Welcome to the EM SSAB

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Agenda

• Guiding Principles and Regulations for the EM SSAB
• DFO/DDFO Roles & Responsibilities
• Your Roles & Responsibilities
• Legal Considerations under FACA
• Best Practices: Work Plans and Subcommittees
• Questions
What is the EM SSAB?

- Chartered in 1994 under FACA to involve local citizens more directly in DOE EM cleanup decisions
- There is one charter for the EM SSAB – currently eight local boards organized under the EM SSAB umbrella charter
- These eight local boards are brought together biannually at the EM SSAB Chairs meetings, where the EM SSAB is able to speak in one voice
- Made up of representative members not necessarily experts
Federal Advisory Committee Act

• **Purpose of FACA**
  • Ensure that advice by advisory boards/committees is **objective** and **accessible** to the public
  • **Formalize** process for establishing, operating, overseeing and terminating advisory boards
  • Create the **Committee Management Secretariat**
  • Require that boards **advise and recommend**, not decide and implement

• **Benefits of FACA**
  • Transparency and participation improves **citizen trust** in government
  • FACA requirements lend **credibility** to the boards’ advice
Key Players

• GSA Committee Management Secretariat

• Department of Energy – Headquarters
  • Committee Management Officer (CMO)
  • Designated Federal Officer (DFO)

• Department of Energy – Field Sites
  • Deputy Designated Federal Officer (DDFO)
  • Alternate DDFOs, Federal Coordinators and Local Board Staff

• Board Members
  • Chair and Vice-Chair
  • Members

• Liaisons
  • State, Local, Tribal representatives
Basic Legal Requirements of FACA

- Require a **charter** outlining the committee's mission and specific duties
- Allow for **open access** to committee meetings and operations
  - Meetings must be **accessible** to the public and **announced** in the Federal Register
  - Committee **documents must be maintained** and made available for public inspection
- Maintain fairly **balanced** membership
- Provide an opportunity for **Public Comment**
- Violations?
Guiding Documents

- FACA
- DOE Committee Management Manual
- EM SSAB Charter
- EM SSAB Guidance
- Local Board Operating Procedures
The Importance of Community Involvement in Cleanup Decisions

- Allows the Department to consider local **stakeholder values** and concerns before making a decision
- If stakeholders are not **involved early in the process**, they may have reason to doubt, criticize or challenge cleanup decisions

- Recommendations improve policy and technical processes of complex cleanups by providing **independent input**
- Ensures **open and transparent** decision making
- Provides opportunities to educate and ensures **future informed engagement** and participation
DFO/DDFO Requirements under FACA

• Know how FACA, regulations, DOE Guidance, and all related agency policies apply to the Board and **ensure compliance**

• Approve **agendas** for each Board meeting

• **Call, attend, and adjourn** every Board meeting

• Maintain required committee **records** (e.g., costs, minutes, membership)

• Prepare **Federal Register** notices

• Prepare **annual report** to the CMO summarizing Board activities

• **Nominate members** for appointment

• Ensure all **ethical standards** are met by Board members

• Ensure that meetings are held at a reasonable time and place, **accessible to the public**
Member Responsibilities

- To **attend regular meetings** and learn about the site’s EM cleanup mission
- **Provide recommendations** at the request of site management and EM leadership
- To work **collaboratively and respectfully** with other Board members and liaisons
- To abide by the terms and conditions of the **EM SSAB Charter and guiding documents**
- Notify the DDFO of any potential **conflict of interest**
Potential Conflicts

• **Conflict of Interest**: EM SSAB members are **not** subject to the same federal ethics regulations as federal employees and Special Government Employees.

• **As a matter of policy**, however, DOE asks that you:
  • Refrain from any use of your membership, which is, or gives the appearance of being, motivated by the desire for private, professional, or financial gain;
  • Recuse yourself from decisions and discussions related to real or perceived conflicts of interest, act impartially, and avoid the appearance of impropriety; and
  • Seek immediate guidance, beginning with the DDFO, if you are offered anything of value such as a gift, gratuity, loan, or favor in connection with advisory committee service.
Best Practices: Work Plan Implementation

- **Work plan activities** are carried out by the full board and its subcommittees.

- The **purpose** of a Work plan is to identify where DOE needs your help and what issues you find important.

- Members and staff need to **regularly assess** activities and outcomes.

- Work plans are **modified as needed** throughout the year:
  - Evaluate new business in light of the original work plan, and ask questions before leaping into new activities.
  - DDFO review and approval of modifications is required.
  - Keep the work manageable.
  - Modifications can be proposed by members **and** DOE.
Best Practices: Use of Subcommittees

Definition of a Subcommittee:
Any subgroup that advises an established committee

Subcommittees must:

- Act under the **policies** that have been established by their **parent committee**
- Have their advice and recommendations **reviewed and approved by the parent committee** prior to submission to DOE officials
- Obtain **DDFO approval** before they are established
- Purpose should **align with board mission** and directly support work plan activities
Use of Subcommittees (continued)

- Fact finding and recommendation development
  - Reminder: must characterize work of subcommittee during **full board meeting**
  - Cannot vote on recommendations or transmit them directly to the agency

- Best Practice: Treat subcommittee meetings like **full board meetings**
  - Open meetings to the public
  - Publish notice on local board website
  - Include a public comment period
Questions?

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