



November 14, 2017

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**Washington County**  
Mark Caskey

Secretary Patrick  
McDonnell, Ex-officio

Re: Advisory Committee Guidelines (012-1920-002)

Dear Mrs. Edinger:

The Citizens Advisory Council (“CAC” or “Council”) was established pursuant to Sections 448(p) and 1922-A of the Administrative Code of 1929, as amended by Act No. 1970-275 and Act No. 2016-07, 71 P.S. §§ 158(p) and 510-22. Pursuant to Section 1922-A of the Administrative Code of 1929, the CAC is charged, in part, to advise the Department of Environmental Protection (“DEP” or “Department”) and make recommendations to help improve the work of the Department. As part of the CAC’s overview of the Department’s work, Council may make official comments on policies established by DEP.

The Department recently updated its Advisory Committee Guidelines and published the draft Document Number 012-1920-002 on DEP’s eComment page. The CAC thanks the Department for reviewing this policy document and allowing Council and the public the opportunity to provide comments on its guidelines. Council notes that the Department incorporated many changes suggested by the CAC in its *Public Participation Committee Report* and commends the Department for its actions. The goal of the aforementioned report was to provide clarity to the Department’s advisory committees, including the CAC, to better aid the Department in implementing State and Federal environmental laws in the Commonwealth.

Council would like to highlight the directive on Page 6, Section C. of the Advisory Committee Guidelines which states, in part, that “DEP Deputy Secretaries and Bureau Directors will ensure that program staff coordinate with DEP liaisons to inform advisory committees early in the process of developing DEP policies, guidance, regulations or other technical documents.” The CAC believes that utilizing the expertise of the members of the various Departmental advisory committees will provide great benefits to the Department. As such, Council is looking forward to a more proactive role in the development of the Departments policies, guidance, regulations and other technical documents.

On Page 2, Section A. under the heading *Sunshine Act*, Council believes there should be

clarification in the language related to advisory committee meetings of subcommittees and workgroups in relation to the Sunshine Act. While the language does state that an advisory subcommittee that has delegated decision-making authority is subject to the Sunshine Act, the language later states that “DEP’s policy is to conduct meetings for every advisory committee subject to this guidance document, **including subcommittees and workgroups**, as though they are subject to the Sunshine Act.” This creates an undue burden on subcommittees and workgroups who do not have delegated decision-making authority.

Often, the purpose for subcommittees and workgroups is to informally meet and listen to information from the Department or other stakeholders and/or to discuss whether a topic should be brought before the full advisory committee for a decision. In many circumstance, these subcommittees and workgroups **do not** have the authority to make final decisions on behalf of the full committee and are sometimes formed to discuss a potential topic for full advisory committee review without much notice. To require every impromptu conference call or meeting to be subject to the Sunshine Act would be counterproductive by limiting both their effectiveness and frequency. As such, Council contends that **the requirement to subject subcommittees and workgroups to the Sunshine Act should clearly be limited to only those subcommittees and workgroups that have final decision-making authority.**

The CAC would like to thank the Department once again for considering the recommendations of Council and updating the Advisory Committee Guidelines to ensure participation in the Department’s development of regulations, policies, procedures, standards, and technical guidance documents. Please feel free to contact Lee Ann H. Murray, Esq., Executive Director for the Citizens Advisory Council at 717-787-8171, or [leemurray@pa.gov](mailto:leemurray@pa.gov) if you have any further questions or concerns.

Sincerely,



Donald S. Welsh, Chair  
Citizens Advisory Council

cc: Lee Ann H. Murray  
Executive Director  
Citizen Advisory Council