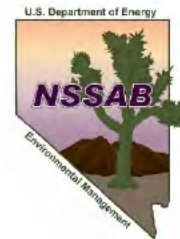


# Introduction to the EM SSAB

*September 2019 – SRS CAB*

*David Borak, Designated Federal Officer, EM SSAB*



- The Formation of the EM SSAB
- FACA and the Guiding Principles for the EM SSAB
- Legal Considerations and FACA Violations
- DOE/Member Responsibilities
- Conflicts of Interest
- Questions ... and a quiz





## 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 routinely 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
- Focus on **stakeholder values**
- DOE receives **independent input** and focus on **transparency to build trust**



## 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 **citizens' trust** in government
- FACA requirements lend **credibility** to the boards' advice



# FACA by the Numbers

- ~1,000 federal advisory committees in existence at any time.
- ~65,000 committee and subcommittee members at any time.
- ~60 executive departments and agencies that sponsor committees each year.
- ~1,000 reports issued each year.
- ~7,000 meetings held each year.





- **GSA Committee Management Secretariat**
- **Department of Energy – Headquarters**
  - Committee Management Officer (CMO)
  - Designated Federal Officer (DFO)
- **Department of Energy – Field Sites**
  - Deputy Designated Federal Officers (DDFO)
  - Federal Coordinators, and Local Board Staff
- **Board Members**
  - Chair and Vice-Chair
  - Members
- **Liaisons**
  - State and Local representatives



- Requires 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 a “**fairly balanced**” membership
- Provide an opportunity for **Public Comment**
- Violations?





# Consequences of a FACA Violation

## Good News

- No criminal penalties
- No civil or monetary penalties

## Bad News

- Litigation
- Time-consuming
- Meetings could be prohibited
- Use of group's advice and/or supporting documents could be prohibited
- Undermines the credibility of our program
- Erodes trust



**Industrial Wind Action Group**

facts, analysis, exposure of wind energy's real impacts

**PRESS RELEASE: FOR IMMEDIATE RELEASE**

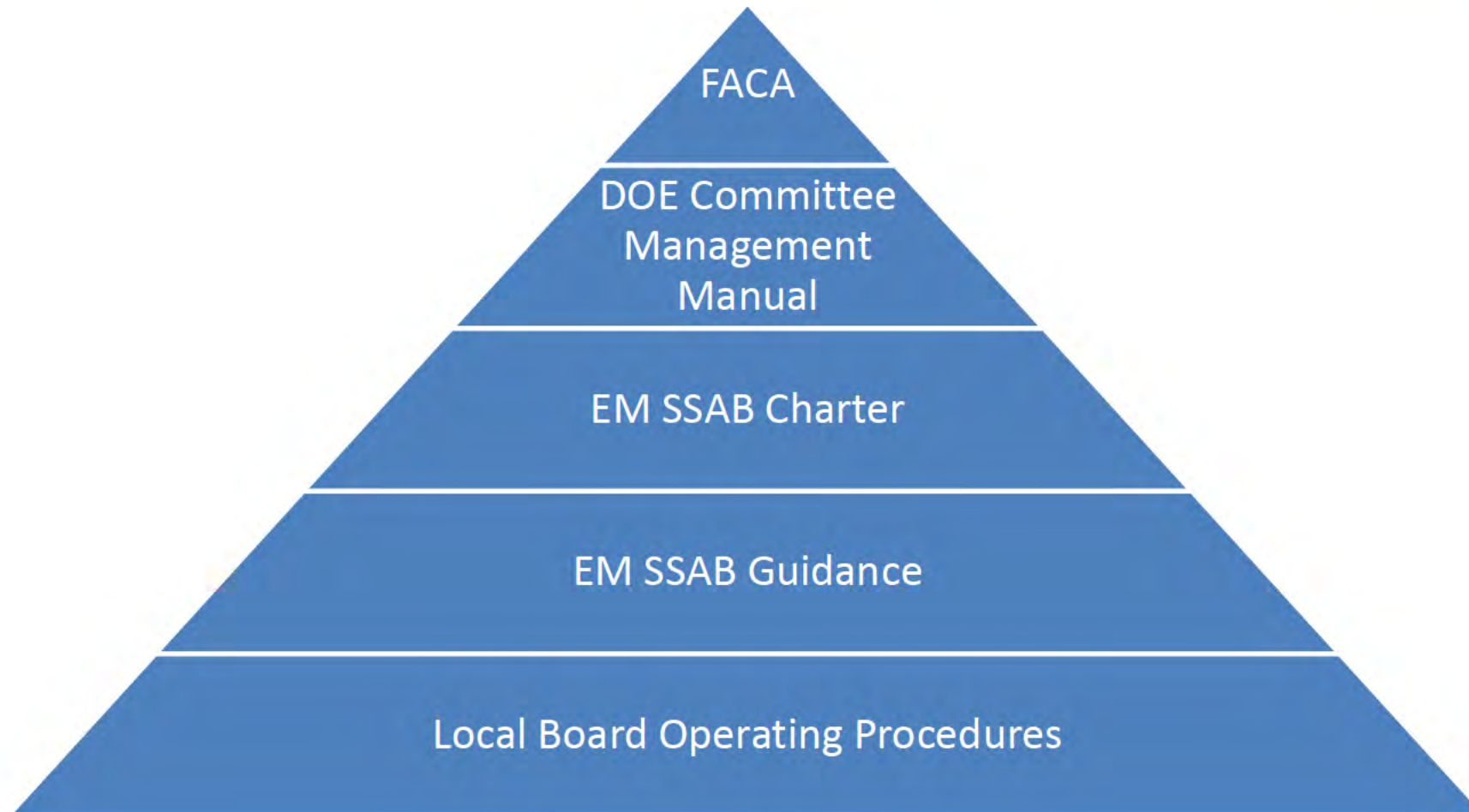
**CONTACT:** Kieran Suckling, Center for Biological Diversity, (520) 275-5960  
Eric Glitzenstein, Meyer Glitzenstein & Crystal, (202) 588-5206  
Lisa Linowes, Industrial Wind Action Group, (603) 838-6588

