

Environmental Financial Advisory Board

Operating Manual

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Introduction

The U.S. Environmental Protection Agency (EPA)'s Environmental Financial Advisory Board (EFAB) provides advice and recommendations to EPA's Administrator and EPA Program offices on ways to lower the costs of and increase investments in environmental and public health protection. As a committee established under the Federal Advisory Committees Act (FACA), the EFAB must comply with the guidelines and expectations of a formal Federal Advisory Committee.¹ The plan of action and standard operating procedures (SOPs) in this document are consistent with the requirements of FACA and EPA policy, and are intended to improve the performance of the EFAB by clarifying operations and establishing SOPs in two areas:

1. Charge development and selection
2. Recommendation development, deliberation, adoption or revision, and transmittal

Types of Work and Ways to Engage the EFAB

The EFAB's mission is to provide advice and recommendations to the EPA Administrator and to EPA programs. The SOPs in this document assume at least two types of work and ways to engage the EFAB.

1. Written recommendations resulting from a deliberative process. The work to initially develop the written recommendations may occur in workgroups but must be reviewed and approved by the chartered EFAB to become formal recommendations. Written advice and recommendations may take the form of full reports or advisory letters.
2. Full engagement of the EFAB around discussion areas and topics, where the formal product from the EFAB is a written summary of the discussion. This form of engagement (referred to as a consultation) will occur during a convening of the chartered EFAB. The written summary of the conversation will be transmitted to the agency in the same manner as a traditional set of recommendations or report.

EFAB Member Time Commitment

The EFAB generally meets in person twice annually and the work and timing of workgroups are determined during the process of establishing a work charge. In addition to the time spent preparing for and attending these in-person meetings, members will often need to devote time to preparatory work in between meetings. Examples of preparatory work include supporting topic identification, charge development, and review of draft work products that will be discussed at EFAB meetings. In addition, members who volunteer for workgroups are expected to participate in meetings and development of recommendations at the workgroup level.

Effective Practices for EFAB Workgroup Operations

For every EFAB workgroup the DFO, with consultation from the EFAB chair, identifies an EFAB member as a workgroup chair. The chair of the workgroup assumes the responsibility for the operation and execution of work of the EFAB workgroup. The chair responsibilities include close coordination with the DFO.

¹ For more information about FACA, please visit <https://www.epa.gov/faca>.

To support effective use of workgroup time and to maximize participation when the workgroup is established, the DFO and the workgroup chair should strive to:

1. Identify a role for the EFAB workgroup members consistent with their interest and expertise.
2. Establish EFAB workgroup member time commitments and expectations necessary to meet the charge to the workgroup and use EFAB member availability in selecting workgroup participants.
3. Establish, during the formation of the workgroup, a description of the final workgroup product appropriately scoped to reflect the abilities, desire, and availability of EFAB workgroup members.
4. Establish a schedule and include, at a minimum, steps 1 and 2 from SOP#2 as milestones.
5. Keep workgroups to approximately 10 members or fewer.
6. Make materials available approximately 15 days prior to every meeting
7. Provide for teleconference, Web and/or video access to meetings to improve the quality of collaboration

Standard Operating Procedure #1: Charge Development and Acceptance

Step 1: Topic Identification and Draft EFAB Work Charge Development

Topics for EFAB consideration come from four sources: EPA Programs, EFAB Members, the public, or the Designated Federal Officer (DFO). Not all proposed topics will have a draft EFAB work charge established. Topics that are appropriate for the EFAB are those topics which fit the mission/purview of the EFAB, are actionable by EPA, and for which the EFAB has the capacity to address (expertise and resources). The purpose of this step is to present topics for EFAB consideration and to select and develop work charges for topics of sufficient promise.

