
Appendix G- Facilitators Report

Lead Chemical Action Plan Advisory Committee

Final Facilitator's Report

By Cascadia Consulting Group

For the Washington State Departments of Ecology and Health

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Introduction

This report summarizes the purpose, deliberations, and outcomes associated with the advisory committee process employed by the Washington Department of Ecology (Ecology) and the Department of Health (Health) to develop the Lead Chemical Action Plan (Lead CAP). The purpose of this report is to provide Ecology with 1) a concise overview of the committee's deliberations; 2) documentation of the process and the engagement of stakeholders to demonstrate the credibility of the proceedings; and 3) a qualitative review of how the process worked to guide future CAP development processes.

Ecology first convened the Lead Chemical Action Plan Advisory Committee in June of 2007, inviting eighteen stakeholders representing a wide range of interests to participate in the process. The intent of engaging these diverse stakeholders was to ensure that the predominant interests and points of view related to managing lead were represented in the process while keeping the stakeholder group to a manageable size. However, since lead is used in a multitude of products and is widespread in the environment, it was not possible to invite representatives of all interests and points of view.

The committee conducted its first meeting on July 18th and met for a total of six times, with the final meeting held on May 1st 2008. The diverse membership included business and environmental interests, as well as representatives from local government, public health agencies, occupational health, and academia. Specifically, members of the Advisory Committee were:

- **Thomas Allen**, All Batteries Sales & Service
- **Phil Amundson**, Multicare
- **Karen Bowman**, Washington State Nurses Association
- **Frank DiBiase**, Tacoma-Pierce County Health Department
- **Dr. Steve Gilbert**, Institute of Neurotoxicology and Neurological Disorders
- **Craig Lorch**, Total Reclaim, Inc.
- **Cathy McCaffrey**, Philips Medical Systems
- **Grant Nelson**, Association of Washington Business
- **Rob Reed**, IRS Environmental of Washington
- **Paul Ronald**, Puget Sound Anglers
- **Ivy Sager-Rosenthal**, Washington Toxics Coalition
- **Lisa Sepanski**, NW Product Stewardship Council
- **Laura Skaer**, Northwest Mining Association
- **Heather Trim**, People for Puget Sound
- **John Woodring**, Pacific Northwest Paint Council; **Mark Gjurasic**, Northwest Paint Council, the Washington Apartment Association, and the Institute for Real Estate Management
- **Amy Bates**, Solutions for Humanity, Community, and the Environment
- **Gary Smith**, Independent Business Association
- **Scott Windsor**, City of Spokane

Attendance at each meeting was quite high, with only a few absences due to scheduling conflicts. However, Scott Windsor, representing the City of Spokane and cities in Eastern Washington was generally unable to participate on a regular basis.

The Lead CAP Advisory Committee meetings were also attended by representatives from state and federal agencies that deal with either products or health and environmental issues related to lead. Representatives and associated agencies included:¹

- **Cheryl Christian**, Department of Labor & Industries
- **Steve Whittaker**, Department of Labor & Industries
- **John Furman**, Department of Labor & Industries
- **Cindy LaRose**, Department of Community, Trade and Economic Development
- **Cynthia Sanderson**, Department of Community, Trade and Economic Development
- **Meredith Angeli**, Department of Community, Trade and Economic Development
- **Pat McLachlan**, Department of Community, Trade and Economic Development
- **Steve Payne**, Department of Community, Trade and Economic Development
- **Frances Limtiaco**, Department of Early Learning
- **Barb Myers**, Department of Early Learning
- **Mark Kastenbaum**, Department of Early Learning
- **David Moore**, Department of Transportation
- **Carl Samuelson**, Department of Fish and Wildlife
- **Shane Loper**, Department of Corrections
- **Patricia Springer**, Environmental Protection Agency, Region 10
- **Barbara Ross**, Environmental Protection Agency

Finally, four representatives from the Departments of Ecology and Health were present at all meetings to manage the process, present information, and receive the input from stakeholders. This core team consisted of:

- **Carol Kraege**, Industrial Section Manager, Department of Ecology
- **Holly Davies**, Lead CAP Developer, Department of Ecology
- **Jim W. White**, Toxicologist, Department of Health
- **Mike Gallagher**, PBT Coordinator, Department of Ecology

¹ Not all members listed attended each meeting. In general only one or two representatives from each of the listed agencies attended the meetings.

