

Terms of Reference

California Department of Toxic Substances Control's Green Ribbon Science Panel

I. Name:

The name of this body shall be the California Green Ribbon Science Panel (hereinafter the GRSP).

II. Authority:

The GRSP is authorized and organized pursuant to section 25254 of the Health and Safety Code [Added by Stats. 2008, c. 559 (AB 1879)].

III. Purpose:

The GRSP is established to provide the following advice and recommendations to the DTSC and the Council:

- (a) Advise DTSC and the California Environmental Leadership Council on scientific and technical matters in support of the statutory goals of significantly reducing adverse health and environmental impacts of chemicals used in commerce, as well as the overall costs of those impacts to the state's society, by encouraging the redesign of consumer products, manufacturing processes, and approaches.
- (b) Assist DTSC in developing green chemistry and chemicals policy recommendations and implementation strategies and details, and ensure these recommendations are based on a strong scientific foundation.
- (c) Advise DTSC and make recommendations for chemicals the Panel views as priorities for which hazard traits and toxicological end-point data should be collected.
- (d) Advise DTSC in the adoption of regulations required by article 14 (commencing with section 25251) of chapter 6.5 of division 20 of the Health and Safety Code.
- (e) Advise DTSC on any other pertinent matter in implementing the statute, as determined by DTSC.

IV. Membership:

a. Membership

The Panel shall be composed members whose expertise shall encompass all of the following areas:

- (1) Chemistry.
- (2) Chemical engineering.
- (3) Environmental law.
- (4) Toxicology.
- (5) Public policy.
- (6) Pollution prevention.
- (7) Cleaner production methods.
- (8) Environmental health.
- (9) Public health.
- (10) Risk analysis.
- (11) Materials science.
- (12) Nanotechnology.
- (13) Chemical synthesis.
- (14) Research.
- (15) Maternal and child health

Members with other specific expertise may be added by the Chief Scientist.

b. Appointment

Members of the GRSP shall be appointed by the Director of the California Department Toxic Substances Control (DTSC).

The initial GRSP members shall be appointed to serve a three year term. Any member may be appointed to serve additional terms without limit. The duration of any additional term may be less than three years.

c. Termination of Membership

Any member of the GRSP may resign at any time by notifying the Director of DTSC in writing.

The Director may terminate the membership of any member of the GRSP, or any GRSP subgroup member.

d. Representation

Appointed members of the Green Ribbon Science Panel are not representational. GRSP members are appointed for their expertise and perspective and shall not offer advice based on their affiliations or employment interests.

A GRSP member who changes his or her organizational or professional affiliation must notify the Chief Scientist immediately.

GRSP members may not appoint a delegate or substitute to represent him/her at any GRSP-related meeting.

e. Financial Interest Reports

GRSP members must report financial interests as required by DTSC. Conflicting financial interests may limit a member's participation in GRSP activities, as determined by the Chief Scientist on a case-by-case basis.

f. Expense Reimbursement

If requested, reasonable and necessary travel and lodging expenses incurred in the performance of the member's duties may be reimbursed by DTSC in accordance with the rates permitted by the California Department of Personnel Administration.

V. Officials

a. Officers

Officers of the GRSP shall be Co-Chairs with equal status.

i. Selection

Officers shall be designated by the Chief Scientist.

ii. Duties and Responsibilities

The Co-Chairs shall assist the Chief Scientist and DTSC support staff in planning and coordinating the work of the GRSP and any subgroups formed by the GRSP with the approval of the Chief Scientist. This assistance shall include, but is not limited to, the following administrative and procedural activities:

- (1) assist the Chief Scientist in developing meeting agendas;
- (2) open, chair and close GRSP meetings
- (3) provide an initial review of minutes developed by the Chief Scientist;
- (4) act as a liaison between DTSC support staff and GRSP members; and
- (5) work with the Chief Scientist to resolve any problems on the GRSP.

b. Role of the DTSC's Chief Scientist

The Chief Scientist shall serve as the representative for the DTSC for matters related to the activities of the GRSP.

