

Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) BY-LAWS¹

Contents

I. Objectives.....	1
II. Committee Structure and Membership	1
A. Committee Officers and Staff.....	2
B. Subcommittees and Workgroups.....	3
III. Meetings.....	4
IV. Recommendations.....	5
V. Member Attendance and Voting.....	6
VI. Communications and Recordkeeping	6
VII. Member Expectations, Rights, and Responsibilities.....	8
VIII. Compensation and Reimbursements.....	8
IX. Public Participation.....	9
X. Limitations	9
XI. Amendments.....	9

I. Objectives

As identified in its [Charter](#), the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) will provide policy advice, information, and recommendations to the U.S. Environmental Protection Agency (“EPA” or “Agency”) Administrator (“the Administrator”) on a range of environmental issues and policies that are of importance to agriculture and rural communities.

This document (the “By-laws”) outlines operating procedures for the Committee; describes the relationship among the Committee Members, the DFO, and Committee or agency staff; and describes how the FRRCC will conduct business in compliance with the [Federal Advisory Committee Act](#) (FACA), as amended (5 U.S.C. App.), the [FACA Implementing Regulations](#) (41 CFR 102-3), the FRRCC’s Charter, and applicable agency policies.

II. Committee Structure and Membership

As required by the Charter, the FRRCC will be composed of approximately 20-30 Members. Members will generally serve as **Representative** Members of non-federal interests. Representative Members are selected to represent a single category of point of view held by specific organizations, associations, or classes of individuals, as opposed to providing their own individual expert advice.

¹ These bylaws are intended to improve the internal management of the FRRCC and are not intended to, and do not, create any right or benefit, substantive or procedural, enforceable at law or in equity, against the Agency, its officers or employees, or any other person. The FRRCC reserves the right to deviate from these bylaws when appropriate and consistent with applicable law.

If needed, Federal Advisory Committees may appoint Members to serve as:

- Regular Government Employees (RGEs) who may provide their individual expert advice or be appointed to represent the views of their employing federal agency; or
- Special Government Employees (SGEs) who may provide their own expert advice.

In selecting Members, EPA will consider candidates from academia, industry (*e.g.*, farm groups and allied industries), non-governmental organizations, and state, local, and tribal governments. Individuals who are actively engaged in farming or ranching are encouraged to apply for membership.

Members shall be appointed by the Agency for an initial term of 2-3 years, per the dates specified in the appointment letter. At the conclusion of this period, Members may be re-appointed for additional terms at the pleasure of the Administrator. Per EPA policy, Members may serve no more than six consecutive years, and there is a period of ineligibility of 2 years between when a Member's term ends on a Committee and when they may be appointed to that same Committee. All seats on the FRRCC will be filled by formal appointment by the EPA Administrator.

A. Committee Officers and Staff

Consistent with FACA sections 10(e) and 10(f), the Agency shall designate a **Designated Federal Officer (DFO)** who shall:

- call and attend all Committee and Subcommittee meetings;
- approve meeting agendas (in consultation with the Chair); and
- adjourn any meetings when s/he determines it is in the public interest to do so, and will chair meetings when directed to do so by the official to whom the committee reports.

The DFO or other Committee **Support Staff** assigned by the Agency will:

- notify Members of the time and place for each meeting;
- prepare Federal Register notices of public meetings;
- maintain records of all meetings, including working group activities, as required by law;
- maintain roll call;
- prepare the minutes of all Committee meetings, including working group activities;
- attend to official correspondence;
- maintain official Committee records and file all papers and submissions prepared for or by the Committee;
- maintain a website for the Committee;
- act as the Committee's agent to assist in accessing the travel reservations and payment process; and
- prepare and handle all reports, including the annual report on Committee operations to the GSA Committee Management Secretariat as required by FACA.

Advisory Committees shall not hold any official meetings that involve a quorum of Members (see Section III) except at the call of, or with the advance approval of, DFO, and with an agenda approved by the DFO. An Alternate DFO may serve in the DFO's place.

The Agency shall appoint a Chair and Vice-Chair for the Committee, both of whom shall be selected from among the Members. This may be conducted in consultation with Members, if there are active Members at the time of appointments. Also, the Agency shall appoint any Subcommittee Chairs, in consultation with the Committee Chair, Vice-Chair, and/or Members. The Chair, or in the absence of the Chair, the Vice-Chair, is entitled to votes like other Members.