Overview of the process

The advisory process was designed to be consultative, with members sharing their perspectives and expertise to provide input to Ecology and Health as they prepared the Lead CAP. As a consultative process, consensus was not required but was still desirable in order to have a high level of support for final recommendations and subsequent agency action or agency request legislation. Stakeholder expertise was also vital for the process –members shared their knowledge of lead and its impacts throughout the meetings, with several giving presentations addressing specific issues related to the Lead CAP.

Guidelines for stakeholder participation and engagement were developed by the facilitator in consultation with members; all members agreed to these guidelines at the first meeting. The facilitator then managed the process with the goal of adhering to the following guidelines at each and every meeting:

- Be Respectful
 - Listen – to understand other’s points of view
 - Avoid interruptions – such as cell phone ringers and table chatter
 - One person talks at a time
- Be Productive and Effective
 - Stay on topic and on time
 - Don’t talk too long – or too little
 - The audience can provide input when recognized
- Be Consultative and Creative
 - Members need not agree, but solutions that work for all are welcome

Importantly, members of the public who attended the meetings were able to participate in the discussion as time allowed. Contributions from these individuals proved highly valuable throughout, bringing additional perspectives and expertise to the table.

Summary of Deliberations

The Advisory Committee focused first on understanding the threats to human health and the environment from lead and then on providing input to Ecology on options to reduce those threats. This served as valuable input to Ecology and Health in preparing the draft Lead CAP. Over the course of six meetings, all of the major environmental threats and human health concerns related to lead were addressed, with a particular focus on conditions in Washington State. The general format of the deliberations involved presentations by staff from Ecology or Health, a member of the committee, or an outside expert followed by committee member discussion and feedback. Members also reviewed and provided feedback to Ecology and Health on the criteria used to evaluate options and on Ecology’s assessment of costs and benefits associated with different options. For each threat or concern associated with lead, Ecology developed a range of options to obviate or mitigate the problem. Members then critiqued these options and, with this input, Ecology developed a draft set of recommendations for further review and discussion by the Advisory Committee. Throughout the

process members were asked both to speak for their stakeholder interests and to put forth solutions that could bridge differences and serve the common good. A brief summary of the deliberations at each of the six meetings is provided below.

Meeting #1, July 18th 2007

This initial meeting kicked off the process, with Ecology presenting the scope of the effort and the charge to the committee, the facilitator discussing process expectations, stakeholders sharing their interests and concerns, and then staff from Ecology and Health providing an overview of what is currently known about lead – how it is used and regulated, key public health concerns, key environmental concerns and issues. The meeting concluded with a discussion of Ecology and Health's initial priorities for and the scope of the Lead CAP.

Committee members provided extensive input in this first meeting on priorities and issues of concerns. Key outcomes from this discussion included the following:

- There is consensus that the CAP should protect children.
- There is not full agreement around the approach to consumer products.
- Unintended consequences should be considered to avoid using less safe alternatives.
- Education was mentioned frequently.
- Washington's CAP should try to harmonize with federal and international efforts.
- Prevention and source control are important and should be used when appropriate.
- Testing for blood lead levels should direct the CAP's efforts.
- The CAP should consider equity for vulnerable populations, even if they are a small number of people.
- The CAP should consider the burdens imposed on small businesses, including existing burdens.
- Some concern was expressed about jurisdictional issues with the Department of Labor & Industries, but no consensus was reached.

Meeting #2, September 12, 2007

The focus of the second meeting was on 1) reviewing Ecology's proposed criteria and methodology for developing priorities and recommendations, 2) addressing legacy lead issues, and 3) initiating the discussion of lead in consumer products. In the discussion of legacy lead, Ecology presented information and possible options regarding lead in old paint and houses, soil, and older installed plumbing fixtures. Health also delivered a presentation on its Childhood Lead Poisoning Prevention Program. Considerable discussion at this meeting focused around Ecology's proposed methodology, which involved evaluating the sources of lead and then determining priorities for action based on a qualitative assessment of relative exposure potential and relative feasibility of implementing actions to reduce exposure. Many members disagreed with or were confused by the proposed approach, with only a minority in support. As a result of this feedback, Ecology decided to revise its methodology, eliminating the assessment of relative exposure and feasibility.

Meeting #3, October 25th, 2007

At the third meeting, members completed the discussion of legacy lead and continued the discussion of lead in products. Members heard presentations from Ecology and Health staff on these topics, as well as a presentation from a representative of the copper industry on the presence of lead in fixtures. Health also provided an update on its Childhood Lead Poisoning Prevention Program.

