From: WESTERSUND Joe
To: FELDON Leah
Cc: GOLDSTEIN Meyer; LANGSTON Sue; airquality2016p
Subject: airquality2016p- summary of advice on public involvement in rulemaking
Date: Wednesday, March 09, 2016 16:51:44

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. <u>Individual, informal outreach to stakeholder groups</u>

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.

<u>Next step</u>: 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