

**Oregon Fish and Shellfish Consumption Rate Project  
Fiscal Impact and Implementation Advisory Committee  
Proposed Charter-Revised - March 5, 2008**

The Oregon Fish and Shellfish Consumption Rate Project, a joint project of DEQ, U.S. EPA and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), is evaluating options to revise Oregon's fish consumption rate, which is one variable used to calculate water quality criteria protective of human health. This effort is anticipated to end in late 2008 when the Environmental Quality Commission (EQC) chooses a fish consumption rate for rulemaking.

By October 2008, DEQ, EPA, and CTUIR plan to present a report to the EQC with a range of options to revise the fish consumption rate, with a goal of one joint recommendation from those options. The report will include a range of proposed implementation options

In order to develop feasible implementation options, the cost of each option will need to be understood. DEQ, EPA and CTUIR are convening the Fiscal Impact and Implementation Advisory Committee (FIIAC) as a group of interested experts who can help to develop feasible implementation options and provide input on the fiscal impacts such options may have on a wide range of interest groups throughout the state. It is anticipated that this group will also serve as DEQ's Fiscal Impact Advisory Committee under Oregon Revised Statute 183.333.

DEQ is working with EPA Headquarters, through an EPA contractor, Science Applications International Corporation (SAIC), to develop and perform a Fiscal Impact Analysis on the impacts of raising Oregon's fish consumption rate (FCR). An increase in the FCR will affect human health water quality criteria. The Fiscal Impact Analysis will be used to develop DEQ's Statement of Need and Fiscal and Economic Impact for the formal rulemaking to change the human health criteria.

DEQ does not have the time or funding to research and do a credible quantitative analysis of the direct and indirect economic benefits of increased fish consumption rates. However, members of the FIIAC will be able to provide information about the effects, both positive and negative, of an increased fish consumption rate. Members of the Committee can also share ideas for how DEQ can best reflect economic benefits within the time and fiscal constraints of this process.

The members of the Fish and Shellfish Consumption Rate Project's Fiscal Impact and Implementation Advisory Committee agree to operate under this Charter.

**I. Committee Charge**

The FIIAC will be charged with the following tasks:

- 1) Consider and possibly contribute to the Implementation Strategies Inventory that will be compiled by DEQ and used in developing implementation options for potential new human health criteria.

- 2) Review and comment on the Draft Fiscal Impact Analysis in accordance with ORS 183.333. The analysis will be used to develop DEQ's Statement of Need and Fiscal and Economic Impact in anticipation of a future rulemaking to raise the FCR and lower human health water quality criteria. The FIIAC will address the following questions in their review:

- i) Would increasing the FCR have a fiscal and economic impact?
- ii) What is the extent of that fiscal and economic impact?
- iii) Would increasing the FCR have a significant adverse impact on small businesses?
- iv) What is the extent of that fiscal and economic impact to small businesses?

In addition, it is anticipated that members of this Committee will be able to provide information about the economic benefits of an increased fish consumption rate; information about economic or other benefits of an increased fish consumption rate will be provided to the EQC to help inform their final decision.

- 3) Discuss implementation options for multiple fish consumption rate scenarios
- 4) Provide any recommendations on fiscal impact and implementation strategies

## **II. Meeting Schedule and Guidelines**

### Meeting Schedule

FIIAC meetings will likely be all-day meetings (10:00 – 4:00).

- 1) Meeting #1: January 29, 2008, Portland.
  - i) The purpose of this meeting is to discuss and for DEQ to receive comments on any oversights in the Fiscal Impact Analysis' scope of work.
  - ii) The Implementation Strategy Inventory will be introduced, explained and contributions will be requested for consideration in the analysis.
- 2) Meeting #2: March 5, Portland.
  - i) The purpose of this meeting is to discuss and receive comments on the results of the Fiscal Impact Analysis. The FIIAC will comment and make recommendations on the adequacy of the work completed. The FIIAC will also discuss implementation issues associated with the various options presented in the fiscal impact analysis.
- 3) Meeting #3: April 8, Portland
  - i) Follow up on Fiscal Impact Analysis, additional scope of EPA information gathering to support the FIIAC
  - ii) Continue discussion of implementation, benefits.
- 4) Meeting #4: May, Portland
  - i) Continuation of discussion of implementation strategies.
- 5) Meeting #5: Fall 2008 or winter 2009 (if necessary)
  - i) The FIIAC may re-convene prior to the formal rulemaking process if additional economic analysis and review is necessary.

## FIIAC Meeting Guidelines

1. Participation in the FIIAC is voluntary
2. Meetings will be facilitated to ensure that the group completes the specific charges outlined in the Charter as adopted by the Committee
3. DS Consulting will facilitate all meetings
4. Members will attend each meeting to ensure continuity throughout the process;
5. Members will be prepared for meetings by reviewing all materials in a timely manner and consulting with their constituents as needed;
6. Members will treat others and his or her opinions with respect;
7. All members will listen to each other to seek to understand the others' perspectives. Each will be given an opportunity to speak and be heard;
8. Members will engage in honest, constructive, and good faith discussions in all aspects of the discussion;
9. Members will consult regularly with their constituencies and provide their input to the committee in a timely manner; and
10. Members will not represent the view of any other member, group, or the Committee as a whole in any forum outside of the meetings.

The FIIAC will seek consensus recommendations on all issues identified. Consensus is defined as the willingness to actively support any decision to move forward. However, if the committee cannot achieve consensus on an issue within a reasonable amount of time, then the final report will note the different perspectives on the issue.

## Meeting Materials and Summaries

FIIAC members will be provided at least 1 week of review time for all documents, and we will strive to provide 2 weeks when possible. DS Consulting will prepare FIIAC meeting notes. Meeting notes will summarize significant issues raised during the discussion. Any FIIAC recommendations will also be captured in the notes. The meeting summaries will be posted to the DEQ website once they have been reviewed and approved by FIIAC members. Members will have 48 hours to comment on the notes after they have been received, after which time the notes will be posted and can be shared with others.

## Chairperson

Members of the FIIAC may elect a Chairperson from amongst themselves. If requested, DEQ, EPA and CTUIR would also consider identifying a Chairperson from among candidates suggested by FIIAC members. The Chairperson has the responsibility to:

- Work with committee members to finalize a memo that summaries the committee's agreements, disagreements and consensus recommendations;
- Work closely with the facilitator (DS Consulting) to help the group work effectively together; and
- Represent or delegate representation of the FIIAC in any public forums (such as EQC meetings).

### **III. Final Product**

The FIIAC's discussions and recommendations will be summarized by DS Consulting in a memo. All meeting notes may be attached to the memo. The memo will not be finalized until the Chairperson has coordinated all comments of the FIIAC members and the group agrees, by consensus, that the memo is final. Should the committee not be able to finalize the memo based on consensus without undue delay, the project may need to continue to move forward before the memo is finalized.