From: WESTERSUND Joe
To: FELDON Leah
Cc: GOLDSTEIN Meyer; LANGSTON Sue; GRABHAM Cheryl; ARMITAGE Sarah; airquality2016p
Subject: airquality2016p- summary of advice on public involvement in rulemaking
Date: Monday, March 14, 2016 16:08:22

Hi Leah,

I've asked Nanc to help me set up a meeting with you this week.

A quick update before then:

- I wasn't able to come up with detailed recommendations for what committees / workgroups / policy forums DEQ should have.
  - We need someone with knowledge of
    - the direction the rule may take (what kind of questions will DEQ need input on?)
    - the groups involved and how they interact with each other
  - I think **Sarah Armitage** is willing & better placed to plan this out.
- Rep. Nosse is planning an April 6th 'Rulemaking 101' meeting.
  - If we have a **'How DEQ Rulemaking Works' public meeting**, we might want to have it that same week. Not sure if DEQ reps invited to the Nosse meeting itself.
  - That's 3 weeks away, so not much time to assemble team & plan.
- I've asked for input about including OHA and EPA on the rulemaking team.
  - Looks like GovSpace is a viable substitute for Sharepoint, which is what we usually use but doesn't allow us to share documents outside DEQ.
  - Including OHA and EPA as members of a stakeholder workgroup could be an alternative.

Based on all that, a few options for what DEQ can do in March to show we've initiated rulemaking:

1. Announce that we've begun research on the rulemaking ***[doable]***
2. #1, and announce the date for a 'How DEQ Rulemaking Works' public meeting ***[doable if someone gets started planning the meeting now]***
3. #1 and #2, and announce the ways (advisory committees, workgroups, policy forums, informal meetings etc) that the public can be involved in the rulemaking ***[I don't think we're ready yet. Maybe we could be ready by the time of the 'How DEQ Rulemaking Works' meeting.]***

-Joe

Joe Westersund
Dry Cleaner Program Coordinator
Oregon Department of Environmental Quality
811 SW 6th Avenue, Portland, OR 97204
(503) 229-6240 office
westersund.joe@deq.state.or.us
Usual Schedule: 8am - 5pm, M-F

From: FELDON Leah

Sent: Wednesday, March 09, 2016 8:44 PM
To: WESTERSUND Joe <WESTERSUND.Joe@deq.state.or.us>
Cc: GOLDSTEIN Meyer <Goldstein.Meyer@deq.state.or.us>; LANGSTON Sue <LANGSTON.Sue@deq.state.or.us>; airquality2016p <airquality2016p@deq.state.or.us>
Subject: RE: airquality2016p- summary of advice on public involvement in rulemaking

Joe,

I cannot thank you enough for taking such great initiative as you have without even talking to me! I apologize for the lack of direction from me, but it is clear from this that you received some pretty great direction from Sue and that you also have good intuition about the different options we will need to consider, the need to understand what is required versus optional, and the great need I will have for organization. So, thank you!

I look forward to seeing your recommended options and I very much look forward to meeting with you next week.

So you are aware, my current small team of folks is working fast and furiously on some items before we can move our focus to the broader rulemaking. I apologize for having to delay our conversation, but the work you have already done on this is so very useful and will allow us to better hit the ground running!

Finally, one more thing to research: other examples of rule makings where we have had folks outside of DEQ on the actual rule making team. I guess I want to know more about what that looks like and if there is anything we need to do logistically. Sue might have thoughts on this too. For example, if we had someone from OHA and/or someone from EPA on our team. Probably one of the first steps we will want to accomplish, early on, is solidifying the team. We will want to consult with folks too who may not be on the official team, but where do we draw that line?

Thanks! Leah

From: WESTERSUND Joe
Sent: Wednesday, March 09, 2016 4:51 PM
To: FELDON Leah
Cc: GOLDSTEIN Meyer; LANGSTON Sue; airquality2016p
Subject: airquality2016p- summary of advice on public involvement in rulemaking

Hi Leah,

Here's a summary of what I've gathered from talking with people about public involvement in rulemaking so far:

What's required:

1. Advisory committee to review fiscal impact statement and impact on small businesses*
2. Public hearing to receive comments from public on proposed bill

Optional public involvement above that:

1. Initial public meeting to explain DEQ's rulemaking process
    a. Explain opportunities to be involved
    b. Include rough schedule of rulemaking calendar (by month or season) if possible
    c. Format ideas
        i. "open house" format with multiple tables and circles of chairs? 1-page explanation of content, and DEQ people to talk through it informally

        ii. Or, standard DEQ powerpoint presentation in front of the room

    d. Could do even before content of proposed rule is known

    e. Could do before finalizing membership of committees and groups, so people can nominate

2. Stakeholder Workgroup
    a. Appointed group to provide general input from affected groups. Meeting structure more flexible than formal advisory committee.
    b. Could allow DEQ to collect info from stakeholder groups quicker and less formally
3. Technical workgroup or technical advisory committee
    a. Appointed group to provide input on detailed scientific or technical questions
    b. There is a current Air Toxics Science Advisory Committee (ATSAC). I don't know yet if that group or members of that group could be drafted for this rulemaking.
4. Policy forum
    a. Open public meeting without any appointed members, but for the purpose of getting feedback on specific questions posed by agency
        i. For example, if there are multiple permitting concepts being considered
    b. A format used by WA Ecology and DEQ WQ trading rulemaking
    c. Success depends a lot on who shows up to the meeting, which may not be known beforehand
    d. May want to write up DEQ white papers before the meeting, explaining the issues and the option or options DEQ is considering
        i. Lots of up-front work
    e. In addition to DEQ presenting data, could invite other parties to present that have science-based data relevant to options being discussed
5. Individual, informal outreach to stakeholder groups

With any of these public involvement mechanisms, it's important to set expectations.

- What are we expecting from participants?
- What are we going to do with their input?
- If an appointed group, are they giving advice as individuals, making a statement by majority vote, or making a statement by consensus?
    - In contentious issue where we need a result, better to frame as 'committee gives advice'.

Also important:

- Identifying skilled facilitators and committee chairs
- Having a vision for the outcome of the meeting or group, and keeping to it
- Coordinating rulemaking outreach with the Portland Airshed group's outreach (Cheryl Grabham)

More public involvement = more time before rule is finalized, so there's a tradeoff we need to manage.

Meyer and Sue, please feel free to correct me as needed.

Next step: I'll try to develop a few recommended options based on the menu above, and email that to you by the end of the day on Friday. I'll ask for Meyer's help to estimate the schedule implications, and get input from the others I've consulted so far too.

-Joe

*technically, having an advisory committee is not required unless 10 people request an advisory committee be convened to review the fiscal impact statement. But that's likely to happen unless a rule's impact is small and noncontroversial. So, in practice an advisory committee is pretty much required.

Joe Westersund
Dry Cleaner Program Coordinator
Oregon Department of Environmental Quality
811 SW 6th Avenue, Portland, OR 97204
(503) 229-6240 office
westersund.joe@deq.state.or.us
Usual Schedule: 8am - 5pm, M-F