

Research Working Group

November 28-29, 2000

Meeting Summary

Introductions

The U.S. Environmental Protection Agency's (EPA) Office of Ground Water and Drinking Water (OGWDW) and Office of Research and Development (ORD) held the first meeting of the National Drinking Water Advisory Council (NDWAC) Research Working Group on November 28-29, 2000 in Washington, DC.⁽¹⁾ Immediately after introductions, facilitator Abby Arnold, RESOLVE, first reviewed and obtained buy in on the draft agenda. The Work Group agreed that the purpose of the meeting was to:

- Clarify the purpose of the Research Working Group
- Review EPA's Proposed Comprehensive Drinking Water Research Strategy, and
- Review and discuss the Working Group Draft Groundrules, schedule and proposed workplan.

The final meeting agenda can be found as Attachment A. A list of all in attendance is included as Attachment B.

¹ The meeting was split between two locations: on November 28, the Working Group met at the offices of RESOLVE, Inc.; on November 29, the meeting took place at the EPA Washington Information Center. Abby Arnold, a Senior Mediator with RESOLVE, facilitated all meeting sessions, with assistance from Jeff Citrin, Associate.

A. Welcome and Orientation

Charlene Shaw, Designated Federal Official to the NDWAC, briefed Working Group members on the history and procedures of the NDWAC. Ms. Shaw stated that this Advisory Committee advises, consults with, and makes recommendations on a continuing basis to, the Administrator, on matters related to the activities, function, and policies of the Agency under the Safe Drinking Water Act. As a unit of the NDWAC, any recommendations developed by the Working Group are made for purposes of advising the NDWAC, which then may choose to forward such recommendations on to the EPA Administrator, either as received or modified in some manner. Ms. Shaw explained that the Working Group was established to provide advice to the NDWAC as it develops recommendations for EPA on a Comprehensive Drinking Water Research Strategy (as required under the Safe Drinking Water Act (SDWA) that considers the broad range of research needed to support the Agency's drinking water regulatory activities. The Working Group will provide the NDWAC with recommendations for EPA on identifying, evaluating and prioritizing drinking water research needs over the next 5-10 years to ensure that EPA has the science it needs to make sound regulatory decisions.

Tim Oppelt, Director of the EPA > National Risk Management Research Laboratory welcomed the Working Group and reiterated that drinking water research is a top priority for the Agency. He noted that there is a long tradition of cooperative research in drinking water and that the member's advice on EPA's science program was critical. Mr. Oppelt asked the Working Group (through NDWAC) to provide advice to EPA on research priorities across the drinking water program.

B. Purpose of Working Group

Fred Hauchman, National Research Program Director at EPA's National Health and Environmental Effects Research Laboratory, then clarified that the Working Group is charged with two major activities:

1. consider the research needs associated with a broad range of issues, including but not limited to those covered by the existing M/DBP and Arsenic Research Plans and the CCL Research Plan that is under development; and
2. provide advice to NDWAC on how the Agency might prioritize research in the context of both long term and annual budget allocation demands, based on consideration of comprehensive drinking water research needs.

Dr. Hauchman explained that the Working Group will analyze research needs and priorities in the areas of health effects, exposure assessment, risk assessment and risk management (i.e., control technology) for the various components of the Comprehensive Drinking Water Research Strategy. This will be accomplished by reviewing existing EPA research plans, documents or other published literature covering the various topic areas in the Strategy. These areas include, but may not be limited to:

- a. Microbial/Disinfection By-Products
- b. Contaminant Candidate List - current and future
- c. Review of the National Primary Drinking Water Regulations (NPDWRs) - Six-year reviews
- d. Arsenic
- e. Source water protection
- f. Distribution systems
- g. Sensitive subpopulations
- h. Water quality/quantity issues (including water reuse)

In addition, EPA envisions that future Working Groups (or this same group with a revised charter) will: (1) provide continuing advice to the Agency on drinking water research needs, priorities and estimated resource requirements; and (2) evaluate the progress that EPA has made in addressing the priority research needs identified in the Comprehensive Drinking Water Research Strategy.

