



# CHPAC OPERATING PRINCIPLES AND PROCEDURES

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## Introduction

The U.S. Environmental Protection Agency (the Agency or EPA) [Children's Health Protection Division \(CHPD\)](#) is located in Administrator's Office, Office of Applied Sciences and Environmental Solutions. Its mission is to protect and promote children's environmental health. CHPD manages the [Children's Health Protection Advisory Committee](#) (CHPAC or "Committee"). CHPAC aims to provide advice, consultation, and recommendations to the Agency on research, communication, and the development of regulations, guidance, and policies addressing environmental health effects in children.

The U.S. Congress enacted the Federal Advisory Committee Act (FACA) in 1972 to establish a structured process for federal agencies to seek collective advice from diverse customers and partners. Committees governed by FACA offer advice on a wide range of issues, ensuring open government and citizen participation. Details about EPA's FACA processes are available [online](#), and CHPAC is classified as a federal advisory committee subject to FACA.

- FACA establishes procedures for the management of federal advisory committees, ensuring transparency and balanced representation in decision-making.
- FACA ensures accountability to the public by maximizing access to advisory committee deliberations and minimizing special interests through balanced membership.
- FACA aims to reduce wasteful expenditures and improve the administration of federal advisory committees.

In addition, FACA requires agencies to establish uniform administrative guidelines and management controls for their advisory committees. This document, *CHPAC Operating Principles and Procedures*, aligns with FACA and EPA's federal advisory committee management policies.

Please note that the processes outlined in this document are based on FACA and EPA's policies and may be subject to change due to future circumstances, such as amendments to FACA, regulatory changes, or other reasons.

## Leadership and Membership

The Agency appoints a CHPAC designated federal officer (DFO) who is responsible for ensuring that the committee operates in accordance with FACA and opening and closing meetings. The Agency will designate a chair or co-chairs to lead the committee. The chair's role includes facilitating discussions, maintaining objectivity, proposing solutions to resolve complex discussions, and fostering collaboration. Additionally, the chair(s) must also be committed to investing the necessary time and effort for the committee's benefit.

CHPAC members serve three-year terms, with a maximum of two full terms for a total of six consecutive years. They are encouraged to attend all meetings in person. Under FACA, CHPAC members generally serve as representative members, chosen to reflect the perspective of specific groups, such as industry, academia, or non-government organizations, and provide a balanced representation of points of view

on the committee. If needed, members may be appointed to serve as Regular Government Employees – or Special Government Employees<sup>1</sup>.

Members who miss all meetings for a year, act inconsistent with the committee’s mission, principles, or rules, or change their employment or retire may be removed from the committee or asked to resign at EPA’s discretion.

A steering committee may convene throughout the year to discuss agendas for plenaries, work group topics and assignments, and any upcoming issues or organizational matters. This committee may include CHPD’s manager(s), the CHPAC DFO, the CHPAC chair(s), and work group chair(s). Additional calls may be held to address outstanding issues, if appropriate.

## Operating Ground Rules

Committee members agree to the following:

- Abide by the Operating Principles described in this document.
- Conduct themselves in a respectful and professional manner that promotes joint problem-solving and collaboration.
- Participate in CHPAC activities (e.g., plenary, letter response drafting, or other) for approximately 10 hours per month.
- Listen to and consider the input and viewpoint of others, acknowledging and valuing their unique perspectives, and backgrounds within the group.
- Avoid personal attacks.
- Engage with, build on, and respond to the ideas of others.
- Express disagreements or concerns constructively and respectfully.
- Follow common courtesy rules for meeting preparation and conduct, such as not interrupting, waiting one’s turn to speak, paying attention to the speaker and discussion, meeting deadlines, and adequately preparing for meetings.
- Proactively work to inform and solicit input regarding the committee process from individuals, groups, and organizations they represent or that have similar interests, and accurately convey this information to other committee members.
- Strive to reach a consensus through mutually acceptable solutions and a constructive, problem-solving atmosphere.
- If discussing with the press or other interested parties, be clear that members are providing their individual views and not those of the committee and refrain from characterizing the views of or attributing comments to other members.
- Honor consensus reached by the committee both in internal and external conversations.