**ENVIRONMENTAL AND WILDLIFE GROUPS CHARGE  
INDUSTRY BIAS IN KEMPTHORNE'S SELECTION OF MEMBERS FOR  
HIGH-LEVEL COMMITTEE ON WIND POWER AND WILDLIFE**

**Membership of Wind Turbine Guidelines Advisory Committee violates FACA**

WASHINGTON D.C. (January 17, 2008) – [In a letter submitted today](#), environmental and wildlife groups<sup>1</sup> called on Secretary of the Interior Dirk Kempthorne to revamp the membership of the Wind Turbine Guidelines Advisory Committee of the U.S. Fish & Wildlife Service. The current membership violates the Federal Advisory Committee Act (FACA), which governs the establishment of federal advisory committees.





At the request of the Assistant Secretary or the Field Managers, the Board may provide advice and recommendations concerning the following EM site-specific issues:

- **Clean-up Standards and Environmental Restoration**
- **Waste Management and Disposition**
- **Stabilization and Disposition of Non-Stockpile Nuclear Materials**
- **Future Land Use and Long-Term Stewardship**
- **Risk Assessment and Management**
- **Clean-up Science and Technology Activities**
- **Other EM projects or issues**, at the direction of the Assistant Secretary, Site Manager(s), and/or other designated DOE official(s)



## DOE Responsibilities under FACA

- **Ensure compliance** with FACA, regulations, DOE Guidance, and all related agency policies
- 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

- **Attend regular meetings** and learn about the site's EM cleanup mission
- **Provide recommendations** at the request of EM management
- Work **collaboratively and respectfully** with other Board members
- Avoid techniques such as “**bargaining**” and **acquiescence** simply to avoid conflict and reach agreement
- **Avoid responding directly to public comments**
- Don't use your **title or represent** the board outside of a meeting
- Report if an **outside entity** is attempting to influence your decisions
- Focus on the Board's mission – collaboratively establishing a **work plan**
- Notify the DDFO of any potential or perceived **conflict of interest**



EM SSAB members are **not** subject to the same federal ethics regulations as federal employees and Special Government Employees (SGEs).

- **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 board service.

# What Makes an Advisory Board Successful?

**“The success [of an advisory committee] is linked to a precise, unambiguous knowledge of objectives and purpose of the particular committee (i.e., knowing exactly what needs to be accomplished and how to accomplish it)...and is judged in terms of contributions toward decision making.”**

- **Advisory Committee Engagement Survey (ACES)  
Best Practices Report  
GSA/Gallup 2005**



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