Dr. Hauchman recognized the depth and breadth of expertise on the Working Group. He noted that individuals were selected for membership on the Working Group based on the expertise and experience needed to provide balanced advice to the NDWAC, and hence to EPA, on issues related to specific SDWA requirements: health effects (chemical contaminants, microbial pathogens, radiological contaminants), epidemiology, risk assessment, analytical methods, treatment technologies, occurrence, exposure analysis, engineering, chemistry, hydrology, geology, water system management (filtered/unfiltered and surface/groundwater systems). At least one member of the Working Group, who is also a member of the NDWAC itself, will facilitate the flow of information between the Working Group and NDWAC.

Dr. Hauchman indicated that the Working Group is scheduled to meet up to four times (in Washington DC) and to hold several conference calls between November 2000 and November 2001.

As a starting point in its deliberations, EPA asked the Working Group to evaluate the Agency's proposed risk assessment-based framework for the Comprehensive Drinking Water Research Strategy. The Working Group was also asked to begin the review of EPA's assessment of research needs and priorities for several of the topic areas in the Strategy, listed above.

Ephraim King, Director of OGWDW's Standards and Risk Management Division (SRMD)⁽²⁾, thanked Working Group members for participating and presented the regulatory context for Agency-sponsored research on drinking water contaminants and issues related to the regulatory requirements. (See Attachment C.) Mr. King reported on EPA's regulatory schedule for over a dozen rules and reports required by the SDWA. Such topics include arsenic, microbes, disinfectant by-products, sensitive subpopulations, and unregulated contaminants. Mr. King elaborated on the standard-setting requirements

under SDWA. He reminded the group that EPA's standards require that in order to publish drinking water regulations for a contaminant, the following criteria must be met:

- There is an adverse effect on the health of persons;
- There is a substantial likelihood that the contaminant will occur in public water systems with a frequency and at levels of public health concern; and
- The regulation presents a meaningful opportunity for health risk reduction.⁽³⁾

² At the time of the meeting Mr. King was Acting Director of this office.

³ See SDWA 1412(b) (1)(A): Standards Identification of Contaminants For Listing - General Authority.

EPA's research program supports the development of data and methods to identify, assess, and control these contaminants of concern. Mr. King emphasized the importance of the efforts to be undertaken by the Working Group in assisting the Agency in its development of a comprehensive, multi-year research strategy.

Dr. Hauchman then provided an overview of EPA/ORD's organization and the process it uses in planning research: identify research needs, prioritize available funding for research projects, and collaborate with others in implementing the research plan. (See Attachment D.) He noted that EPA's laboratories and research centers are aligned so that the focus of each is on a various aspects of the risk assessment/ risk management paradigm, i.e., health effects, exposure and risk assessment, and control technology). He explained that ORD supports the research needs of the Office of Water in addition to those of the other regulatory offices at EPA. Dr. Hauchman also pointed out that while EPA's overall research budget had remained flat over the last decade, funding for drinking water research had more than doubled. This, he explained, was due to a shift in funding priorities within the Agency's research program.

C. Comprehensive Drinking Water Research Strategy

Building on his previous presentation, Dr. Hauchman introduced the draft *Comprehensive Drinking Water Research Strategy* for the consideration of the Working Group. (See Attachments E.1. and E.2.) He identified the Strategy as a tool for establishing strategic directions and priorities (both short- and long-term) for EPA's drinking water program over the next 5 to 10 years. Dr. Hauchman also highlighted the role of the Strategy, in terms of coordination with other research entities and stakeholders. EPA seeks a Strategy that will both allow for prioritizing between and within various research topic areas. Dr. Hauchman explained that this Strategy must be robust to support both current and future rules. EPA feels that clear and understandable criteria for prioritizing research must be the underpinnings of such a strategy.

A wide variety of topic areas will be included in the Strategy. They will include those that are rule-based (i.e., supporting both regulated and unregulated chemical and pathogenic contaminants) and those that are emerging and cross-cutting issues (e.g., sensitive subpopulations, water reuse). The Strategy is organized along the risk paradigm as is much of the current thinking in the regulatory realm. (See Figure 1.) Dr. Hauchman introduced each of the ten key scientific questions based on the risk paradigm which EPA proposes to use to identify research needs associated with specific topic areas. (See Figure 2.) Dr. Hauchman explained that the framework provides the foundation of the research strategy and applies 10 questions to each research topic area.