The **Chair** of the FRRCC works with the DFO to:

- establish priorities for the Committee;
- coordinate with the DFO and other EPA officials regarding issues to be brought before the Committee.
- Recommend the establishment of Workgroups and task forces
- establish processes for identification of issues and assigning issues to Subcommittees
- consult with DFO regarding the development of meeting agendas and to establish meeting dates and locations
- determine the level and types of staff and financial support required;
- preside at Committee meetings, using parliamentary procedures (Roberts Rules);
 - advise the public at the beginning of each meeting about the Committee’s procedures for public participation;
 - conduct each meeting in accordance with the previously approved agenda;
 - facilitate the discussion to maintain focus on areas relevant to accomplishing the agenda;
 - determine when comments are not germane, when it is time to end the discussion, when a topic should be assigned to a subgroup for further consideration, or when discussions should be tabled until the next meeting;
- submit recommendation documents to the EPA Administrator;
- provide input on Committee membership;
- make recommendations to the FRRCC regarding bylaw amendments and other policy matters

In addition, the **Chair** is responsible for certifying the accuracy of minutes developed to document Committee meetings within 90 days of meetings and can act as proxy for Member votes as requested. See sections that follow for further information pertaining to roles of the Chair.

The **Vice-Chair** will act as Chair in the event of absence, recusal or incapacity of the Chair or in the event of a vacancy in the office of the Chair. The Vice-Chair will work with the Chair to:

- create and assign Subcommittees or working groups, and
- lead meetings in the absence of the Chair.

Subcommittee Chairs have the same responsibilities as the Chair when conducting Subcommittee sessions. The Chairs of Subcommittees preside at Subcommittee meetings and certify the accuracy of the minutes for each Subcommittee meeting.

B. Subcommittees and Workgroups

EPA, or the FRRCC with EPA’s approval, may form Subcommittees or Workgroups for any purpose consistent with the Committee’s Charter. Such Subcommittees or Workgroups may not work independently of the chartered Committee and must report their recommendations and advice to the chartered Committee for full

deliberation and discussion. Subcommittees or Workgroups have no authority to make decisions on behalf of the chartered Committee nor can they report directly to the EPA.

Subcommittees are standing components of the Committee that remain in place until the Committee Chair and DFO determine the Subcommittee is no longer necessary. Persons who are not appointed Members of the FRRCC may be appointed to serve on Subcommittees through the formal Committee membership solicitation process in order to provide expertise and experience not available on the FRRCC. However, at least one appointed Member of the FRRCC shall be a Member of each Subcommittee, and any Subcommittee shall be chaired or co-chaired by a Committee Member. Subcommittee meetings are subject to the parliamentary procedures and rules as the full Committee regarding quorum. Subcommittee meetings are open to the public and will be advertised in the same manner as full Committee meetings. All documents and deliberations of the Subcommittee will be documented and filed in the official Committee files and posted to the Committee website for public view. Subcommittees report to the full Committee, and their work is entirely advisory rather than decisional. Subcommittee projects or recommendations must be presented to the full Committee for discussion and a final decision on disposition.

Ad hoc Workgroups may be established during a meeting of the Committee to accomplish a specific task, and dissolve upon adjournment of the meeting or completion of its assignment. Persons who are not appointed as Members of the FRRCC may be appointed by EPA or the FRRCC Chair with EPA's approval, to serve on ad-hoc Workgroups in order to provide expertise and experience not available on the FRRCC. However, at least one appointed Member of the FRRCC shall be a Chair or Co-Chair of each Workgroup. Workgroups may meet informally and shall not be governed by formal procedures including, without limitation, open meetings, voting, keeping minutes. Workgroups report to the full Committee, and their work is entirely advisory rather than decisional.

The Committee or its Subcommittees may also collect information from technical experts, consultants, and agency liaisons who are not Committee, Subcommittee, or Workgroup Members. With the consent of the Committee, such experts and consultants may offer presentations at or participate in the deliberations of the Committee, but they are not permitted to vote.

III. Meetings

FRRCC expects to meet approximately two (2) times per calendar year. Meetings may occur approximately once every six (6) months or as needed and approved by the DFO. Committee meetings shall be a venue for Committee deliberations, development of Committee advice, consideration of subgroup recommendations, and consideration of public comments.