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<sup>1</sup> Under the terms of the charter, CHPAC members may be appointed as Special Government Employees (SGEs) as defined at 18 U.S.C. § 202(a), or as Regular Government Employees (RGEs) if already in federal service. Historically, however, CHPAC members have been appointed as representatives only and thus not subject to the federal ethics laws and regulations. If CHPAC members are SGEs or RGEs, then they will be subject to the federal conflict of interest laws codified in Title 18 of the United States Code and the Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.

# Meetings of the Children's Health Protection Advisory Committee

In accordance with FACA provisions, all full committee meetings of CHPAC will be open to the public, unless an exemption is applied as outlined in the [GSA Final Rule for Federal Advisory Committee Management](#), which details conditions for closing all or part of a meeting. The CHPAC DFO develops and approves of the CHPAC meeting agenda. Notice of the time and location for upcoming meetings will be published in the Federal Register, and draft agendas shall be posted in the CHPAC website at least 15 calendar days prior to the meeting. Each CHPAC plenary will allocate time for public comments on the committee's deliberations. The CHPAC chair(s) and DFO may decide to allow committee members to ask clarifying questions if time allows, and the committee will consider these inputs when formulating recommendations to EPA.

## Use of Work Groups

CHPAC will operate during plenary sessions as a full committee and will use ad hoc work groups. These work groups are generally charged by the CHPAC DFO with gathering and synthesizing information, exploring issues in detail, presenting options, and developing draft recommendations for the full committee's review and approval. Work groups will not operate independently of the committee. Decisions regarding the creation of work groups will be based on EPA's discretion, considering the Agency's priorities on a particular topic or task and potential feedback from CHPAC members. Each work group may have a single chair or multiple co-chairs.

Once a decision is made to form a work group, its membership should be clearly defined. The CHPAC DFO, in consultation with the chair(s) and based on advice from committee members, will make decisions regarding work group membership. Members may include committee members or other individuals outside the committee who offer relevant expertise or perspectives. Appointments to an ad hoc work group of individuals outside the committee does not confer membership in CHPAC.

Effort will be made to ensure that work group membership reflects the committee's overall balance of interests. Work group meetings are not considered full committee meetings unless a quorum of the committee (50% of members plus 1) is present. Committee meetings with less than a quorum in attendance are not subject to open meeting requirements or Federal Register notices. Ad hoc members do not count towards the quorum limitation.

## Procedures for Meetings and Documents

### Issuance of Meeting Summaries and Other Committee Documents

In accordance with FACA requirements, meeting summaries will be developed and published for all committee plenary meetings within 90 calendar days of the meeting. As soon as possible after each meeting, the DFO will draft and disseminate a meeting summary to all committee members. Members will have two weeks to provide comments and suggested revisions. If the CHPAC chair(s) and DFO determine that the comments and suggested revisions are non-controversial (e.g., grammar, editorial

changes, clarifications), these will be incorporated, and the summary will be finalized and made available to the public. If the CHPAC chair(s) and DFO determine that the comments or revisions are controversial and unresolved, the summary will be published in draft form, noting the need for further changes. The committee will address these issues at the next meeting, and the summary will be finalized based on those discussions.

All final meeting summaries and any other committee documents (e.g., meeting agendas and letters) will be stored in [dockets maintained by EPA](#). The decision to produce and distribute summaries of work group meetings will be made on a case-by-case basis by the CHPAC chair and DFO. However, any information discussed by a work group during plenary meetings, including proposed actions and decisions, will be included in the plenary meeting summaries.