The Chief Scientist shall, among other things, schedule meetings of the GRSP, develop agendas and adjourn meetings when such adjournment is in the public interest.

c. DTSC Support Staff

DTSC staff support shall including the following:

- (1) notify GRSP Members of the time and place for each meeting;
- (2) provide notice to the public of GRSP meetings, or subgroup meetings, if required, via the DTSC website and other communication methods;
- (3) assist the Chief Scientist and the Co-Chairs in the planning of meetings and development of agendas;
- (4) serve as a liaison from GRSP subgroups to the Chief Scientist and Co-Chairs through participation in conference calls and face-to-face meetings;
- (5) prepare the minutes of all meetings of the GRSP, and subgroup meetings, if required;
- (6) attend to official correspondence;
- (7) maintain official GRSP records, including subgroup records;
- (8) provide the GRSP with materials and resources necessary to complete its responsibilities; and
- (9) assist in the development and handling of the final recommendations of any subgroup to the GRSP or of the GRSP to DTSC.

VI. Meetings

a. Meeting Schedule

The GRSP shall meet at least twice annually. Additional meetings may be scheduled as determined to be necessary by the Chief Scientist.

b. Open Meetings

To facilitate meaningful public participation in the development of green chemistry scientific and policy advice, all meetings of the GRSP shall be open to the public and are subject to the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code).

All GRSP meetings that are open to the public shall meet the applicable requirements of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132).

c. Teleconferencing

Members of the Committee may participate in a GRSP meeting by means of conference call or similar communications method provided all Committee Members and any interested members of the public can adequately hear them.

In order to participate by teleconference, GRSP members must:

1. identify a public location that is accessible to the public, including the disabled, from which he/she intends to participate, and
2. provide location and contact information to DTSC staff so that the location can be publicly noticed.

d. Quorum

The presence of at least fifty-one percent of GRSP members, excluding vacancies, shall constitute a quorum for the transaction of business. In determining whether a quorum is present, members-to-be that have been appointed but have not yet started to serve shall be counted.

e. Notice

The California Department of Toxic Substances Control shall provide public notice of all GRSP meetings at least 10 days prior to all meetings. Meeting agenda and materials shall be posted on DTSC's website at: <http://www.dtsc.ca.gov/PollutionPrevention/GreenChemistryInitiative/GreenRibbon.cfm>

Agendas and meeting materials will also be noticed via DTSC's Green Chemistry Listserv.

f. Agenda

The Chief Scientist shall determine and prepare the agenda for all GRSP meetings. The Chief Scientist may review the draft agenda with the Co-Chairs for their advice and recommendations.

The agenda notice shall state the time and the place of the meeting and give the name, phone number and address of a contact person who can answer questions about the meeting and the agenda. The agenda shall contain a brief description of each item to be discussed at the meeting.

Suggestions for agenda items may be submitted to the Chief Scientist at least three (3) weeks prior to the meeting date.

g. Meeting Transcribed

All meetings of the GRSP shall be transcribed. Meeting transcriptions shall be posted to the DTSC Green Chemistry website within two weeks after a meeting.

h. Serial Meetings

Typically, a serial meeting is a series of communications, each of which involves less than a quorum of an advisory panel, but which taken as a whole involves a majority of the panel. Serial meeting issues most commonly arise in connection with telephone calls or e-mail communications. For example, a chain of communications involving contact from member A to member B who then communicates with member C would constitute a serial meeting in the case of a five-person panel. Similarly, when a person acts as the hub of a wheel (member A) and communicates individually with the various spokes (members B and C), a serial meeting has occurred. In the case of the GRSP, a serial meeting would occur if the total number of members contacted is fourteen or more.

The Bagley Keene Act expressly prohibits the use of serial meetings *if the purpose of the contacts is to develop a collective concurrence as to action to be taken on an item* by members of the state body outside of an open meeting. Communications that advance or clarify a member's understanding of an issue or facilitate an agreement or compromise among members, or advance the ultimate resolution of an issue, are all examples of communications that contribute to the development of a concurrence as to action to be taken by the GRSP.

As reflected in section III above, DTSC may seek GRSP advice on a broad range of subjects related to green chemistry and chemicals policy. *With respect to specific items within this subject matter universe that have been placed on an agenda or that are likely to be placed upon an agenda*, the GRSP members should avoid serial communications of a substantive nature that could potentially involve a quorum of the GRSP. For example, if DTSC-proposed regulations are an agenda item, members should avoid serial contacts to discuss the regulations prior to the open meeting. Similarly, if DTSC staff informs GRSP members that DTSC intends to approach the GRSP at a later date to seek assistance in developing an implementation strategy for a specific green chemistry policy, such as DTSC's creation of an online product ingredients network, members should not have serial contacts to discuss the issue prior to the open meeting called to discuss it.

