



State of Oregon
Department of
Environmental
Quality

Memorandum

To: Persistent Pollutant Science Workgroup (PPSWG)
From: Bruce Hope
CC: Jennifer Wigal, Project Manager (tbd), Christine Svetkovich
Date: August 12, 2008
Re: Rules of Engagement for PPSWG Meetings (As Agreed)

Senate Bill 737 (SB 737), which was signed into law on June 28, 2007, originated from a proposal by environmental groups to phase-out mixing zones in Oregon by 2011. As passed, SB 737 represents a compromise between these groups, Tribal governments, municipalities, industry, and the Department of Environmental Quality (Department), as well as the first major toxics reduction legislation passed in Oregon in decades. SB 737 does not eliminate mixing zones, but rather moves Oregon toward: (a) identifying “persistent pollutants” (defined by SB 737 as chemicals which are toxic and persist or accumulate) that are entering the State’s waterways and (b) informing and guiding toxic reduction measures with respect to these pollutants and receiving waters. SB 737 requires that the Department prepare (by June 2009) a priority list (the priority persistent pollutants list or P³L) of the most dangerous toxics that are accumulating in sediment, fish, wildlife, and human tissue, and, using current water quality monitoring data, produce a report for the Legislature (by June 2010) identifying the sources of these pollutants, their levels entering the environment, and steps that can be taken to prevent, reduce, or eliminate these pollutants.

SB 737 (Section 3(3)) requires that the Department “... consult with ...” interested parties and stakeholders while preparing the June 2009 list and June 2010 report. The Department has formed this Persistent Pollutant Science Workgroup (PPSWG) as a partial response to this consultation requirement. It is anticipated that the PPSWG will: (a) provide the Department with advice and comment on the identification and prioritization of persistent pollutants that is scientifically and technically sound, independent, balanced, useful, and timely, (b) concern itself only with scientific and technical, as opposed to policy or management, issues, and (c) perform solely as a scientific and technical advisory body, rather than as a committee designed to reflect stakeholder views.

Between now and June 2009, the PPSWG will hold approximately 8 meetings (all open to the public) during which the scientific and technical details involved in generating a P³L for Oregon will be discussed. The PPSWG agrees to conduct these meetings according to the following ground rules:

A. DECISION MAKING

1. The goal of the PPSWG is to reach consensus on as many issues before it as possible.
2. Final decisions must be made by a quorum of PPSWG members, based on consensus when possible. If consensus is not possible, decisions will be made by majority vote with a quorum present.
3. A quorum is defined as 5 members.
4. Only if the PPSWG unanimously disagrees with a recommendation by the Department will the Department be required to re-consider and re-submit its recommendation at a later date.
5. The PPSWG may discontinue discussion of a particular topic at any time if the discussions do not appear likely to be productive or constructive.

B. MEMBERSHIP & ATTENDANCE

1. In the interest of maintaining continuity in discussions, PPSWG members commit to attending each official meeting.
2. Only appointed PPSWG members may participate in PPSWG deliberations and decisions regarding recommendations or advice to the Department. Members may participate in a meeting by phone if necessary. Members who cannot attend an official meeting may send an alternate non-voting observer in their place for the sole purpose of recording what transpired at the meeting.
3. A member may be removed for cause by a vote of the members. "Cause" may include, but is not limited to, failure to abide by these ground rules.

C. SAFEGUARDS FOR THE MEMBERS

1. All members intend to set personal biases aside and to engage in good faith in all aspects of PPSWG discussions, deliberations, and recommendations.
2. Although the Department would appreciate reasonable prior notice, any member may resign from the PPSWG at any time without prejudice.
3. Personal attacks and prejudicial statements will not be tolerated.

4. Member contact with the media will be limited to personal discussions and opinions as to the objectives and progress of the discussions. No discussions characterizing the position of the PPSWG as a whole, of any other member, or of the interest he or she represents, or of the Department will be held with the media. The Department would appreciate being notified of any contact between the media and PPSWG members.
5. The PPSWG will be assisted by designated staff supplied by the Department, who will not function as voting members of the PPSWG. To maintain a focused and even flow of work, all “task orders” for the PPSWG will come only from these designated staff. All requests from the public for PPSWG consideration of a specific issue must also come through designated staff.

D. CONDUCT OF MEETINGS

1. The meetings will be conducted according to the ground rules adopted by the PPSWG. Roberts Rules of Order will not be used.
2. Written notes of PPSWG meetings will be kept and made available to the public upon request, after review and approval by the PPSWG. There will be no electronic recording of any meeting.
3. All PPSWG meetings will be open to the public and part of each meeting will be set aside for a public question and answer session. Dialogue with the public during other parts of the meeting will be confined to brief, concise clarifying questions or technical points.
4. At the conclusion of each meeting, the PPSWG will discuss and agree to the agenda for the next meeting, starting with a draft agenda prepared by the Department to be distributed approximately one week prior to the current meeting.
5. A member of the PPSWG will be selected to serve as the Committee’s chair. The chair will be responsible for: (a) keeping members focused on the issues and objectives, (b) ensuring that all members adhere to the agreed process and ground rules, and (c) serving as a spokesperson for decisions reached by the Committee.