Overall, the Working Group praised the draft Strategy as a good start, however members made suggestions for additional considerations. A good portion of the day was dedicated to discussing the questions. The member's comments on the questions are included in the Flip Chart Notes, provided as Attachment F. A summary of discussion highlights is provided below.

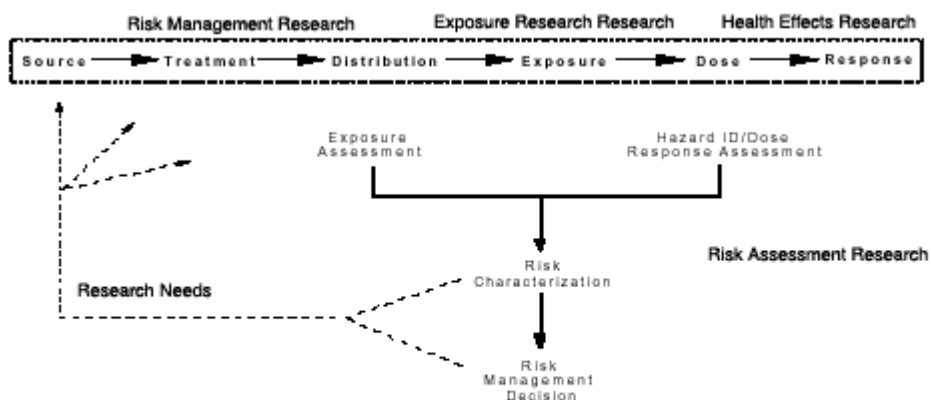


Figure 1. Risk assessment/risk management framework for EPA drinking water research.



D. Issues of Concern

The Working Group felt that, to a certain extent, the development of the Strategy and the assessment of research needs and priorities of the topic areas depends on the ultimate target of the research. They also agreed that criteria would need to be developed to help set priorities within and among issue areas.

Other members questioned whether research priorities should be restrained by the current regulatory framework under the 1996 SDWA Amendments, suggesting that part of the mission of this group should be to look beyond the current regulatory framework and try to anticipate kinds of research that would be needed in a future drinking water delivery system that differs from today's.

Others noted that more work is needed to coordinate all research conducted by the drinking water research community. Possible steps include first determining the research needs, and then identifying what each agency or organization could contribute to this research.

With this discussion as a backdrop, the Working Group agreed to address the topics posed by EPA. In its deliberations, the Working Group identified the following items to be included in the agenda for future meetings:

- Research priorities to determine which unregulated contaminants are placed on the CCL for potential regulation. Consider the upcoming National Research Council (NRC) report on research priorities. Is it satisfactory?
- What research is necessary for/on:
 - Contaminants entering the 6-Year Review of Existing National Primary Drinking Water Regulations (NPDWRs);
 - Distribution systems;
 - Disinfection by-products;
 - Arsenic;
 - Pathogens;
 - Sensitive subpopulations; and
 - CCL prioritization?
- What research is desirable considering the potential for the adoption of alternative regulatory approaches some time in the future?
- How do other research and funding entities plan and prioritize their research programs? What research are they funding? What are the opportunities for coordination? and

- How can emerging, *fast track* issues be promptly incorporated into a Comprehensive Research Strategy if necessary? What would be the process for changing the Strategy?

E. Clarification of Mission and Procedural Protocols

The Working Group considered a draft set of Operational Protocols, including a statement of the mission of the Working Group. Members asked clarifying questions regarding the designation of alternates and decision making on final work products, requiring minor revisions to the draft. A revised draft of the operating protocols for approval of the Working Group at its next meeting is attached to this summary as Attachment G.

Throughout the meeting participants worked with EPA to reach clarity on the role and goals of the Working Group. After considerable discussion the Working Group members agreed they would provide feedback to EPA on the structure and content of the draft Strategy and work with EPA to identify improvements. In this respect, guided by specific research issues identified in the SDWA (See Attachment H) the Working Group will seek to work with EPA to develop a consensus comprehensive strategy product for recommendation to the NDWAC. Members will also assist EPA by providing recommendations about priorities among and within topic areas by lending their varied expertise in applying the recommended Strategy to the topic areas. In addition, members will consider how EPA might make these difficult choices to prioritize research in the context of limited available resources.

In response to the discussion, Dr. Hauchman suggested that he organize the Research Strategy differently than in the current outline. He might, for example, provide separate 'strategies' by issue area.