The Handy Guide to the Bagley-Keene Open Meeting Act distributed to GRSP members provides additional guidance on serial meetings in the context of conferences and retreats, social gatherings, and contacts by the public.

Any questions about the likelihood of an issue being placed on an agenda or other questions about serial meeting issues should be referred to DTSC support staff.

VII. Subgroups

a. Authority

The GRSP may establish subgroups as necessary and consistent with its mission.

The establishment, scope and membership of all subgroups shall be subject to the approval of the Chief Scientist.

In general, subgroups shall be purely advisory in nature. Subgroups consisting of three or more members shall operate under the provisions of the Bagley-Keene Open Meetings Act.

b. Membership

Membership to any subcommittee under the auspices of the GRSP shall be voluntary, and the term of a subcommittee member shall be set in accordance with the needs of the GRSP.

c. Subgroup Chair

Each designated subgroup shall have a chair appointed in consultation with the Co-Chairs and subject to the approval of the Chief Scientist. Each subgroup chair shall serve a term as appropriate to the work of the

subgroup, and shall be responsible for reporting all discussions back to the GRSP at a subsequent GRSP meeting.

Subgroups shall not work independently of the GRSP, and shall report their advice to the GRSP at a subsequent GRSP meeting for full deliberation and discussion. Subgroups have no authority to make decisions on behalf of the GRSP, nor can they report directly to DTSC.

d. Meetings

Subgroups shall meet as needed.

Subject to the Chief Scientist's approval, subgroups may hold audio or audio and visual meetings, as appropriate. Subgroups subject to the Bagley-Keene Open Meeting Act may only meet by such means if each site from which a member of the GRSP participates is accessible to the public and the other requirements of the Bagley-Keene Open Meeting Act for such teleconferencing meetings are met. Subgroup members who wish to participate by teleconference must notify DTSC support staff at least three weeks prior to the scheduled meeting.

e. Subgroup Reports and Recommendations

Subgroups shall report back to the full GRSP at a subsequent GRSP meeting. In-person or teleconference reporting directly to the GRSP outside of an open GRSP meeting is strictly prohibited. Filing a report electronically is permissible, provided that it is sent only to DTSC support staff, who will provide it to the full GRSP and make it available to the public. Member discussion of the report outside of an open meeting is strictly prohibited.

f. Subgroup Staff Support

The Chief Scientist or his/her staff designee shall be present at GRSP subgroup meetings.

VIII. Reports and Advice

a. Availability of Agendas and other Writings

Agendas and other writings, when distributed to all, or a majority of all, of the members of the GRSP are disclosable public records under the California Public Records Act and shall be made available without delay unless exempt from disclosure as specified in Government Code section 11125.1, subdivision (a). Such disclosable public records that are distributed prior to or during a meeting, pertaining to any item to be considered during a meeting, shall be made available for public inspection at the meeting if prepared by the GRSP or a member of the GRSP, or after the meeting if prepared by some other person.

b. Committee Reports or Documents

Any report or document produced by the Green Ribbon Science Panel shall include the following statement: 'This report and/or recommendation was written as part of the activities of the California Department of Toxic Substances Control's Green Ribbon Science Panel (GRSP), a public advisory committee providing expert advice to the California Department of Toxic Substances Control in the development of (purpose here) This report and/or recommendation has not been reviewed for approval by DTSC and, hence, the contents do not necessarily represent the views and policies of DTSC, nor of any branch of state government, nor does mention of trade names or commercial products constitute a recommendation for use.'

IX. Media Inquiries

Any GRSP member that is contacted by any individual from the media shall specify that his/her comments are their own opinions and do not represent either the Department of Toxic Substances Control or the Green Ribbon Science Panel.

X. Amendment of Terms of Reference

The Terms of Reference may be amended only by the Chief Scientist. Suggested amendments may be proposed to the Chief Scientist by any member of the GRSP.

Note:

The terms 'GRSP' or "Green Ribbon Science Panel" throughout these Terms of Reference document refer strictly to the activities and functions of the full DTSC Green Ribbon Science Panel and not to any subgroup formed by the full Green Ribbon Science Panel.