

Charter

MTCA Science Advisory Board Washington State Department of Ecology

Establishment: The Model Toxics Control Act of 1988 required the Department to establish a scientific advisory board to be named "Science Advisory Board."

Purpose: The Science Advisory Board exists to provide objective scientific information and advice to the Director and other officials of the Washington Department of Ecology on the areas discussed below. It should provide balanced, expert assessment of scientific matters related to problems and responsibilities facing the agency with respect to management and cleanup of hazardous substances.

The Board is to render advice to the department with respect to the hazard ranking system cleanup standards, remedial actions, deadlines for remedial actions, monitoring, the definition of hazardous substances, the classification of taxable hazardous substances and to provide other advice to the department at the request of the Director or designee.

Membership: The board shall consist of five independent members to serve staggered three-year terms. No members may be employees of the department. Each board member shall be technically knowledgeable and competent in at least one of the scientific or technical disciplines appropriate to understanding hazardous substances, their behavior, movement and fate in the environment, their risk to human, animal and environmental health, and methods for mitigating such risks.

Terms: The Director shall appoint Board members for three-year terms. Charter Board members shall be appointed for two or three years to achieve staggered terms. There shall be no limit on the number of terms to which a member may be re-appointed.

Chair: The Director shall designate a Chair from among the appointed Board members for a term of one year, with no limit on the number of terms for which a member may be re-designated Chair.

Vacancy: In the event of a vacancy on the Board, the Director may appoint a replacement to complete any remaining portion of a term.

Removal for Cause: Whenever a member is absent from three consecutive meetings or other official functions of the Board, the Chair shall notify the Director, or designee. Should the Director determine that the member is unable to satisfy responsibilities of the appointment the member shall be replaced.

If a member acts in violation of the intent or the provisions of the Board Charter, or abuses the privileges of Board membership, the Director may replace that member.

Reaching Decisions: The Board shall formulate and render advice to the Department as a body whenever possible. Decisions regarding advice to the Department will be made through general consensus rather than by formal vote. If a member holds a view substantially different from the consensus of the rest of the Board, that member may file a dissent in writing.

Conflict of Interest: At the time of appointment each appointee to the Board shall identify to the Director potential sources of conflict of interest or bias, such as economic interest in the regulatory outcome of matters within the purview of the Board or affiliation with an interested party. Furthermore, potential sources of conflict of interest or bias shall be identified to fellow Board members by each member at the time of taking a seat on the Board and during annual meetings of the Board.

A member shall refrain from participating in a Board matter if that member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

Board members shall not present themselves as representing the Department of Ecology or the Science Advisory Board without prior written approval of the Director or designee.

Meetings: The Board shall meet at the call of the Director or a designee on a minimum of two weeks notice. Whenever possible, the Board will establish a meeting schedule at its first meeting each year. Meetings will generally be held at the Department of Ecology headquarters, although the Director or a designee may approve alternative locations.

Open Public Meetings Act: The Science Advisory Board is a "public agency" as defined in the Open Public Meetings Act (42.30.020 RCW), but it is not a "governing body" nor does it take any "action" as those terms are defined by that Act. Accordingly, the Board is not subject to the provisions of the Open Public Meetings Act governing schedule and holding of "regular" meetings and giving advance public notice of them. Nevertheless, it is the expectation and intent of the Department that meetings of the Board shall be conducted openly and that the public not be excluded.

Minutes: The Board shall maintain minutes of all meetings. Such minutes shall not be detailed, verbatim records, but shall capture the essence of deliberations held. Minutes will include recommendations by the Board and the response to those recommendations by the Department. Copies will be provided to members by staff within one month following each meeting.

Agendas: Agendas and supporting information for all meetings will be set by the Director or a designee in consultation with the Chair and mailed to members prior to any scheduled meeting. Members can recommend agenda items and request agenda time of the Chair.

Workgroups: The Department may decide to establish Board workgroups to review subjects so long as the full Board considers, and is the ultimate advising body to the

Department on, all subjects within its purview. The Department, in consultation with the Board, may draw on additional scientific and technical authorities in constituting workgroups, but a Board member must chair any workgroup.

Staff Support: The Toxics Cleanup Program Manager will provide staff to assist the Board to perform its assigned activities.

Budget: A budget will be developed by the Toxics Cleanup Program Manager.

Compensation: Service on the Science Advisory Board shall not be compensated, but members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Amendments: Amendments to this Charter may be proposed by the Board. The Director may amend the Charter at any time, consistent with provisions of the Model Toxics Control Act and other authorities of State law.

Tom Fitzsimmons
Director