

National Drinking Water Advisory Committee Work Group on Contaminant Candidate List Classification Process

Operational Protocols

Adopted December 16, 2002

1. MISSION

The purpose of the National Drinking Water Advisory Committee (NDWAC) Work Group on Contaminant Candidate List (CCL) Classification Process is to provide advice to the NDWAC as it develops recommendations for the U.S. Environmental Protection Agency (EPA) on the classification process and its application to contaminants to develop its list of candidate contaminants. The work group is charged with:

Evaluating recommendations made by the National Research Council, including methodologies, activities and analysis, and making recommendations for an expanded approach to the CCL listing process for the purpose of protecting public health.

This may include, but not be limited to, advice on developing and identifying:

- i. Overall implementation strategy
- ii. Classification attributes and criteria (and methodology that ought to be used)
- iii. Pilot projects to validate new classification approaches (including neural network and other prototype classification approaches)
- iv. Demonstration studies that explore the feasibility of the VFAR approach
- v. Risk communication issues
- vi. Additional issues not addressed in the NRC Report

2. PARTICIPANTS

- a. Representation. Work group individuals were selected based on the expertise and experience needed to provide balanced advice to the NDWAC and hence to EPA on issues related to classifying drinking water contaminants. At least three members of the NDWAC will be members of the work group in order to facilitate the flow of information between the work group and NDWAC.
- b. Alternates. Work group members are expected, to the greatest extent possible, to participate in all meetings or conference calls. In the event that this is impossible, any work group member may designate one alternate to participate in his or her place. The alternate must be a peer of the member, and must have similar expertise and perspective, and or the ability to fully represent the member. Only the work group member or his or her designated alternate may participate in work group meetings. If neither the member nor his or her designated alternate can attend, there will be no representative at the table for that particular seat.

3. DECISION MAKING

- a. Consensus. The work group will strive to reach consensus, where possible. Consensus is defined as “all can live with the recommendation.” Work group

- decisions will be made only with the concurrence of all members present at a given meeting, except for agreement on any final products delivered to the NDWAC which will require consensus of all members. If consensus cannot be reached on a specific issue, work group members assisted by the facilitator will draft language describing the issues where consensus was not reached and provide the perspective of all work group members who contribute material to the report. This report will be submitted to the NDWAC as part of the product delivered to the NDWAC.
- b. Agreement and Product(s). Agreement of the work group on any written document or other product(s) of the work group intended for delivery to the NDWAC will be considered products of the work group. Pre-consensus draft materials should not be considered nor characterized as products of the work group.

4. PROCEDURES

- a. FACA. The work group is established by the NDWAC, a federal advisory committee established under, and complies with the requirements of the Federal Advisory Committee Act (FACA).
- b. Notice of Open Meetings. Consistent with FACA requirements, meetings of the NDWAC work group will be announced in the *Federal Register* prior to each meeting (at least 15 days) and will be open to the public.
- c. Meeting Summaries. Draft summaries of the work group meetings will be developed by the facilitator for approval by work group members. Meeting summaries will be made available to the public only after approval by the work group members. Completed meeting summaries will be loaded onto the EPA web site.
- d. Agendas. Meeting agendas will be drafted by the facilitator in consultation with the NDWAC work group members. Agenda items will be identified at each meeting for the subsequent meeting. A draft agenda will be distributed in advance of each meeting for review by work group members. It will be reviewed at the beginning of each meeting and will be refined, if necessary, and approved.
- e. Relationship to NDWAC. This work group has been formed to address specific issues (see mission statement) and to make recommendations to the NDWAC (not directly to EPA). The work group is not authorized to make decisions for the NDWAC. All NDWAC members will be notified of the date and time of work group meetings, and will be provided with agendas and written summaries for all work group meetings/conference calls.
- f. Technical Committees. Technical committees may be formed at the direction of the work group. The work group will designate work group liaisons to the technical committees. The facilitator and liaisons will develop a list of expertise needed in order for the technical committees to function and will seek participants from outside the work group to provide this expertise, where necessary. All meetings of the technical committees will be open to the public, however only selected members will actively participate in technical committee discussions. Technical committees will operate by consensus where possible, however the technical committees will not make any decisions on behalf of the work group. Technical committee agendas will

be prepared by the facilitator in consultation with work group members. Agendas will be circulated to the work group in advance of meetings, when possible.

