providing it.

## **DEQ contacts**

Primary Contact: Apollonia (Apple) Goeckner, Program Coordinator, DEQ Cleaner Air Oregon

Alternate Contact: Matt Davis, Program Manager, DEQ Cleaner Air Oregon

## **Alternative formats**

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email [deqinfo@deq.oregon.gov](mailto:deqinfo@deq.oregon.gov).