F. Next Steps

As a last business item, the Working Group developed the following list of tasks and noted who is responsible for completing the tasks, by when.

| | | |
|---|------------------------------|-----------------|
| Draft and Distribute Next Steps Memo | RESOLVE | Dec. 4 |
| Draft Meeting Summary & Transcribe Flipcharts | RESOLVE | Dec. 13 |
| Review Draft Meeting Summary | EPA | |
| Revise Draft Summary and Distribute to WG Members (along with Transcribed Flipcharts and Revised Operational Protocols) for Comment | RESOLVE | |
| Submit Comments on Summary to RESOLVE | WG Members | |
| Revise Meeting Summary and Distribute as Final | RESOLVE | |
| Distribute Research Needs Report from the EPA/AWWARF Leesburg Expert Workshop (or post on WG Web site if possible) | RESOLVE/EPA | |
| Schedule Futures Task Group (TG) Conference Call | RESOLVE | Dec. 6 |
| Hold Futures Task Group Conference Call | Futures TG | Week of Dec. 11 |
| Schedule WG March Meeting Agenda-Planning Conference Call | RESOLVE | |
| Gather and Distribute Strategic Research Plans of EPA and Other Organizations (e.g., USGS, EPA/OAR, EPA/SAB, NIH, NIEHS, CDC, ATSDR, NRC, FDA, EU, AWWARF, WERF, American Chemistry Council) and Compile List of Research Topics and Associated Budgets Allocated to Them | EPA/Contractor, Mark Beuhler | |
| Provide Summary of Most Recent OW Research Database (to Inform WG Members of EPA Progress in Implementing Previous Research Plan) | EPA | |

Subgroups or Individuals To Follow-Up On Future Agenda Items

It was agreed that small sub-groups will work in the interim period between this meeting and the first conference call of the Working Group to revise specific components of the proposed draft framework for regulatory determination based on the discussions summarized above. The following sub-groups were identified:

NRC Report On Setting Drinking Water Research Priorities - Bove

Contaminant Candidate List Research Priorities - EPA

Sensitive Subpopulations - EPA, (Brenda Afzal)

Futures/ New Regulatory Approach - Menard (Lead), EPA, Bellamy, Hultquist, LeChevallier, Olson, Zeise

Future Meeting Date:

The next meeting of the Working Group is scheduled for June 21-22, 2001.

G. Public Comment

There was no public comment on either day.

Attachments

[A. Agenda](#)

[B. Participant and Observer List](#)

[C. Operating Protocols](#)

National Drinking Water Advisory Council Research Working Group

November 28-29,2000

Day 1: RESOLVE
1255 Twenty-third St., NW, Suite 275
Washington, D.C. 20037

Day 2: U.S. Environmental Protection Agency
Washington Information Center (WIC), Room 3 North
401 M St., SW
Washington, D.C. 20460

Agenda

Purpose of meeting:

- Clarify purpose of Research Working Group
- Review EPA's Proposed *Comprehensive Drinking Water Research Strategy*
- Review and discuss Working Group Draft Groundrules, schedule and proposed workplan

Tuesday, November 28, 2000

8:30 - Welcome and Introductions *Abby Arnold, Ephraim King (OW), Tim Oppelt (ORD)*
9:00

- Roundtable introductions
- Review purpose of meeting
- Review and adopt agenda

9:00 - Orientation to NDWAC Research Working Group *Charlene Shaw, Fred Hauchman*
9:30

- Purpose and goals of the Working Group *Heather Givens*
- What product does EPA seek

9:30- Regulatory and Research Context for Consideration of Working Group Recommendations-
10:15 *presentation and questions*

- Policy deadlines EPA faces, regulatory structure/schedule *Ephraim King (OW)*
- Background on EPA's research budget for drinking water *Fred Hauchman*

10:15- BREAK
10:30

10:30- Overview of *Comprehensive Drinking Water Research Strategy* - *Fred Hauchman*
11:00 *presentation and discussion*

11:00- *Comprehensive Strategy: Use of a Scientific Framework to Identify and* *Fred Hauchman*
12:00 *Prioritize Research Needs* - presentation and discussion

- Overview of components of the framework and how the framework is used
- Criteria and process for prioritizing research

12:00-1:00 LUNCH (*on your own*)