EFAB members and EPA programs interested in presenting a new topic should inform the DFO at least two months prior to the meeting. Four weeks before the meeting, EPA programs or EFAB members presenting a topic for EFAB consideration will provide in writing, for DFO and Chair review and then for distribution to the EFAB two weeks before the meeting, the following:

- Problem statement.
- Explanation of how the topic fits with the mission of EFAB.
- Description of how EPA action can address the problem. If an EFAB member is proposing the topic, identification of the EPA program that would be the client.
- Preliminary identification of the nature of engagement with the EFAB and of the resources necessary to support the engagement.

Each EFAB meeting will have time set aside to present potential new charges. Charges that originate from EPA will generally be accepted, possibly with some negotiations. Charges that originate from the EFAB, including those suggested by public commenters, will be deliberated by the EFAB as follows. Following the presentation of topics, the EFAB Chair and/or the DFO will manage questions and discussions, and if appropriate, call for a motion to develop a draft EFAB work charge for a topic. If an EFAB member offers a motion to develop an EFAB work charge for a topic and is seconded by a different EFAB member, a simple majority of members in attendance is the threshold necessary to approve development of a draft EFAB work charge for a topic.

Once a topic is approved by the EFAB for work charge development, the EFAB Chairs, DFO, and EFAB staff will identify an EPA lead and an EFAB member to draft the work charge. EFAB staff will support the EPA lead and EFAB member in development of the draft EFAB work charge. To enable EFAB decision-making, the EFAB work charge must document:

- Detailed problem statement
- Description of anticipated product or outcome
- Mode of engagement for EFAB, anticipated level of effort of EFAB Members, required expertise, and structure of work
- EPA resource and support plan (Includes identification of EPA FTE commitment and support resources if appropriate (e.g., contractors))
- Roles and Responsibilities of EPA Program, EFAB Staff, EFAB Member, and contractors (RACI Matrix)
- High-Level Timeline

Summary of SOP #1

Step 1: Topic Identification and Draft EFAB Work Charge Development

- At every EFAB meeting, the EFAB will dedicate time to consider new topics.
- For each issue being proposed for the EFAB consideration:
 - Four weeks before the meeting a short description describing the issue and its appropriateness must provide in writing for DFO and Chair review and comment.
 - Two weeks before the meeting the write up must be distributed to the EFAB for review.
- Each proposed topic must be presented to the EFAB and a simple majority of the quorum is required to approve development of a draft EFAB work charge.
- Once a topic is approved by the EFAB, the EFAB Chair, DFO, and EFAB staff will identify an EPA lead and an EFAB member to draft the work charge.

Step 2: Draft EFAB Work Charge Vetting

- A draft EFAB work charge must be reviewed EFAB Chair and DFO to determine if is complete and ready for full EFAB consideration.
- Once ready for EFAB consideration, the draft charge will be distributed via email to the EFAB. The EFAB will be given 10 days to provide written comments.
- Following the receipt of the written comments, the EFAB Chair and DFO may request further iterations of the EFAB charge or request a conference call and/or webinar to enable EFAB to provide verbal feedback.

Step 3: Charge Selection

- The EPA program and EFAB member who drafted the charge will make a formal presentation to the EFAB describing the anticipated work.
- A simple majority is the threshold necessary to accept a work charge.

Step 2: Draft EFAB Work Charge Vetting

For new charges that originate from the EFAB, once the EPA Program lead and the EFAB member, with support from EFAB staff, have completed drafting the EFAB work charge, they will submit it to the EFAB Chair and DFO. The EFAB Chair and DFO will determine if the draft EFAB work charge is complete and ready for full EFAB consideration. Once ready for EFAB consideration, the draft charge will be distributed via email to the EFAB. The EFAB will be given 10 days to provide written comments. Following the receipt of the written comments, the EFAB Chair and DFO may request further iterations of the EFAB charge or request a public meeting and/or publicly accessible webinar to enable EFAB to provide verbal feedback.

