

Washington Department of Ecology
Legacy Pesticides Working Group
OPERATING PRINCIPLES

I. PURPOSE AND ROLES

The Department of Ecology (ECY) has convened the Legacy Pesticides Working Group (LPWG) to advise ECY on identifying potential approaches to address contamination of previous orchard lands.

Primary objectives for ECY with the LPWG include:

- Create a process for all properties to be evaluated (i.e., sampled).
- Notify buyers and/or current homeowners about the specifics of contamination on their property. (Was it an old orchard? Was it sampled? What were the results? Was it cleaned up?)
- Identify cleanup measures that meet ECY’s cleanup regulations.
- Create a broad-based education strategy for the public about the manageable risk from lead and arsenic.

A. Duties and Responsibilities

LPWG members agree to fulfill their responsibilities through attending and participating in meetings, studying available information, and providing input to ECY. Members agree to participate in good faith and to act in the best interests of the group and its charge.

Members are expected to consider a range of issues and options to address those issues, discuss the pros and cons of the issues/options presented and seek to develop recommendations reflecting the “sense of the group.” Members acknowledge that the group is an advisory body to ECY, that its role is to provide advice and frame policy choices, and that ultimately, authority rests with ECY.

Member responsibilities include:

- Review background materials to understand the issues to be addressed.
- Work collaboratively with one another to explore issues and develop recommendations.

B. Membership and Terms

As a working group, membership and terms are solely at ECY’s discretion. Membership is intended to represent a diversity of expertise, skill sets, and viewpoints.

The LPWG will convene beginning in February 2020 and is expected to meet at least three times in person or online between February 2020 and December 2020. Unless so requested by ECY and agreed to by the LPWG, the LPWG’s responsibilities will conclude at that time.

The schedule of LPWG meetings is:

- Meeting #1: February 6, 2020
Purpose: Introduction and outline of process, overview of current situation and process, and provide related topic information and answer questions from the Working Group
- Meeting #2: Postponed from March 17. Group moved to virtual format.
- Subsequent meetings will be online until such time as we can meet in person and the schedule of meetings may extend into December 2020.

C. ECY's Role

ECY will provide technical support, substantive expertise, logistical assistance, administrative assistance, and advice to the LPWG. ECY will ensure that proposals from the LPWG meet the minimum standards of the ECY's cleanup law, the Model Toxics Control Act (MTCA).

D. Facilitator Role

ECY has contracted with Triangle Associates, an independent neutral third party, whose role is to facilitate the meetings, help the working group develop recommendations, and produce meeting summaries. As a neutral collaborative process provider, the Facilitator will not act as an advocate for any issue, any interest group, or any member. While the Facilitator may make recommendations regarding the process, the Facilitator will not make any substantive decisions about the recommendations.

The Facilitator will both facilitate meetings and provide support to ECY regarding coordination between meetings. The Facilitator will serve as liaison among members and between the group and ECY as needed. Information disclosed in confidence will be kept confidential by the Facilitator. To the extent issues arise with the process, group members are encouraged to approach the Facilitator.

In addition, it is the responsibility of the Facilitator to:

- Ensure a welcoming meeting environment where all members can participate.
- Ensure a safe environment for minority opinions.
- Conduct meetings in a manner to foster collaborative decision-making and consensus building.
- Prepare draft agendas with ECY and meeting summaries that outline the issues discussed, the areas in which there is agreement, and any remaining issues on which agreement has not been reached.

Members will not interfere with the Facilitator's conduct of meetings. Concerns regarding how meetings are being facilitated may be brought to the attention of the Facilitator and/or ECY at times that they do not disrupt meeting activities (e.g., during breaks in meetings or between meetings).

II. OPERATING PROCEDURES

A. Protocols

All members agree to act in good faith in all aspects of the LPWG process. This includes being honest and refraining from undertaking any actions that will undermine or threaten this process. It also includes behavior outside of meetings.

Expectations include:

1. Members should try to attend all meetings. If a meeting is missed, the member is encouraged to contact the Facilitator for a briefing. Members who do not attend a meeting may not seek to revisit issues from the missed meeting that were noted on the agenda and on which discussion was completed at the missed meeting.
2. Members agree to be respectful of other representatives, staff, and audience members. They will listen to each other to seek to understand the other's perspective, even if they disagree.
3. Members agree to make every effort to bring all aspects of their concerns about these issues into this process to be addressed.
4. Members agree to refrain from personal attacks, intentionally undermining the process, and publicly criticizing or mis-stating the positions taken by any other participants during the process.
5. Any written communications—including e-mails, blogs, and other social networking media—will be mindful of these procedural ground rules and will maintain a respectful tone even if highlighting different perspectives.
6. *Members are advised that e-mail, blogs, and other social networking media may be considered public documents.*
7. E-mails meant for the entire group will be distributed via ECY or the Facilitator.
8. Requests for information made outside of meetings will be directed to the Facilitator or ECY. Responses to such requests will be limited to items that can be provided within a reasonable amount of time.
9. While not precluded from communicating with the media, members agree to generally defer to ECY for all media communications related to the group's process and its recommendations.
10. Members agree to raise all of their concerns, especially those being raised for the first time, at group meetings and not in or through the media.

B. Operating Procedures

A consensus decision-making model, within the boundaries of MTCA and allowable law, will be used to facilitate decision-making and to ensure that the group receives the collective benefit of the individual views, experience, background, training, and expertise of its members. Consensus is a participatory process whereby, on matters of substance, the representatives strive for agreements that they can accept, support, live with, or agree not to oppose.

Expectations for the decision-making process include:

- Members agree that consensus has a high value and that the group should strive to achieve it. As such, decisions recommendations will be made by consensus of all present members.
- The commitment to work for consensus means that members will participate in the give and take of the process in a way that seeks to understand the interests of all and will work together to find solutions workable for all.
- When consensus cannot be reached, the Facilitator may invite minority opinions for documentation. Those with minority opinions are responsible for proposing alternative solutions or approaches to resolve differences.
- Meetings will be conducted in a manner deemed appropriate to foster collaborative decision-making and consensus building.
- Members will honor decisions made and avoid re-opening issues once resolved.
- Any Working Group recommendations that result from the process will be forwarded to ECY for legal review, policy implications, and final decision.

C. Public Status Meetings and Records

Meetings are not open to the public; however, a website with all the meeting materials will be publicly available. LPWG records—including formal documents, discussion drafts, meeting summaries, and exhibits—are public records. Communications of the LPWG are not confidential because the meetings and records of the LPWG are open to the public. “Communications” refers to all statements and votes made during meetings, memoranda, work projects, records, documents, or materials developed to fulfill the charge, including email correspondence in the custody of ECY.