The discussion of legacy lead focused on obtaining feedback from stakeholders on the different options to manage lead as a health threat and eliminate lead from the environment. Members were asked to provide the following feedback:

- Which options do stakeholders strongly support or strongly oppose?
- Should any additional options be considered for the Lead CAP?
- What package of options should be considered, if any?
- Is more information needed about any of the options?

Members concluded the legacy lead discussion by asking detailed questions on many of the options presented and indicating their level of support (or lack thereof) for the alternatives.

The discussion of lead in products began with an overview of general options that could apply to all products containing lead. These included education, reducing use, research & monitoring, and taking no action. The committee then listened to presentations and discussed issues associated with lead in plumbing fixtures, lead in vinyl, and batteries.

Meeting #4 November 15th 2007

At this meeting the Advisory Committee concluded its discussion of issues and options associated with lead in products, covering lead in children's art supplies, jewelry, cosmetics, food, wheel weights, fishing weights, solder, and ammunition. There was extensive discussion of the issues associated with art supplies, including supplies used by adults. Many committee members expressed concern and voiced support for options to reduce lead in both children's and adults' art products and/or to better educate artists and other end users. A committee member, Dr. Steven Gilbert, delivered a presentation on the health effects associated with elevated blood lead levels and the appropriate action level; Ecology staff then presented the Center for Disease Control's position on blood lead action levels. The committee discussed the appropriate action level for Washington State and what action level should be recommended in the plan.

Meeting #5 December 13th 2007

Having concluded discussion on lead in products, the Advisory Committee turned to the issues of occupational exposure and ongoing releases. Committee members Karen Bowman and Heather Trim made presentations related to these topics, as did staff from Ecology, and Labor & Industries.

After committee members provided feedback on options related to these topics, the meeting concluded with the issues of cost-benefit analysis and performance measures. Ecology staff presented the economic methodology to be used for analyzing the costs and benefits of options and

recommendations, followed by committee discussion. Ecology staff then outlined PBT rule requirements for including performance measures in the CAP to assess progress on goals. In this last session members brainstormed measures to be used to track progress associated with the following problems:

- human health,
- legacy lead,
- lead in products,
- ongoing releases, and
- occupational exposures.

Meeting #6 May 1 2008

At the final meeting of the committee, Ecology presented an outline of its final report and preliminary recommendations addressing 1) lead exposure in adults, 2) lead exposure in the environment, and 3) lead exposure in children. In total, eleven draft recommendations were presented and critiqued by the committee. Ecology framed its recommendations as “the best solutions to the worst problems,” meaning that it had focused on the worst threats to human health and the environment and then developed recommendations that would do the best job possible, given many constraints. Three questions were posed to guide the committee’s deliberations:

- Are these recommendations adequate?
- Have we covered the range of concerns?
- Are there any improvements?

Member questions, comments, and feedback on the draft recommendations were extensive and far reaching. Many different points of view were articulated. The committee in its entirety agreed to few, if any, recommendations. Ecology thanked members for their input and stated that their feedback would be used to revise and complete the recommendations package prior to distribution to the general public.

The meeting and the process concluded with a feedback from each member on the process and on the recommendations as a whole. These different member perspectives are highlighted in the next section of this report.

Summary of Outcomes – Areas of Consensus and Disagreement

Despite representing diverse stakeholder interests, committee members found agreement on a number of basic priorities and guiding principles that were subsequently used by Ecology to develop many of the recommendations found in the Lead CAP. These key areas of agreement are as follows:

- A focus on vulnerable populations, especially children, should be a top priority.
- There is a need for more childhood blood lead level testing.
- The blood lead action level should be lower (although agreement was not reached on what that level should be or how and when it should go into effect).
- Non-essential lead should be eliminated from children's products.
- It is preferable to have regulations be consistent across jurisdictions and nations.

On the other hand, there were also significant areas of disagreement among members. These areas include the following:

- Whether the focus should be on prevention as the main guiding principle or on addressing situations and conditions where there is demonstrated harm.
- The definition of "non-essential" when considering uses of lead in products.
- The trade-off between cost effectiveness and helping all children.
- Whether to emphasize market forces or regulations as the principle means to reduce dangers from lead.
- Jurisdictional issues associated with dealing with lead in the workplace.
- Whether adults need more protection than is already provided by current laws and regulations.