The FRRCC and/or any Subcommittees may meet as necessary at the call of the Chair or Subcommittee Chairs, subject to administrative approval of the DFO. The DFO is authorized to adjourn any meeting when he or she determines it is in the public interest to do so and will chair meetings when directed to do so by the official to whom the Committee reports.

As required by FACA, the FRRCC and any Subcommittees will hold meetings unless the meeting is strictly administrative or preparatory in nature, or the Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with 5 U.S.C. 552b(c). Interested persons may attend open meetings, appear before the Committee as time permits, and file comments with the FRRCC.

Agenda: Each meeting shall be conducted in accordance with an agenda approved by the DFO. Agenda items may be proposed by Members, the agency, or the public, but must be placed on the agenda by the DFO in consultation with the Chair.

Parliamentary procedures: The Committee shall implement [Robert's Rules of Order](#) for making motions and voting.

Quorum: A simple majority of Members (50% + 1) are required to be present in order to constitute a quorum for the transaction of business at a respective meeting. Members participating in meetings virtually/remotely are counted toward quorum. Unless otherwise noted, and consistent with [Robert's Rules of Order](#), an affirmative vote of the simple majority of those Members in attendance at an FRRCC or Subcommittee meeting is required for approval of proposed actions.

In the absence of a quorum, preparatory work, briefings and information gathering, may still be undertaken by the Committee, but no formal Committee action that requires voting may occur.

Meeting venues: The Committee will meet in-person in Washington, DC and the EPA Regions, or virtually by teleconference/video or similar communication tools by which all persons participating in any such meeting can simultaneously hear each other.

Meetings and events hosted by EPA must meet specific guidelines, including restrictions pertaining to a preference for siting at federal facilities, restrictions against Agency-provided food and drink, and ethical considerations for government employees, including restrictions on gifts from external parties.

Meeting Materials: All materials brought before, or presented to, the Committee during an open meeting will be made available to the public for review during the meeting. All such materials also will be made available on the Committee's website as soon as practicable afterwards.

Minutes: Minutes shall be taken at all Committee meetings. Minutes will be distributed to Committee Members within 60 days of the meeting, and must be certified by the Chair within 90 days of the meeting. After finalization, minutes of open meetings will be available to the public via the Committee website or by request. Minutes of closed meetings will also be available to the public upon request, subject to the withholding of matters for which public disclosure would be harmful to the interest of the Government, industry, or others

Public comments: Comments from the public may be provided orally, in writing, or both, per the provisions posted in meeting announcements. Any public comments received will become a part of the Committee's record, shared with the full Committee, and be made publicly available upon request. If a Committee Member receives a comment from the public, it must be sent to the Committee DFO to be shared with the entire Committee.

IV. Recommendations

Once a Committee has prepared and adopted a set of recommendations by majority vote, the recommendations shall be forwarded to the DFO with a cover letter addressed to the Administrator and signed by the Chair (or Vice-Chair). Reports and recommendations received by the DFO will be placed on the Committee's public website.

Once a Subcommittee has prepared and adopted a set of recommendations by majority vote, the Subcommittee Chairs or their designees shall present the recommendations to the FRRCC, answer questions, and provide background information and/or other relevant material at the next scheduled FRRCC meeting. The FRRCC shall deliberate and vote on the recommendations in an open meeting. Once adopted by majority vote of the FRRCC, reports and recommendations from a Subcommittee shall be forwarded to the DFO with a cover letter addressed to the Administrator and signed by the Committee Chair (or Vice-Chair), indicating the approval by the Committee and describing any actions recommended by the Committee. Reports approved by the Committee and received by the DFO will be placed on the Committee's public website.

V. Member Attendance and Voting

All Members are expected to participate in each meeting. Members must personally attend an entire meeting in order to be counted as having attended the meeting. Members are encouraged to attend meetings in person when possible, but may attend a meeting virtually (by teleconference and/or video) when such facility is available, and virtual/remote participation in meetings counts as attendance of meetings. Members who are absent repeatedly from meetings may have their membership evaluated to determine their continued interest in serving on the Committee.