Step 3: Charge Selection

Steps 1 and 2 of this SOP ensure that proposed work charges fit within the purview of the EFAB, as determined by the DFO. In this step, the EFAB will discuss the pros and cons of accepting the charge, suggest modifications if necessary, and decide whether to accept the work charge. This SOP does not specify selection criteria; however, there will be instances where work that fits within the purview of the EFAB may not be desirable to take on. During this step, the EFAB should discuss items such as problem solvability, likelihood of implementation of potential solutions, and applicability of potential solutions across program areas.

The EPA program requesting the advice or, in the case of an EFAB-initiated project, the EFAB member who drafted the charge will make a formal presentation to the EFAB describing the anticipated work. Following the presentation of the draft EFAB work charge, the EFAB Chair and/or the DFO will facilitate questions and discussion and, if appropriate, call a motion for the EFAB to accept the work charge. If an EFAB member offers a motion to accept an EFAB work charge and is seconded by a different EFAB member, a simple majority of members in attendance is the threshold necessary to accept a work charge.

Standard Operating Procedure #2: Recommendation Development, Deliberation, Adoption or Revision, and Transmittal

Once the EFAB takes on a work charge, the EFAB staff will coordinate with the EPA program lead to designate who will implement the work. EFAB staff, in coordination with the EFAB Chair and DFO, will identify an EFAB member lead and membership of the workgroup if one is being established. The EPA program lead, in coordination with EFAB staff and EFAB member lead, will develop a project plan for the work.

Step 1: Quarterly Engagement with EFAB on Progress

An important part of supporting eventual full EFAB deliberation and adoption is regular engagement during the development of the recommendations to avoid the need for significant revisions or surprises near the end of the recommendation development process. This step should occur in-between regularly schedule EFAB bi-annual meetings.

If a workgroup is working on a set of recommendations, that workgroup will provide quarterly updates to the EFAB. The quarterly updates are intended to be substantive (e.g., a review of the deliverable outline or draft

recommendation language) and should invite engagement of the broader EFAB. To support efficient use of EFAB member time and to promote interaction, workgroups are encouraged to provide the quarterly engagements via publicly-accessible webinar or conference calls. (If a quarterly update is provided as a written status report and there will be no EFAB discussion, then the update may be provided to the EFAB via email and posted to the EFAB website.)

Step 2: Pre-Adoption Formal Request for Feedback

Prior to completing its work, a workgroup developing recommendations will seek feedback on a draft workgroup product at least once prior to providing a final work product for review and approval by the EFAB; workgroup products would be made available to the public at the same time they are provided to the EFAB. The purpose of this step is to ensure full EFAB interaction with a workgroup's content area before asking the EFAB to formally concur on a set of recommendations. The timing for EFAB engagement should occur at the earliest time the workgroup has a stable set of initial recommendations (as determined by the EFAB lead). The pre-adoption formal request for feedback will supersede the step 1 quarterly engagement for the quarter the engagement takes place.

EFAB members will receive a written product that is made available to the public, on which they will provide formal written feedback. EFAB members will have approximately 14 days to provide comments. To support efficient use of

Summary of SOP#2

Step 1: Quarterly Non-formal Engagement with EFAB on Progress

- If a workgroup is working on a set of recommendations, that workgroup will provide quarterly updates to the EFAB. This step must occur in-between regularly schedule EFAB bi-annual meetings.

Step 2: Pre-Adoption Formal Request for Feedback

- EFAB members have 14 days to provide comments on formal draft recommendations. All EFAB members are expected (but not required) to participate in this step.

Step 3: EFAB Adoption of Recommendations

- To proceed with Step 3, the work must be complete and the full package (recommendations, appendices, and transmittal memo) must be available to the EFAB. The workgroup must distribute that material to the full EFAB and provide at least 7 days for written comment (editorial and substantive) and host a webinar presenting findings and allowing for dialogue prior to the official call for adoption.
- When an official call for adoption is initiated a simple majority of EFAB members concurring or concurring with comment is required to accept the recommendations for transmittal to EPA.