Members' feedback on the draft recommendations reflected these areas of agreement and disagreement. A sampling of this feedback, abstracted from the summary of meeting # 6 includes the following:

- The CAP is intended to be comprehensive, but the recommendations are missing actions to address many of the problems and sources identified in previous committee meetings. The CAP should discuss all the problems and sources of lead, not just the worst problems. Even though Washington cannot take action on all uses/releases of lead at this time, they should be documented in the CAP to be addressed in the future.
- The general disagreement regarding cost effectiveness is about how best to help children. Rather than pitting cost effectiveness against helping children, the argument is that the best way to do so, given limited resources, is to focus on the most cost-effective actions.
- The CAP should explain why some recommendations are the highest priority and what the State hopes to accomplish with them, as well as address other actions that should occur over the long term.
- The way the CAP is organized (by population rather than sources) unnecessarily narrows the CAP and diminishes the focus on source reduction.

- The CAP should consider environmental justice issues and disproportionate exposure among certain communities; it should make recommendations to address them even if immediate action or action by Washington State is not possible.
- Some committee members said that recommendations should be meaningful, feasible, and focused to give credibility to the report.
- The CAP should include a chapter on the ethical consideration and responsibility to our children and future generations regarding lead.

Summary of Member Feedback on the Meetings & Process

After each meeting, members were asked to complete an evaluation form providing feedback on the meeting as a whole, the effectiveness of the facilitator, and the perceived value of each of the presentations and facilitated discussions around specific topics. Members rated the process on a scale of one to five, with five being high. While some of the questions varied from meeting to meeting, other questions were asked repeatedly. A summary of this feedback is provided below for the questions that were asked at most or all of the meetings. In the final row, the overall average score for each meeting is provided, with this average calculated from the responses to all the questions, not just the questions common to all meetings.

Summary of Committee Member Feedback						
	Avg Score from Mtg #6	Avg Score from Mtg #5	Avg Score from Mtg #4	Avg Score from Mtg #3	Avg Score from Mtg #2	Avg Score from Mtg #1
1. The meeting was productive.	4.2	4.1	4.1	4.1	3.4	4.1
8. The length of time allocated to each session and topic area was about right.	3.9	3.7	3.3	3.8		
9. The meeting was conducted in a manner that was fair and respectful to all members.	4.7	4.3	4.2	4.6	3.9	4.6
10. Members and the public adhered to the expectations and process guidelines	4.3	4.1	4.4	4.3	3.8	4.6
11. The facilitator effectively managed discussions between members and kept the process moving.	4.6	4.2	4.3	4.4	3.6	4.4
12. The facilitator maintained neutrality.	4.7	4.3	4.6	4.6	4.4	4.6
13. I was satisfied with the meeting logistics	4.5	4.0	3.9	4.2	4.2	4.0
14. I had fun and felt I could contribute	3.9	4.1	3.9	4.1	3.6	3.9
Overall Average:	4.3	4.0	4.1	4.2	3.7	4.2

As can be seen, the average score was 4 or above for all of the meetings, except meeting #2. This lower score is accounted for in large part by the negative reaction to Ecology’s proposed evaluation methodology. Interestingly, the last meeting received the highest average rating. The evaluation reveals that members basically thought the facilitator was fair and respectful, effectively maintained

neutrality, effectively managed discussions between meetings, and kept the process moving. On the other hand, members were less satisfied with the time allotted to each of the session and topic area and perhaps didn't have as much fun as if they had been out playing golf, sailing, or otherwise recreating!

Other feedback

At the final meeting, members were asked to verbally rate the entire process and the overall outcome using a scale of one to ten, with ten being high. Generally ratings ranged from seven to nine, with eight being the most common rating given. Comments were generally favorable about the process, and many felt that the draft plan represented an acceptable start but that more work was needed and the recommendations needed to be either more comprehensive or more targeted, or both.

Other comments received by the facilitator between meetings and/or stated at the last meeting include the following:

- The process seems to be more of a glorified focus group than a stakeholders committee. You can't make policy with people who have only limited technical knowledge participating. More analysis and expertise are needed.
- It would have been helpful to have sections of the plan written along the way and have members be able to critique these drafts, rather than waiting until the end to receive a written draft CAP.
- Having a related bill pushed through the legislature at the same time that this process is going on was an exercise in bad faith.
- The report should include a statement saying that not all recommendations are agreed to by all members of the Advisory Committee.