- g. NDWAC Receipt of Work Group Products. The recommendations or other products of the work group must be made to the full NDWAC at one of its scheduled meetings. The NDWAC will consider the recommendations and may either pass them on to EPA unchanged, or may amend them to reflect their own recommendations, or may, after discussion, choose not to forward them at all.
- h. Facilitator. A neutral facilitator will facilitate the work group meetings and work with work group members to ensure that the process runs smoothly. The facilitator serves at the will of the work group, NDWAC and EPA and may be dismissed or replaced by another as determined by the work group, NDWAC and EPA. The role of the facilitator typically includes: developing draft agendas, focusing meeting discussions, working to resolve any impasses that may arise, preparing meeting summaries, working with work group members to support between-meeting activities, working with the EPA staff in locating and circulating background materials and documents the work group needs or develops, and other appropriate functions.
- i. Electronic Communication. Electronic communication mechanisms will be utilized to the greatest extent possible for the sharing of information outside of work group meetings, including distribution of meeting agendas and summaries. For any work group member who is unable to participate in electronic communication, others means of communication will be utilized (fax and hard copy mail). The purpose of electronic communications is to reduce paperwork, delay and expense of mailing or faxing.
- j. Attendance at Meetings. All work group members are expected to make a good faith effort to attend work group meetings and participate in conference calls.
- k. Caucus. Any subset of work group members may confer privately during or after a work group meeting as needed. The facilitator may also confer privately with work group members during or after meetings.
- l. Observers. Observers are any non-work group attendees at meetings. Only the work group members (or their designated alternate) will be seated at the table and participate in discussions unless the facilitator acknowledges an observer.
- m. Public Comment. Meeting agendas will set aside time for the specific purpose of taking public comment. Observers will be asked to indicate their interest in making public comment ahead of time on a sign-up sheet provided at each meeting for this purpose.
- n. Changes to Operational Protocols. These operational protocols may be revised with the consensus of the work group and with approval by the NDWAC and the designated federal official.

5. SAFEGUARDS FOR THE PARTIES

- a. Good Faith. All parties agree to act in good faith in all aspects of the work group deliberations. In order to encourage the free and open exchange of ideas, views and

- information prior to decisionmaking, members agree not to use specific offers, positions or statements made by another member during non-public discussions for any other purpose not previously agreed to in writing by the members involved. It is the hope that other attendees at work group meetings also voluntarily comply with this provision. Personal attacks and prejudiced statements will not be tolerated.
- b. Right to Withdraw. Any party may withdraw from the work group at any time without prejudice. However, it is requested that the member wishing to withdraw communicate the reasons for withdrawal.
 - c. Others' Positions. Members agree not to characterize the position of any other party in public statements or in discussions with the media (even if that party withdraws from the work group). To the extent feasible, members will refer others to approved meeting summaries for information about the work group's discussions.
 - d. Interactions with the Press. Recognizing that the way in which work group or Technical committee discussions or the statements or positions of work group members or technical committee members are publicly characterized may affect the optimal functioning of the work group, wherever possible work group members (and their alternates) and technical committee members will refer inquiries from the press regarding the overall process of the work group and technical committees and their deliberations to the facilitator(s) or to approved meeting summaries. If a work group member does engage in discussion with the press, they will refrain from characterizing the views of, or attributing comments to, other work group members.

6. SCHEDULE

The work group is expected to meet eight times (in Washington, DC) and to hold conference calls between September 2002 and November 2003.