## CHPAC Letter Development and Issuance Process

The committee will issue final reports on topics charged by the Agency typically in the form of letters to the EPA Administrator, on deliberated issues, separate from the individual meeting summaries. A charge may be issued at any time at the Agency's discretion. CHPAC letters to the EPA Administrator will detail any agreements reached by the committee on the recommendations, as well as highlight any remaining areas of disagreement and the substantive reasons for these disagreements. CHPAC members work towards reaching consensus on their recommendations to the EPA Administrator. Consensus is defined as general agreements that most or all members can support the recommendations, rather than unanimous agreement on every aspect of a CHPAC letter(s) to the EPA Administrator, achieved through respectful discussions. There is an acknowledgement that not all members of the group are required to agree on any given point within a letter or process. Additional guidance is available in the Achieving Consensus section. In practice, a draft letter will be prepared by the work group, allowing ample time for member comments and revisions prior to being finalized and sent to the EPA Administrator, following the process outlined below.

### Drafting and Reviewing

**Step 1: Draft the Letter.** The work group develops a draft letter that includes introductory language and a detailed response for each charge question, along with actionable recommendations for EPA. As representative members, work group members may choose to deliberate with or seek feedback from members of other federal advisory committees and external experts during the drafting process. Members should respect the closed deliberative nature of work group proceedings by only expressing their individual views and not speaking on behalf of EPA, its employees, or on behalf of the committee itself. They should also avoid characterizing or attributing comments to other members. The workgroup may also consult EPA subject matter experts. In cases of disagreement, the work group shall strive to incorporate all viewpoints and clearly explain areas of dissent, alongside areas of agreement, within the draft recommendations. Whenever possible, a draft letter is emailed to the full CHPAC approximately two weeks before the plenary meeting, with a request for comments. If work group members are not ready to share a letter draft, they may opt to prepare a presentation summary instead.

Work group members are expected to follow the CHPAC Operating Ground Rules (e.g., be respectful of other members) and actively contribute text or suggestions that can help others in the group understand and convey differing opinions. The CHPAC DFO, on behalf of the agency, can request any

CHPAC member(s) who do not follow the committee operating ground rules to step down from a work group or leave CHPAC.

**Step 2: CHPAC Pre-Meeting Input.** CHPAC members review the draft letter or presentation and provide feedback to the work group. Members are encouraged to thoroughly review the materials and share their comments and concerns to the work group before the plenary. Early expression of concerns allows the work group time to address these ideas, including potential areas of disagreement, before the plenary discussion. CHPAC members are encouraged to provide constructive comments and should recognize that text contrary to their scientific and/or policy opinions can be provided and suggested for inclusion in the CHPAC letter(s) to the EPA Administrator. Wherever possible, substantive issues should not be discussed via email, as emails involving the full committee *may be* considered a meeting if the agenda topics are not of administrative and preparatory in nature and thus subject to open meeting requirements. These issues should be raised during work group meetings and/or committee plenaries, if possible.

**Step 2a: Addressing Major Disagreements.** The CHPAC chair(s), work group chair(s), and DFO are responsible for ensuring that all members' concerns are addressed appropriately. The work group chair(s) should strive to integrate all viewpoints into a single cohesive letter. If CHPAC members have concerns over the validity of the recommendations or major disagreements, they should contact the CHPAC chair(s), work group chair(s), and DFO to request an additional work group meeting before the plenary, if timing permits. This meeting will include the member(s) in disagreement and aim to reach consensus among all participants before the plenary discussion. The CHPAC DFO may choose, and the work group chair(s) may request, to engage a facilitator to guide discussions and ensure all voices are heard during this and any other CHPAC work group or plenary meeting.

The work group chair(s) may request member(s) in disagreement to write a dissenting letter, which must directly address the charge questions rather than directly rebut the main letter. The work group is encouraged to use creative solutions to ensure members' perspectives, where compromise to combine differing views cannot be identified, are clearly represented. Listed below are different format options the work group could consider when multiple opinions exist.

1. One file with different letters consecutively listed
2. One file with dissenting opinion integrated into a combined letter
3. Multiple letters as separate files (e.g., Cover letter signed by chair, Letter A and Letter B)<sup>2</sup>

**Step 3: Work Group Revisions.** The work group incorporates comments from the full CHPAC to produce the revised draft, addressing feedback wherever possible. Areas of disagreements that are unresolved can be discussed during a plenary with the full committee.