Conclusions

The Lead Chemical Action Plan Advisory Committee process provided stakeholders with the opportunity to be fully engaged 1) in understanding the adverse health and environmental impacts associated with lead and 2) in providing input to Ecology and Health as they shaped recommendations to reduce those impacts. Many points of view were represented at the table, and members of the public not serving on the committee also had the opportunity to share information and provide input. The process included lively discussions among members and with staff from Ecology and Health on the pros and cons of different policy and programmatic options and on the tradeoffs associated with those options.

Committee members as well as Ecology and Health staff learned a great deal from this process about lead, its widespread presence in products and the environment, the health problems caused by exposure to lead, and many of the real-world challenges associated with reducing lead in products and the environment. The draft Lead CAP presented to the public in August of 2008 is an outgrowth of this process. Even though Ecology is responsible for the final plan, the recommendations do indeed incorporate the different stakeholders' perspectives and advocacy positions. Of course, since this was not a consensus process, the Advisory Committee members do not agree with all of the recommendations in the draft plan. Rather, Ecology and Health made the final decisions on

recommendations while considering the stakeholder input and their charge to protect human health and the environment.

In the opinion of the facilitator, the process was credible and objective. To a large extent, committee members complimented and expressed appreciation for the process at the last meeting (see the summary of meeting #6) and in the overall high scores on the meeting feedback forms. Virtually all points of view were represented and considered, even though not every interest group had a seat at the table.

For future CAP processes, Ecology is advised, based on member feedback, to consider the length of the process and the number of meetings held, the nature and scope of the CAP, and whether and how to engage experts and undertake complex technical analysis. These issues are discussed briefly below.

- **Length of the process and number of meetings.** At the outset of the process, four meetings were planned over a five month time frame. Ultimately, however, the process took approximately 11 months to complete with six committee meetings held. The additional time and meetings were required because of the challenging, diffuse nature of the lead problem – lead is present in many different types of products and places in the environment. Typically a CAP advisory committee process will require at least four meetings, and more likely five, to provide ample meeting time to convene the group and introduce the subject matter, delve into the issues, receive input at meetings, and receive and incorporate input on draft and revised recommendations and on the report text. Approximately four weeks are required between meetings to allow for debrief, follow-up on the last meeting, and good preparation for the subsequent meeting. Report writing and required technical analysis will add time to this schedule. A complete CAP advisory process will, therefore, take a minimum of six to nine months to complete. With either too little or too much time allotted, the ability to effectively engage members and work towards consensus can be compromised.
- **Nature and scope of the CAP.** Throughout the Lead CAP process, Advisory Committee members expressed fundamentally divergent points of view on what the end product – the plan – is intended to accomplish. Some members wanted the CAP to provide comprehensive solutions and recommendations to totally eliminate the health and environmental risks associated with lead (or any other PBT). These members argued that the rule setting up the PBT CAP process called for this comprehensive approach, regardless of the cost or practical feasibility of the solutions. Other members, however, focused on finding solutions that were practical and fully feasible given resource and political constraints, even though those solutions would not totally eliminate the problems with lead as a PBT. Ecology often found itself in the middle of this debate – and its draft recommendations were critiqued from these diverging viewpoints. For future CAP advisory committee processes, it may be wise for Ecology to address this issue at the outset and establish as a ground rule the intended parameters for the CAP in terms of comprehensiveness, feasibility, and desired cost-effectiveness.

- **Engaging outside experts and technical analysis.** The role of outside experts and technical analysis of alternative options and policies was another area of disagreement among committee members. Some members argued against the use of outside experts and discouraged detailed technical analysis as adding time and cost to the process and potentially introducing bias into the proceedings. Alternatively, other members expressed the opinion that, without such expertise and analysis, the process lacked merit and served to be more of a focus group than a technical advisory committee. Again Ecology was caught in the middle and did its best to accommodate the different points of view. The disagreement clearly influenced members' assessment of the credibility and value of the process. Accordingly, for future CAPs it may be helpful for Ecology to address this issue at the outset and set clear expectations and guidelines as to how experts and analysis will be employed in the process.

In summary, the Lead CAP Advisory Committee process, organized by Ecology with support from Health and facilitated by an objective third-party facilitator, allowed extensive and wide ranging stakeholder input into the development of the Lead CAP recommendations. Furthermore, the process resulted in a thorough review of the current science on the impacts of lead on human health and the environment as well as a careful examination and discussion of the pros and cons of alternative policies, programs, and strategies to reduce the presence of lead and mitigate its impacts in Washington State. The process was essential to Ecology and Health as they prepared the draft Lead CAP: the final recommendations were shaped in large part by the participating stakeholders.