Appointments are personal to the Member and cannot be transferred to another individual. In the unusual and unlikely event a Member must be absent from a meeting and is unable to make any other accommodations to attend the meeting, Members must notify the DFO and may request proxy in one of the following manners:

- The Member may authorize the Committee's Chair or Vice-Chair to cast proxy votes on their behalf.
- The Member may submit to the Chair/Vice-Chair a written statement for the record or an instruction to vote for or against adoption of a Committee recommendation.

Proxy designations must be submitted in writing in advance to the DFO/Chair/Vice-Chair per time frames specified in meeting announcements. Note: Votes by proxy do not count toward a Member's attendance of a meeting, nor do they count toward quorum required for transaction of business at a meeting.

A Member may not request that a non-Member be allowed to represent or cast proxy votes on behalf of the Member in their absence at a meeting. Non-Members may attend public meetings as observers at their own expense.

Provided that quorum is met, unless otherwise noted, and consistent with [Robert's Rules of Order](#), an affirmative vote by a simple majority of those Members in attendance at an FRRCC or Subcommittee meeting is required for approval of proposed actions.

VI. Communications and Recordkeeping

The records of the Committee, formally and informally established Subcommittees, or other subgroups of the Committee, will be handled in accordance with [National Archives and Records Administration \(NARA\) General Records](#) Schedule 6.2 and [EPA Records](#) Schedule 1024, or other approved agency records disposition schedules.

To protect the integrity of Committee deliberative process, and guard against any appearance of conflicts of interest or undue influences by outside interests, Members shall forward to the DFO any requests for or submissions of information from parties outside of FRRCC Members that may be considered public comments/inquiries related to or that may impact Committee deliberations, process, and work products. Although Committee work products are generally to be made available to the public once made available to the Committee, the DFO is responsible for managing and responding to public requests for and submission of information about the Committee process and work products. The Committee and Members shall not share information with external parties that is classified by the Agency or Committee as confidential, privileged, or would otherwise result in a loss of personal privacy without prior authorization. The Committee and Members shall inform the DFO of any external requests for information.

While Committee meetings will generally be open to the public, unauthorized communication by Members with external parties about matters outside of the Committee's work (e.g., via public communication tools or social media) while acting in an official Committee capacity and on Committee time could affect the integrity of the Committee deliberative process. Such communications may be considered disengagement from the Committee and/or a potential breach of the communications and records management protocols for Committee proceedings.

Members shall refrain from activity on their personal social media outlets during official Committee time (unless as part of official Committee duties). Further, Committee Members who use personal communication/social media outlets shall not engage in the following in relation to Committee matters:

- lobby via their blog, newsletter, webpages, etc.;
- disseminate pre-decisional information;
- hold "virtual meetings";
- vote on pre-decisional information; or
- share deliberative information relating to Committee projects and discussions."

Members who wish to engage in public announcements or media engagement pertaining to the Committee shall provide the Agency advance notification of such activities. Federal Parties may not, with limited exceptions, endorse or promote products or services offered by or provided by any non-federal entity. Activities of the Committee do not constitute an endorsement by the Agency of any Members or other participants, including any products or services, or any fundraising activity or promotion conducted by such parties. Members agree not to make statements to the public at workshops and meetings, promotional literature, on their web sites or through any other media that imply that the EPA or any of its employees endorse non-federal parties or any service or product they offer. In addition, Members agree not to make statements that imply that the Agency supports any Member's efforts to raise public or private funds. Any statements or promotional materials prepared by Members that pertain to the FRRCC must be approved in advance by EPA.

Members may not testify before Congress in their capacity as a Member of the Committee. If requested to testify before Congress in another capacity, Members of the Committee:

- cannot represent or speak for the Committee, the department, any agency, or the Administration in their testimony;
- cannot provide information or comment on Committee recommendations that are not yet publicly available;
- may state they are a Member of the Committee; and;
- may speak to their personal observations as to their service on the Committee.

Members should be aware that any communications with EPA personnel (including email and text messages) are also subject to federal law and regulation, including public right to access of such

communications and information through the [Freedom of Information Act](#) (FOIA), 5 U.S.C. 552. By participating in EPA-hosted virtual meetings and events, participants are consenting to abide by the agency's terms of use. In addition, participants acknowledge that content you post in EPA meetings and events may be collected and used in support of FOIA and eDiscovery activities.

