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CHAIRPERSON FROINES: We will call the meeting of the Scientific Review Panel to go forward at this point. And we'll be getting some more paperwork. But I think we're in pretty good shape.

I want to introduce two people. One, you've presumably met before over the phone, and that's Gina Solomon, who is the Deputy Secretary of Cal/EPA. And I offered to let her speak in whatever way she wanted and she just said, "I'll pass."

The second person is a new member of our Committee, who perhaps many of you know, but it's Dr. Beate Ritz, who is the Chair of the Department of Epidemiology at UCLA School of Public Health. So Beate is our new epidemiologist for this Committee.

So Mark? Melanie?

And I want to remind people that we generally are letting the OEHHA people give their presentations without -- unless it's absolutely necessary to ask a question for clarification, and then we have the discussion following that. So try to keep questions to a minimum.

PANEL MEMBER HAMMOND: Something that was just passed out that doesn't have a name on it. I would like to know who it's from.

PANEL MEMBER BUCKPITT: I shall remain nameless.
to, if we had the time, just very briefly mention to the
panel some of the things that we've got coming down the
road over the next six months or so. Is this a good
moment to address that or would you rather I waited?

PANEL MEMBER BLANC: I would like -- if we just
get a sense. We have one other thing that's on the
agenda, which is discussing whether or not this panel
would consider oral testimony.

I think you have to leave soon. So if that's
going to be a brief discussion, it would be great if you
would be here for it.

PANEL MEMBER HAMMOND: I did have one other thing
I wanted to mention. That is I understood that we had to
get written comments at least two weeks before our
meetings. I felt that was something we had true in the
past.

CHAIRPERSON FROINES: You're absolutely right.
That was a policy that we established some years ago. And
then I was told by legal counsel that industry can submit
or anybody can submit anything right up to the meeting.
So I would have been basically told -- and Jim can correct
me if I'm wrong -- but I've been told they can send it the
day before. So that's the bottom line.

I think, for example, with ACCC, Jim ought to
take a minute and talk to them and say we would like this
not to happen again because it's inappropriate. But you
can't cover every public body or corporation to get that
kind of agreement.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT
CHIEF SALMON: The ACC comments were received by e-mail
sometime yesterday by us. And it would appear from the
timing of the e-mail that was, in fact, sent probably
within an hour or two of close of business on the east
coast yesterday.

CHAIRPERSON FROINES: Well, you know, the Panel
has the right -- the Panel could have said in this meeting
today we got these things a day ahead. We didn't have
time to read them, so we're not going to talk about them.

But the trouble is we have a group of people who
are hard working, so they did look at them. But we have
the option to say go fly a kite.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT
CHIEF SALMON: Our approach is simply we try to deal with
it as best we can.

But it's quite obvious that the intent of the
that mode and timing of submission is to minimize our
opportunity to make constructive comment on the issue.
And to a large extent, they succeeded.

PANEL MEMBER BLANC: But I think that's a good
segue to the next item, if we could discuss that before
Andy tells us about what's coming down the pipeline.

CHAIRPERSON FROINES: But I just want to say that we will -- if we get comments late, we'll do the best we can. And if we can't do them, we won't. So we will deal with it as we best can within the limited time frame we have.

So go ahead, Andy.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT CHIEF SALMON: Do you want to segue?

PANEL MEMBER BLANC: My discussion is he not do his presentation of what's coming down the pipe and we discuss the oral testimony issue.

CHAIRPERSON FROINES: Oh, I'm sorry. I missed that, didn't I?

Okay. So this is a matter for the panel, not for OEHHA.

There has been a request by a citizen that we, this Panel, take verbal testimony. The Panel has been in existence since 1983. So what's that? Thirty-three years or 30 something.

PANEL MEMBER NAZAROFF: Almost 30, 29.

CHAIRPERSON FROINES: And during that time, we have never taken public commentary. We felt that it was more effective for the level of work that goes on with this Panel that taking public testimony as well would
defeat the quality of the work and the efficiency of the Panel. So we have never taken public testimony.

There is a law -- and I'll read it to you. The law on toxic air contaminants, which created this Panel, is found in Chapter 3.5, Article 3, of the Health and Safety Code, and contains such a conflicting -- contains the following provision. "This law provides that any person may submit any information for consideration by the SRP which may, at its discretion -- at its discretion, receive oral testimony."

Now, there is another law, the Bagley-Keene Open Meeting Act, which says that meetings should allow for the public to testify. So there is -- on a legal basis, there is a contradiction.

However, it would appear that it's up to us to decide whether we want oral testimony. And so we need to decide -- we need to decide whether or not we want oral testimony. And Paul has been on the Committee the longest besides me and so I'll ask him to comment based on his experience.

PANEL MEMBER BLANC: I think the person writing the request is of the opinion that having such testimony would assist our deliberations, and I do not believe that would be the case.

I would be strongly opposed to a set and standard
policy of oral testimony for brief periods. We certainly have had invited scientific experts to come at various times and present information for the purposes of aiding our discussion. And that was at our discretion and may arise again. But that's a very different context and content than an open mike presentation.

We have gone through a period of diminishing resources where the meetings in and of themselves are less frequent and where the resources provided for the State for having the meetings conveniently and not just in Sacramento be taken away. And I think this would just further compromise our function and to take up very valuable time that we don't have.

We serve essentially as volunteers with per diem. It takes us away from our other. Work coming to Sacramento makes it more odious. And so I would oppose this in as strong as possible terms. I would oppose any change in the status quo in the strongest possible terms.

CHAIRPERSON FROINES: Kathy, you've been the second longest person. I can't speak to Stan. I could hint, but I won't.

PANEL MEMBER HAMMOND: In general, I tend to feel that it's good to receive input from as many people as possible. That's my basic bias in doing this. From that point of view, I would be in favor of it.
However, I share Paul's concern quite deeply that this is a Committee that has a lot of work to do with very limited time. All of us are extremely busy. And I'm going to have to leave shortly for another prior commitment. So it's really hard for us to get to do the work that we have to do, and I just don't see how we would have time to be taking oral testimony.

If there were a need for it, perhaps provision could be made that some people could make oral testimony before some State employees who could videotape it and that could be available to those that want to look at it. But I think for our time together, we need to use that for the interactions that I find relevant.

CHAIRPERSON FROINES: Just for the information of people who are newer, when we did diesel exhaust in 1998, we actually held a public workshop, and we had guest speakers from a wide range of disciplines. And it was very effective. And we had the option that we had thought we wanted a workshop on butadiene. There's nothing to --

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT CHIEF SALMON: They were two workshops on butadiene REL, which we held during public comment period.

CHAIRPERSON FROINES: All I'm saying --

PANEL MEMBER HAMMOND: There always are. Actually, that's a very good point Andy brought up. They
always have -- there are always public meetings where
people can speak about these. And this is information in
a way that doesn't come to the Panel.

CHAIRPERSON FROINES: That is a very good point,
but I want to emphasize that we, as a Panel, had a
workshop. It was our workshop. We invited the speakers.
And we -- yes, there were diesel. God, I don't know
how many workshops there were that you guys put on. So
there's always been workshops or discussions. But in this
case, I'm just simply referring to the Panel itself.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT
CHIEF SALMON: Would the Panel be interested in a greater
level of participation in the regular workshops which we
organize already?

PANEL MEMBER BLANC: No.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT
CHIEF SALMON: Okay.

CHAIRPERSON FROINES: I think it's up to the
individual.

PANEL MEMBER HAMMOND: Just be informed of them.

CHAIRPERSON FROINES: I don't want to -- I'll
give Beate, the new person the chance.

Bill.

PANEL MEMBER NAZAROFF: So I don't have a lot to
add, except to make my views I guess known.
I think Paul expressed ideas that I share, although with greater vigor than I would have expressed them myself. And I share Kathy's perspective that government should be open in so far as we can make it open. But I think in the instance of the operation of this Committee, we accept all things written. I think that's as open as we need to be. And so I would favor maintaining the way we've been operating.

CHAIRPERSON FROINES: Thank you.

Jesús.

PANEL MEMBER ARAUJO: Yeah. I also agree with comments that have been expressed.

And one concern though is whether what they're trying to do is that they can find, like, a better way of communicating their points to the Panel, which sometimes in the written mode it is difficult to just write it. And I don't know whether they could perceive the Panel is not being responsive to what they're asking.