Step 4: Transmittal of Recommendation and Post-Response EPA Briefing

- The EFAB Chair will transmit the recommendations to EPA. At the discretion of the EFAB Chair and DFO, as part of the transmittal and or follow-up engagement, the EFAB can request an EPA briefing following the formal EPA response.

Step 5: Exit Interviews of Workgroup Lead and Survey Workgroup Participants

- To support continual improvement of the EFAB and its operations, EFAB staff will perform exit interviews of the EFAB lead(s) and survey the workgroup participants to document any lessons learned during the development of the recommendations.

EFAB time, workgroups should anticipate engaging EFAB members only on the substantive language of the recommendations. EFAB members are asked to provide comments to the DFO on the content and direction of the work, including “red flags” (those items that EFAB members feel must be addressed in subsequent iterations of the work to earn their unqualified support). The DFO will provide EFAB member comments to the workgroup. During this step, EFAB members are asked not to provide editorial suggestions unless those edits would result in substantive change.

All EFAB members are expected to participate in this step. EFAB staff will track responses of the EFAB members. If the EFAB Chair and DFO determine that EFAB engagement is not sufficient during this step, they may direct EFAB staff to directly solicit feedback from non-responsive members. If the EFAB Chair and DFO determine that the nature of the feedback will require a substantial and substantive redrafting of the recommendations, they may require up to two more pre-adoption formal requests for feedback. At the direction of the DFO, there may be public teleconference calls of the EFAB to discuss feedback on the workgroup product.

Step 3: EFAB Adoption of Recommendations

For the EFAB to transmit recommendations to the EPA it should have adoption of the recommendations of at least a simple majority of members in attendance, however all members are expected to participate in the process. To proceed with Step 3, the work must be complete and the full package (recommendations, appendices, and transmittal memo) must be available to the EFAB and the public. The DFO will distribute that material to the full EFAB and provide at least 14 days for written comment (editorial and substantive). The DFO will schedule a public meeting (e.g., via webinar) at which the draft findings will be presented and discussed to allow dialogue prior to the official call for adoption. The webinar will be recorded to enable all EFAB members to access the presentation. The comments on the webinar are non-binding. At any point following the webinar a workgroup may make an official call for adoption and may include a redline version of the final recommendations. At least 14 days prior to the adoption meeting, the DFO will provide the EFAB with the final workgroup draft and request EFAB member comments. The EFAB will discuss and deliberate on the approval or revisions of the draft report and will vote on disposition at a public meeting.

If the call for final adoption is done via email, members will only be asked to determine whether the language reflects the deliberations held during public discussion of the draft. If a member non-concurs, they may provide a minority view to be appended to the report. If a member concurs with comment, the DFO will determine with the chair if the comments can be accommodated consistent with the EFAB deliberations on the draft report.

Whether adoption occurs over email or in person, EFAB members must respond with one of the following responses:

- Concur
- Concur with comment
- Not concur

If a simple majority of the EFAB concur or concur with comment, the recommendations will be transmitted to EPA.

Step 4: Transmittal of Recommendation and Post-Response EPA Briefing

The EFAB Chair will transmit the recommendations to EPA on behalf of the EFAB. At the discretion of the EFAB Chair and DFO, as part of the transmittal and or follow-up engagement, the EFAB can request an EPA briefing following the formal EPA response. The purpose of post-response briefing is to both help the EFAB understand how EPA may act on its recommendations and to get feedback from EPA on how the EFAB can improve its work going forward.

Step 5: Exit Interviews of Workgroup Lead and Survey Workgroup Participants

To support continual improvement of the EFAB and its operations, EFAB staff will perform exit interviews of the EFAB lead(s) and survey the workgroup participants to document any lessons learned during the development of the recommendations. EFAB staff will document the findings and provide them to the EFAB Chair and DFO who, at their discretion, may share them with the entire EFAB.