## Full CHPAC Discussion

**Step 4a: Plenary Presentation of Findings and Discussion.** The work group generally presents its findings and working draft letter (or summary presentation) following CHPAC's review in Step 1 to the

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<sup>2</sup> Members can sign their names and self-report financial disclosures in their preferred letter. As a matter of policy, the CHPAC DFO cannot collect conflicts of interest information from CHPAC members serving as representatives of different sectors.

full CHPAC at the plenary. This presentation is followed by a CHPAC discussion of major concerns and review of the letter paragraph-by-paragraph or section-by-section, as applicable. The committee chair(s), work group chair(s), and DFO are responsible for ensuring all CHPAC members' concerns are addressed appropriately. The plenary discussion aims to reach consensus on the letter's content and to provide guidance to the work group and committee chair(s) for finalizing the letter. Discussions focus primarily on substantive issues requiring group input, as determined by the CHPAC chair(s).

The committee may reach consensus during the plenary meeting and agree that any remaining edits can be made by the committee chair(s) and work group members. **Note:** Experience has shown that sharing individually edited electronic versions of the letter during the meeting can confuse the process. During discussions, the committee chair(s) may assign specific individuals to address particular revisions.

**Step 4b: Email Presentation of Findings and Discussion.** If a plenary is not scheduled to take place before the committee aims to finalize a letter, the work group is not ready to present at a scheduled plenary, or further revisions are required after a plenary to achieve consensus, CHPAC follows a slightly different process.

In this case, the work group prepares a draft and distributes it to the full CHPAC for comment via email, as previously outlined in Steps 1-3. The work group makes revisions based on the feedback, and the updated version is distributed to all CHPAC members for final review and acknowledgement of consensus. Also, prior experience with more contentious topics reveals that differences in interpretation of the scientific literature may develop into a 'back and forth' set of revision cycles. Concerns should be raised to the CHPAC DFO, chair(s), and work group chair(s) as they arise to allow for prompt resolution of disagreements. Members should provide recommendations that are responsive of the EPA charge and follow the operating ground rules. Time spent verifying unnecessary claims only confounds the drafting process.

## Finalization

**Step 5: Work Group Revisions to After Full CHPAC Discussion.** Under the leadership of the CHPAC DFO, chair(s), and work group chair(s), the work group revises the letter based on feedback received during Step 4 from the full committee to address the charge questions. Efforts should be made to incorporate points of agreement and disagreement, with proper citations of agreements and explanations of reasons for the disagreement, within the letter package.

**Step 6: CHPAC Review of Work Group Revisions.** Committee members receive a revised draft for review after Step 5, following a process similar to Step 2, where they can provide feedback and suggestions for further refinement. The work group will revise the letter based on feedback from the full committee's review.

**Step 7: Vote on Draft Final Letter.** The draft final letter(s) will then be circulated to the full committee for consensus, which means all members accept the contents in the letter(s). This is achieved by members selecting one of the following options (or alternative options if needed on a case-by-case basis):

- 1) Agreement: The member supports sending to EPA the proposed letter(s).
- 2) Disagreement: The member cannot support sending to EPA the proposed letter(s).



If all members vote to agree, the letter(s) is/are considered finalized. If consensus is not achieved, steps 6 and 7 will be repeated until agreement is reached. If a member persistently disagrees with the letter, the CHPAC chair(s) and DFO may invoke the dispute resolution process to achieve consensus as described in the Dispute Resolution section. If the dispute cannot be resolved by the dissenting member, the CHPAC chair(s) and DFO shall determine how to proceed while acknowledging the dissent of the one member.

The committee can also choose to adopt a statement around voluntary disclosure of self-reported financial interests.

**Step 8: Letter Delivery.** The CHPAC chair(s) signs and emails the letter(s) to the EPA Administrator, with the CHPAC DFO and Director of CHPD copied, to be published on [CHPAC website](#) and corresponding federal docket. EPA's responses to the CHPAC letter are also posted on [CHPAC website](#) and corresponding federal docket once they are delivered to the CHPAC chair(s).