So I wonder whether it is something that could be between the lines with these requests. And if they're asking -- for instance, suggest to the Panel address this or does that. And so maybe we should in those instances be more explicit because of the specific point they're making and respond even directly to the people who are addressing us. So in that way so they can be some
improvement in the communication without opening the channel for the less desirable comments to the Panel.

CHAIRPERSON FROINES: So I'm hearing you say we won't have oral testimony, but we'll find ways where we can improve the communication with the external bodies. I'm not sure that would work. Help me here.

PANEL MEMBER ARAUJO: Yeah, what you're saying is exactly right. I agree in not taking the available testimony, but exploring on ways how the Panel can communicate better with the petitioners, so with the people who have questions. And whether it is that we make an effort in addressing the questions as someone asks and we make a response. And that is going to be certainly recorded.

Or -- I mean, what I'm seeing is many times the comments are already addressed by OEHHA. And we find them that they -- an address has been made to the comments is satisfactory so there is no need to discuss them. And perhaps the people who are raising those questions would want the Panel to discuss the points in the record.

PANEL MEMBER BLANC: We do. It's reflected in our record.

And I think the way I would interpret your point is that we should always be sensitive to when we get the presentation from OEHHA, their responses to the comments
which are almost universally corporate critiques, not members at large of the public, that we do our due diligence and make sure the record reflects our vetting of the OEHHA response. I think we actually do that fairly well.

But I certainly wouldn't support us engaging in direct dialogue with people who submit those comments. Those are comments that would be -- on our record should reflect our scientific review of OEHHA's response. But that's our role. And it's something we should stick with.

CHAIRPERSON FROINES: I think we also have to be careful about the snowball rolling down the hill. And that is once you start letting people testify, there's no clear endpoint for what that is going to end up doing and it could end up taking enormous amounts of time.

I should say, I chaired the National Toxicology Program Committee on carcinogenesis. I would, as Chair, for example, I think we took up trichloroethylene and we had maybe consultants from industry. There may have been 15 -- 10 to 15. Well, it destroyed the scientific discussion of the Committee, because we felt like we were being hit over the head with a baseball bat with so many interested parties. And there was no science. The science fell by the wayside, because everybody started to get very defensive and reactive. And it was my experience
was that it really did have a profound effect on the success and failure of that Committee. And I just would hate to see that sort of thing happen again.

So I've seen the same thing with the Carcinogen Identification Committee when I Chaired it -- I didn't Chair it. I was on it. Again, the quality of the discussion has to be guarded I think so that we have the with -- the success of this Committee is the quality of the science. And we need to preserve that I think.

I'm sorry. I shouldn't have taken your --

PANEL MEMBER BUCKPITT: No. I can't add anything to that. I think you bring up a very valid point. This could get to be very quickly out of hand. I agree with Kathy that government needs to be open, but I think in the transcripts they can understand what is done in this Committee. They do have the opportunity to submit written comments.

CHAIRPERSON FROINES: So do we need to take a vote?

PANEL MEMBER HAMMOND: Let Beate speak.

PANEL MEMBER BLANC: Do you have anything to add, Beate?

PANEL MEMBER RITZ: No. I like written comments.

PANEL MEMBER BLANC: I would say that this discussion reflects consensus among the Panel as an
entirety that we do not wish to change the status quo. And we will not be receiving oral testimony.

PANEL MEMBER HAMMOND: And I'd like to add that we encourage people to participate in the workshops that OEHHA has, the public workshops, so there is an opportunity for public.

CHAIRPERSON FROINES: So it's sufficient not to take the vote, but take your words as the position of the Committee.

PANEL MEMBER BLANC: I think the transcript reflects there is unanimity of views, yes.

CHAIRPERSON FROINES: Thank you. That was a very good discussion of a potentially difficult issue.

PANEL MEMBER BLANC: Okay. Andy.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT CHIEF SALMON: Well --

CHAIRPERSON FROINES: Thank you, Kathy, for spending more time than you had.

PANEL MEMBER BLANC: We'll tell you what he said.

OEHHA AIR TOXICOLOGY AND RISK ASSESSMENT UNIT CHIEF SALMON: I'll make this as brief as possible, obviously.

But yeah, I just wanted to say that the big thing which we're working on the moment is the official title is the Hot Spots Risk Assessment Guidance Manual, as it's