1:00-3:30 Comprehensive Strategy: Use of a Scientific Framework (continued)

Questions for the Working Group:

- 1. Is this an appropriate approach to developing a strategy?**
- 2. Are the right issues and topics addressed?**

3:30-3:45 BREAK

3:45-4:45 Return to Organizational Issues for Research Working Group Abby Arnold

- Review purpose of Research Working Group
- Review and discuss draft groundrules
- Review options for how to organize the Working Group to maximize participation by all members
- Review and discuss Working Group Schedule

4:45-5:15 PUBLIC COMMENT

5:15 ADJOURN

Wednesday, November 29, 2000

(Note, meeting room on this day is at EPA)

8:30-9:00 Reflections on First Day Discussions and Review of Agenda for Second Day

9:00-12:00 Review and Discuss Comprehensive Strategy by Topic
(including break)

9:00-10:00 Disinfection By Products Heather Givens, Fred Hauchman

10:00-11:00 Microbes (related to M/DBP rules) Heather Givens, Fred Hauchman

11:00-12:00 Arsenic Heather Givens, Fred Hauchman

12:00-1:00 LUNCH (on your own)

1:00-2:00 Unregulated Contaminants (CCL Overview) Fred Hauchman

2:00-3:00 Planning for Future Meetings, Conference Calls Abby Arnold

- Identify agenda items
- Identify interim tasks (who will do what by when?)
- How do we want to organize ourselves
- Identify information needs
- Identify preferred communication mechanisms (use of the Web)
- Identify who will do what and any interim milestones

3:00-3:30 PUBLIC COMMENT

3:30-4:00 Closing and Wrap up

4:00 ADJOURN

National Drinking Water Advisory Council
Research Working Group

-- Meeting --

November 28-29, 2000
Office of RESOLVE, Inc. & EPA Washington Information Center
Washington, D.C.

Participants and Observers

Working Group Participants

| | | | | |
|---------|--------------|--|-------------|----|
| Carol | Ashe | Camp, Dresser, & McKee | Cambridge | MA |
| Arthur | Ashendorff | New York City Dept. of Environmental Protection | New York | NY |
| Temple | Ballard | Degremont North America | Richmond | VA |
| William | Bellamy | CH2M Hill | Englewood | CO |
| Anthony | Bennett | Texas Natural Resources Conservation Commission | Austin | TX |
| Mark | Beuhler | Metropolitan Water District of Southern California | Los Angeles | CA |
| Frank | Bove | Agency for toxic Substances and Disease Registry | Atlanta | GA |
| Jen | Clancy | Calncy Environmental Consultants | St. Albans | VT |
| Richard | Danielson | BioVir Laboratories | Benicia | CA |
| Micheal | Facazio | U.S. Geological Survey | Reston | VA |
| Marcie | Francis | Chlorine Chemistry Council | Arlington | VA |
| Fred | Hauchman | U.S. EPA - ORD | RTP | NC |
| Robert | Hultquist | California Department of Health Services | Sacramento | CA |
| Mark | LeChevallier | American Water Works Service Co., Inc. | Voorhees | NJ |
| Deborah | Levy | Centers for Disease Control | Chamblee | GA |

| | | | | |
|---------------|-----------------|---|--------------------|-----------|
| Karl | Linden | Duke University | Durham | GA |
| <i>Robert</i> | <i>Masters</i> | <i>National Ground Water Association</i> | <i>Westerville</i> | <i>OH</i> |
| Ronald | Melnick | National Institute of Environmental Health Sciences | RTP | NC |
| Rosemary | Menard | City of Portland Bureau of Water Works | Portland | OR |
| Alexa | Obolensky | Philadelphia Water Department | Philadelphia | PA |
| Erik | Olson | Natural Resources Defense Council | Washington | DC |
| Heather | Shank-Givens | U.S. EPA - OGWDW | Washington | DC |
| <i>Peter</i> | <i>Thornton</i> | <i>Valusia County Health Department</i> | <i>DeLand</i> | <i>FL</i> |
| Thomas | Yohe | Philadelphia Suburban Water Company | Bryn Mawr | PA |
| Ronald | Zegers | Southern Nevada Water System | Boulder City | NV |
| <i>Lauren</i> | <i>Zeise</i> | <i>California Environmental Protection Agency</i> | <i>Oakland</i> | <i>CA</i> |
| Rae | Zimmerman | New York University | New York | NY |

Note: Italics indicate individual participating by telephone.