### *Notes on the CHPAC Letter Development Process*

#### *Achieving Consensus*

When developing recommendations to the Agency, the committee will aim for consensus, meaning all members accept the contents of the material. *Consensus does not require a quorum or majority agreement, nor does it imply 100% agreement on every issue.* Instead, it signifies that all members are comfortable forwarding the material to the EPA Administrator on behalf of CHPAC. Members may reach consensus on a letter that includes specific points of disagreement and reflects various viewpoints.

If consensus on a specific aspect of a recommendation is unattainable, the committee will articulate both agreement and disagreement, explaining why differences persist and outlining steps to move forward. *It is recommended that disputes be articulated and addressed first by work group members and be clearly documented. If the disputes cannot be resolved at the work group level, then members can consider escalating the disputes to the CHPAC chair and DFO.*

Members should consider all relevant perspectives and interests, remaining open and creative, allowing for mutually agreeable solutions that prioritize children's health and align with EPA's authorities.

The committee is encouraged to reach consensus on all recommendations wherever possible. If committee recommendations are not provided by the deadlines suggested by the DFO, the Agency will proceed with necessary decisions to advance children's environmental health protection.

Minor editorial suggestions may be submitted to the committee chair(s) after consensus is reached for inclusion as non-substantive changes.

#### *Dispute Resolution*

The dispute resolution group is tasked with seeking creative, mutually agreeable solutions to ensure that all relevant perspectives are considered. If the CHPAC chair(s), in consultation with the DFO, determine that consensus cannot be reached within the available time and agree that a recommendation should proceed to EPA, the committee will initiate a dispute resolution process.

EPA will designate three members of the committee, including a member in dispute and/or a proxy member who shares a similar viewpoint, along with at least one member from the work group that

drafted the letter, to develop a resolution that best meets the interests of children's health as understood by the dispute resolution group, led by the CHPAC chair(s) and DFO. EPA may request the support of a trained facilitator to assist in the dispute resolution process, if needed. The group will consider and arrive at a decision promptly, adhering to any committee-defined deadlines. The agreement reached will be regarded as the recommendation of the committee. If the committee is unable to reach consensus, then the chair(s) should transmit a letter to the Agency explaining why the committee is unable to respond to the EPA charge. Committee members are discouraged from sending individual letters to the EPA Administrator.

Members participating in the dispute resolution are required to maintain respectful, professional behavior, or they will be removed from the dispute resolution group and/or CHPAC at EPA's discretion.

## Interactions with the Press

Publicly stating positions can impact the committee's ability to achieve consensus. Therefore, members who are representatives should, whenever possible, refer press inquiries to the CHPAC chair(s) or the DFO throughout their service on the Committee. If members do speak with the press, they should clarify that they are expressing their individual views and not speaking on behalf of EPA, its employees, or on behalf of the committee itself. They should also avoid characterizing or attributing comments to other members. If members are SGEs or RGEs, then they will be bound by the federal ethics laws and regulations and must first consult with the DFO and the EPA Ethics Office in advance.

## Appendix A: Example Response Forms

### Children's Health Protection Advisory Committee

#### Response Form

Do you approve of the Final Comment Letter to the EPA Administrator on [topic]?

Please check the appropriate box.

1. ☐ Yes, I agree to sending this letter(s) on behalf of CHPAC.
2. ☐ No, I cannot support sending the letter.

Name:

Signature:

Date:

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### Children's Health Protection Advisory Committee

#### Response Form for Multiple Letters

Do you approve of the final package of letters to the EPA Administrator on [topic]?

Please check the appropriate box.

#### Part 1

I will sign on to:

☐ Letter A

☐ Letter B

Use the following sign on name and affiliation: \_\_\_\_\_

#### Part 2

Do you approve sending the final package of letters on [topic], consisting of the Chair's Cover Letter, Letter A and Letter B to the EPA Administrator?

☐ Yes I approve sending the final package of letters on behalf of the CHPAC

☐ No I cannot support sending the final package of letters of behalf of the CHPAC

- a. *if you choose no, please contact the CHPAC chair to share your concerns and explore solutions*

Name:

Signature:

Date: