

Diesel Emissions Identification 2023

Advisory Committee Charter

Oct. 28, 2022

Amina Foster



Air Quality Planning

700 NE Multnomah St.
Portland, OR 97232
Phone: 503-229-5696
800-452-4011
Fax: 503-229-5850
Contact: Amina Foster
www.oregon.gov/DEQ

DEQ is a leader in restoring, maintaining, and enhancing the quality of Oregon's air, land, and water.



State of Oregon
Department of
Environmental
Quality

DEQ can provide documents in an alternate format or in a language other than English upon request. Call DEQ at 800-452-4011 or email deqinfo@deq.oregon.gov.

Table of contents

Table of contents.....	iv
Objectives and scope.....	1
Policy objectives.....	1
Fiscal and economic impact.....	1
Roles	1
DEQ facilitator.....	1
Committee members.....	2
Non-committee member attendees	3
DEQ staff.....	3
Decision making	3
Information exchange	4
Public involvement	4
DEQ contacts	4

Objectives and scope

Policy objectives

In 2019, the Oregon Legislature passed HB 2007, which directs DEQ to adopt a program, by rule, that would allow for owners and operators of diesel-powered construction equipment to demonstrate the emissions profile of each piece of equipment, and in turn receive emission control labels from DEQ that would reflect those profiles. These labels would be placed on the outside of the equipment, which would make it easier for interested parties to identify key characteristics of the engines inside of the equipment.

The purpose of this rule, once adopted, will be to provide an easy way for owner/operators of diesel-powered construction equipment to identify the emissions profile for each piece of equipment at a construction site. The voluntary emission control labels that this program will generate can be used to demonstrate compliance with state and local agencies that have requirements to limit emissions from construction equipment used on their projects.

Fiscal and economic impact

ORS 183.333 requires that DEQ ask the committee to consider the fiscal and economic impact of the proposed rules including:

- Whether the rules will have a fiscal impact, and if so, what the extent of that impact will be.
- Whether the rules will have a significant adverse impact on small businesses, and if so, how DEQ can reduce the rules' negative fiscal impact on small businesses.

Roles

DEQ facilitator

The facilitator:

- Encourages open, candid and robust dialogue
- Starts and ends the meetings and agenda items on time
- Encourages innovation by listening to all ideas
- Tries not to lose good ideas to the consensus process
- Recognizes when the discussion is outside the scope of the meeting and steers the discussion back to the focus of the meeting

Committee Members

In convening this committee, DEQ selected members that reflect the range of interested parties the proposed rules affect, both directly and indirectly. Representatives should be able to consider the policy, fiscal and economic impact of the proposed standard on the business or organization they represent.

Advisory Committee Membership	
Committee Members	
Name	Affiliation
Angela Smith	Minority Construction Group, LLC
Brent Kerr	Kerr Contractors
Celeste Meiffren-Swango	Environment Oregon
Larry Gescher Kirsten Adams (alternate)	Associated General Contractors
Mary Peveto	Neighbors for Clean Air
Michael Graham	Columbia Willamette Clean Cities Coalition
Oriana Magnera Vivian Satterfield (alternate)	Verde
Rich Angstrom	Oregon Concrete and Aggregate Producers Association
Taren Evans	Coalition of Communities of Color
TJ Landis	Northwest Utility Contractors Association
Government Advisors	
Summer Guthrie Gene Wilborn (alternate)	Oregon Department of Transportation
David Farrer	Oregon Health Authority
Jay Jackson	Department of Administrative Services
Farrah Fatemi Stacey Foreman (alternate)	Clean Air Construction Program

Advisory committee members must attend each meeting to ensure continuity throughout the process. An alternate may be assigned if needed. However, it is each committee member’s responsibility to fully brief their alternate on all relevant issues and prior committee discussions in order to meet the meeting objectives and keep the project on schedule. The primary and alternate members of the committee cannot participate in the same meeting. If a member’s absence is unavoidable, please notify the DEQ project manager, Amina Foster. DEQ will meet individually with any RAC member who is unable to attend a meeting.

The committee member:

- Prepares for and sets aside time for the meetings
- Provides DEQ staff with copies of relevant research and documentation cited during the meeting

- Stays focused on the specific agenda topics for each meeting
- Comments constructively and in good faith
- Consults regularly with constituencies to inform them on the process and gather their input
- Treats everyone and his or her opinions with respect
- Allows one person to speak at a time
- Is courteous by not engaging in sidebar discussions
- Avoids representing to the public or media the views of any other committee member or the committee as a whole

Non-committee member attendees

Those who attend the committee meetings, but are not members of the committee may observe but not actively participate. If non-committee members are present at a meeting, DEQ may allow time at the end of the meeting for their comments once the RAC has completed its business.

DEQ staff

DEQ is committed to making the most effective use of committee member's time by:

- Establishing clear committee goals, meeting objectives and agendas
- Giving committee members reasonable access to staff
- Encouraging all members to take part in discussions
- Providing a clear description of members' roles, the committee timeline, the level of agreement expected and feedback on how members' input is used

Committee Meetings

Meetings

The committee meeting will be:

- Open to the public
- Advertised on DEQ's webpage calendar two weeks before the meeting at: [DEQ Event Calendar](#)
- Noticed by email to the Diesel Emissions Identification 2023 GovDelivery list
- Held remotely via a call-in number or webinar

Decision making

The committee's discussions will be used by DEQ in forming its draft rule, which will then be proposed for broader public review and comment as part of DEQ's rulemaking process.

When DEQ shares information with the group, DEQ will allow a reasonable timeframe for comments. DEQ will post agenda and meeting materials on the advisory committee website at least one week in advance. The advisory committee charter and the full roster of the committee will be located on the advisory committee webpage in addition to meeting agendas, background materials, and meeting summaries. DEQ will not prepare a formal committee report.

Public records and confidentiality

Committee communications and records, such as formal documents, discussion drafts, meeting summaries and exhibits are public records and are available for public inspection and copying. DEQ does not assume responsibility for protecting proprietary or confidential business information shared during committee or subcommittee meetings. However, the private documents of individual committee members generally are not considered public records if DEQ does not have copies.

Information exchange

Committee members will provide information as far in advance as possible of the meeting at which such information is used. The members will also share all relevant information with each other to the maximum extent possible. If a member believes the relevant information is proprietary in nature, the member will provide a general description of the information and the reason for not providing it.

Public involvement

All meetings will be open to the public. DEQ may set aside time for the public to speak and provide input once the RAC has concluded its business for the meeting.

Once the committee process is complete, DEQ will develop draft rules and conduct a public rulemaking process. That process will include a specified period during which the public can submit comments on the proposed rules. DEQ will also hold a public hearing during which any member of the public can submit written or verbal comments. Individual committee members may provide comments to DEQ on the full draft rule at this time. DEQ may modify the final proposed rules based on public comment. DEQ intends to take a final proposed rule to the Environmental Quality Commission for consideration at its meeting in the second quarter of 2023.

DEQ contacts

Primary Contact: Amina Foster, Air Quality Planner,
Amina.Foster@deq.oregon.gov

Alternate Contact: Eric Feeley, Diesel Planner,
Eric.Feeley@deq.oregon.gov