See [EPA Policy Regarding Communication Between Members of Federal Advisory Committee Act Committees and Parties Outside of the EPA](#) and [Clarifying EPA Policy regarding Communications between Members of Scientific and Technical Federal Advisory Committees and Outside Parties](#) for further information.

VII. Member Expectations, Rights, and Responsibilities

Members have the right to be heard, to vote their convictions, to file minority opinions, and to abstain from voting. Members will be notified by the Agency of any required training (e.g., ethics, FACA basics), and are to take any required trainings in a timely manner. Members may alert the DFO of any concerns regarding the proceedings of the Committee, including but not limited to concerns regarding operations or management of the Committee, concerns regarding Member conduct, or concerns for personal safety resulting from Committee proceedings.

Members are expected to participate in the activities of the advisory Committee, including attending meetings and voting on Committee recommendations. Members are expected to read provided materials, including public comments, prior to meetings; complete writing assignments; and constructively engage in Committee deliberations.

All Members are expected to participate in each meeting. Members who are absent repeatedly from meetings may have their membership evaluated to determine their continued interest in serving on the Committee.

Members are expected to conduct themselves with respect for other Members, Agency personnel, and Members of the public who may be in attendance during official Committee proceedings. While acting in an official capacity for the Committee, Members are expected to remain engaged with the activities of the Committee and respect how communications and records are managed for the Committee.

Members of the FRRCC serve at the pleasure of the EPA Administrator. Terms may be reviewed on a case by case basis and terminated at any time for a number of reasons, including:

- formal resignation of the Member;
- lack of general participation, responsiveness, or failure to execute membership duties;
- missing FRRCC meetings repeatedly;
- upon written notification from EPA that a Member is no longer eligible to serve (e.g., due to a change in employment that creates a conflict of interest or alters the Member's ability to serve as a Representative Member for a perspective needed to ensure balance within the Committee);
- when a Member's continued participation would reflect unfavorably on the overall actions of the FRRCC; or
- conduct while acting in an official capacity for the Committee that disrupts Committee proceedings or breaches other expectations of engagement with the Committee; or
- for other cause, as determined by the Administrator.

VIII. Compensation and Reimbursements

Members serve on the Committee in a voluntary capacity. However, EPA may pay for travel and per diem expenses associated with official government business when determined necessary and appropriate, subject to Federal appropriations and travel regulations.

In order to enable EPA reimbursement of travel expenses, Members must complete the following forms:

- *EPA TRAVEL ID FORM* - to be submitted to the EPA Travel POCs one time to enroll in EPA's travel system, or for any necessary profile updates.
- *FRRCC Travel Request Form* – Includes a Pre-Travel Reservation Form, which must be submitted 4 weeks prior to each trip (or per timeframe provided by EPA Travel POCs for a particular event); and a Post-Travel Itemized Expenses Form which must be submitted with required receipts within 3 business days after each trip.

Members must submit the forms to the EPA Travel POCs within specified time frames to enable processing and compliance with the [Federal Travel Regulations](#).

IX. Public Participation

As required by FACA, the FRRCC will hold open meetings of the Committee and any Subcommittees, unless the Administrator determines that a meeting or a portion of a meeting may be closed to the public in accordance with 5 U.S.C. 552b(c). Interested persons may attend meetings, appear before the Committee as time permits, and file written comments with the FRRCC. As appropriate, the Chair may also reserve a portion of an FRRCC meeting for oral comments from interested Members of the public.

X. Limitations

Nothing in this document is intended to conflict with current law(s), regulation(s), or the directives of EPA. If any provision in this document is found to be inconsistent with existing authority, then that provision shall be reviewed and modified or annulled by the Parties in writing; however, the remaining provisions of this document shall remain in full force and effect.

XI. Amendments

Per FACA's implementing regulations (102-3.125), the Agency is responsible for establishing operating procedures for the Committee, including procedures "for the conduct of advisory Committee meetings and other activities, and [...] the relationship among the advisory Committee Members, the DFO and advisory Committee or agency staff." The Committee shall have the opportunity to concur with, adopt, or propose amendments to the By-laws. Amendments to By-laws may be proposed by a two-thirds (2/3) vote of the total current membership of the Committee and are subject to review and approval of the DFO and the Agency.

Adopted by Committee: September 10, 2020