Observers and EPA Resource Support

| | | | | |
|----------|------------|---|------------|----|
| Bob | Allen | American Water Works Association Research Fdn. | Denver | CO |
| John | Arnett | Copper and Brass Fabricators Council | Washington | DC |
| Jeanne | Bailey | American Water Works Association | Washington | DC |
| John | Balbey | George Washington University | Washington | DC |
| Keith | Christman | Chlorine Chemistry Council | Arlington | VA |
| Matt | Corson | Assn. of State Drinking Water Administrators | Washington | DC |
| Clyde | Dempsey | U.S. EPA | Cincinnati | OH |
| Betsy | Henry | U.S. EPA - OGWDW | Washington | DC |
| Barbara | Klieforth | U.S. EPA - ORD/OSP | Washington | DC |
| Paula | Mason | U.S. EPA - OGWDW | Washington | DC |
| | | <i>Designated Federal Official to the Working Group</i> | | |
| John | Miller | U.S. EPA - ORD/OSP | Washington | DC |
| Tom | Miller | U.S. EPA - Office of the Science Advisory Board | Washington | DC |
| Bruce | Mintz | U.S. EPA | RTP | NC |
| Jeff | Mosher | Assn. of Metropolitan Water Agencies | Washington | DC |
| Cynthia | Nolt-Helms | U.S. EPA - ORD/NCER | Washington | DC |
| Chuck | Noss | Water Environment Research Foundation | Alexandria | VA |
| Robin | Oshira | U.S. EPA - OW/waterscience/HECD | Washington | DC |
| James | Owens | U.S. EPA | Cincinnati | OH |
| Lynn | Papa | U.S. EPA - ORD/NCER | Cincinnati | OH |
| Merav | Pick | Inside Washington Publishers | Arlington | VA |
| Lisa | Ragain | George Washington University | Washington | DC |
| Alan | Roberson | American Water Works Association | Washington | DC |
| Charlene | Shaw | U.S. EPA - OGWDW | Washington | DC |
| Pat | Ware | BNA | Washington | DC |

Facilitation Team

| | | | | |
|------|--------|---------------|------------|----|
| Abby | Arnold | RESOLVE, Inc. | Washington | DC |
| Jeff | Citrin | RESOLVE, Inc. | Washington | DC |

**National Drinking Water Advisory Committee
Working Group on Drinking Water Research**

Draft Operational Protocols - 11/20/00

Agreed with subject to approval of members not present.

1. MISSION

The purpose of the National Drinking Water Advisory Committee (NDWAC) Working Group on Drinking Water Research is to provide advice to the NDWAC as it develops recommendations for the U.S. Environmental Protection Agency (EPA) on a Comprehensive Drinking Water Research Strategy (as required under the Safe Drinking Water Act) that considers the broad range of research needed to support the Agency's drinking water regulatory activities. The Working Group will advise the NDWAC in assisting EPA in identifying, evaluating and prioritizing drinking water research needs over the next 5-10 years to ensure that EPA has the science it needs to make sound regulatory decisions. Consequently, this Working Group will be charged with two major activities: (1) consider the research needs associated with a broad range of issues, including but not limited to those covered by the existing M/DBP and Arsenic Research Plans and the CCL Research Plan that is under development; and (2) provide advice to NDWAC on how the Agency might prioritize research in the context of both long term and annual budget allocation demands, based on consideration of comprehensive drinking water research needs.

2. PARTICIPANTS

- k. Representation. Working 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 specific SDWA requirements: health effects (chemical contaminants, microbial pathogens, radiological contaminants), epidemiology, risk assessment, analytical methods, treatment technologies, occurrence, exposure analysis, engineering, chemistry, hydrology, geology, water system management (filtered/unfiltered and surface/groundwater systems). At least one member of the NDWAC will be a member of the Working Group in order to facilitate the flow of information between the Working Group and NDWAC.
- l. Alternates. Working Group members are expected to participate in all meetings or conference calls to the greatest extent possible. In the event that this is impossible, any Working Group member may designate one alternate, subject to approval by the NDWAC, 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 Working Group member or his or her designated alternate may participate in Working 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. In an emergency, a representative Association member may sit in on behalf of a member (the Designated Federal Official (DFO) should be notified as soon as possible), but this will be allowed only once throughout the duration of the Working Group. Alternates can not vote.

3. DECISION MAKING

- m. Consensus. The Working Group will operate by consensus. Consensus is defined as "all can live with the recommendation." Working 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 a minority report will be submitted to the NDWAC as part of the product delivered to the NDWAC.
- n. Agreement and Product(s). Agreement of the Working Group on any written document or other product(s) of the Working Group intended for delivery to the NDWAC will be considered products of the Working Group. Pre-consensus draft materials should not be considered nor characterized as products of the Working Group.

4. PROCEDURES

- o. FACA. The Working Group is established by the NDWAC, a Federal Advisory Committee established under, and complying with the requirements of the Federal Advisory Committee Act (FACA).
- p. Notice of Open Meetings. Consistent with FACA requirements, meetings of the NDWAC Working Group will be announced in the *Federal Register* prior to each meeting (at least 15 days) and will be open to the public.
- q. Meeting Summaries. Draft summaries of the Working Group meetings will be developed by the facilitator for approval by Working Group members. Meeting summaries will be made available to the public only after approval by the Working Group members.
- r. Agendas. Meeting agendas will be drafted by the facilitator in consultation with the NDWAC Working 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 Working Group members. It will be reviewed at the beginning of each meeting and will be refined, if necessary, and approved.
- s. Relationship to NDWAC. This Working Group has been formed to address specific issues (see mission statement) and to make recommendations to the NDWAC (not directly to EPA). The Working Group is not authorized to make decisions for the NDWAC. All NDWAC members will be notified of the date and time of Working Group meetings, and will be provided with agendas and written summaries for all Working Group meetings/conference calls.
- t. NDWAC Receipt of Working Group Products. The recommendations or other products of the Working 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.
- u. Facilitator. A neutral facilitator will facilitate the Working Group meetings and work with Working Group members to ensure that the process runs smoothly. The facilitator serves at the will of the Working Group, NDWAC and EPA and may be dismissed or replaced by another as determined by the Working 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 Working Group members to support between-meeting activities, working with the EPA staff in locating and circulating background materials and documents the Working Group needs or develops, and other appropriate functions.
- v. Electronic Communication. Electronic communication mechanisms will be

utilized to the greatest extent possible for the sharing of information outside of Working Group meetings, including distribution of meeting agendas and summaries. For any Working Group member who is unable to participate in electronic communication, other 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.

- w. Attendance at Meetings. All Working Group members are expected to make a good faith effort to attend Working Group meetings and participate in conference calls.
- x. Caucus. Any subset of Working Group members may confer privately during or after a Working Group meeting as needed. The facilitator may also confer privately with Working Group members during or after meetings.
- y. Observers. Observers are any Non-Working Group attendees at meetings. Only the Working Group members (or their designated alternate) will be seated at the table and participate in discussions unless the facilitator acknowledges an observer.
- z. 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.
- aa. Changes to Procedural Protocols. These Procedural Protocols may be revised with the consensus of the Working Group and with approval by the NDWAC and the Designated Federal Officer.

5. SAFEGUARDS FOR THE PARTIES

- bb. Good Faith. All parties agree to act in good faith in all aspects of the Working 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 Working Group meetings also voluntarily comply with this provision. Personal attacks and prejudiced statements will not be tolerated.
- cc. Right to Withdraw. Any party may withdraw from the Working Group at any time without prejudice. However, it is requested that the member wishing to withdraw communicate the reasons for withdrawal.
- dd. 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 Working Group). To the extent feasible, members will refer others to approved meeting summaries for information about the Working Group's discussions.
- ee. Interactions with the Press. Recognizing that the way in which Working Group discussions or the statements or positions of Working Group members are publicly characterized may affect the optimal functioning of the Working Group, wherever possible Working Group members (and their alternates) will refer inquiries from the press regarding the overall process of the Working Group and its deliberations to the facilitator(s) or to Approved meeting summaries. If a Working Group member does engage in discussion with the press, they will refrain from characterizing the views of, or attributing comments to, other Working Group members.

6. SCHEDULE

The Working Group is expected to meet up to four times (in Washington DC) and to hold several conference calls between November 2000 and November 2001.