



SBO/SBAP NATIONAL COMPLIANCE ADVISORY PANEL

GUIDELINES



Background

Section 507 of the Clean Air Act requires each state to establish a Compliance Advisory Panel (CAP). In 2001, the National Compliance Advisory Panel (NCAP) was formed to foster effective working relationships among the various state CAPs, and also to foster an effective working relationship with the U.S. EPA.

Purposes

The purposes of the NCAP are to:

- Provide information to the U.S. EPA Small Business Ombudsman (SBO) about the state CAPs, as well as environmental issues affecting small businesses;
- Review existing and proposed EPA rules affecting small businesses;
- Assist the states in the formation and function of the CAPs;
- Support the state Small Business Ombudsmen (SBOs) and Small Business Assistance Programs (SBAPs) and advocate for them; and
- Recommend to EPA, the United States Senate, the United States House of Representatives, and state executive and legislative bodies, as appropriate, changes in procedure, in rules or in the law which would facilitate small business compliance with environmental laws.

Membership

Composition

The NCAP shall consist of one member from each EPA region (voting members), at least two members-at-large (voting members), the SBO/SBAP National Steering Committee (NSC) vice-chairperson or his/her designee, the U.S. EPA SBO or his/her designee, and a U.S. EPA Liaison to the NCAP to be selected by the U.S. EPA SBO. Only members from the various EPA regions and the members-at-large shall have voting rights on matters requiring a vote.

Term of Service

The terms of service of voting members and members-at-large shall be four years and until their successors are duly selected.

- For members of Regions I, II and III, the initial term of office ends December 31, 2004.

- For regions IV, V and VI, the initial term of office ends December 31, 2005.
- For regions VII, VIII and IX, the initial term of office ends December 31, 2006.
- For region X and for the members-at-large, the initial term of office ends December 31, 2007.

After completion of these initial terms, voting members shall serve for four-year terms starting at the end of their predecessors' scheduled term. A member may serve for more than one term.

Selection

The state CAPs within each EPA region shall select one voting member to serve on the NCAP. The state CAPs are encouraged to select a small business owner or a small business representative to serve as their voting member. A region's SBO/SBAP National Steering Committee regional member and/or designee may serve as the voting member on the NCAP if there is no CAP member able or willing to serve. Each region is entitled to one vote.

The members-at-large are selected by the Chair and confirmed by a majority vote of the members entitled to vote.

Vacancy

If a vacancy of one of the regional representatives occurs, the state CAPs for the region may select a member for the remaining portion of the unexpired term created by the vacancy.

Meetings

The NCAP shall hold regular meetings at least four times each year (in person or by conference call) at times and places to be determined by its members. It is the intent of the NCAP to hold two face-to-face meetings annually, depending upon availability of EPA funding. Members shall be given at least four weeks notice of meeting times and locations. Special meetings may be called by the Chair, in which instance members shall be given at least two weeks notice of meeting times and locations.

Member Quorum and Voting

A majority of the voting members appearing in person or by electronic conference shall constitute a quorum at a meeting of the NCAP. If a quorum is present, unless otherwise provided by law or in these guidelines, the affirmative vote at the meeting of a majority of the members entitled to vote shall be the act of the members of the NCAP on the subject matter. If a quorum is not present when a meeting starts, then a majority of the members at the meeting entitled to vote may adjourn the meeting until a quorum is present, or may continue discussion, recognizing that no action requiring a vote of the members may be taken until a quorum is present.

Each voting member and each member-at-large is entitled to one vote. The SBO/SBAP National Steering Committee representative and the representatives of the U.S. EPA serve in an advisory capacity only and are not entitled to vote.

When the NCAP determines that a particular issue significantly affects the state CAPs, the issue is not to be taken up for vote until the voting members ascertain the positions of the state CAPs within their regions, and make these positions known to the NCAP.

Removal of Regional Representatives

A voting member may be removed by a two-thirds vote of all NCAP members if that voting member misses two or more successive meetings of the NCAP without just excuse, said just excuse to be determined by a majority of the voting members present at the meeting from which the member is absent.

Officers

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The officers of the NCAP shall consist of a chair and vice-chair, each of whom shall be elected by the NCAP members.

Election

The officers of the NCAP, after the election of the initial officers, shall be elected for a two-year term by the members entitled to vote at the first regular meeting after expiration of an officer's two-year term. Each officer shall hold office for two years from the end of the meeting at which the officer is elected or until a successor is duly elected. Officers may be re-elected to subsequent terms.

Removal

Any officer elected by the members may be removed by a two-thirds vote of the members entitled to vote whenever, in their judgment, the best interests of the NCAP would be served by such action.

Vacancy

A vacancy in any office because of death, resignation, removal, or otherwise, may be filled by a majority vote of the members for the unexpired portion of the term.

Chair

The Chair shall be the principal officer of the NCAP and shall in general supervise all of the business and affairs of the NCAP. The Chair shall, when present, preside at all meetings of the NCAP. The Chair may sign all instruments which the NCAP has authorized to be signed. The Chair in general shall perform all duties incident to the office of Chair and such other duties as may be prescribed by the NCAP from time-to-time, which may include participating in congressional hearings, coordinating with the U.S. EPA SBO, serving as the NCAP representative on the SBO/SBAP National Steering Committee, and acting as liaison for the NCAP.

Vice Chair

In the absence of the Chair, the Vice Chair shall perform the duties of the Chair and, when so acting, shall have all the powers of and be subject to all of the restrictions placed upon the Chair. The Vice Chair shall perform such other duties as from time-to-time may be assigned by the Chair or the NCAP.

Nominations

The NCAP will request from NCAP Members nominations for all officers whose terms are due to expire. Requests for nominations will be made at the last regular meeting before the end of the officer's term of office. The list of nominees and any accompanying information will be mailed to all members for review before the election. Nominations from the floor will also be allowed at a meeting to elect officers. Self-nominations are acceptable. A one-page statement of information about each nominee shall be submitted and circulated to all members at least two weeks before the election meeting.

Duties of U.S. EPA

The U.S. EPA NCAP Liaison shall provide administrative support and serve as secretary for the NCAP; shall be responsible for, and cause to be kept, the minutes of the NCAP meetings; see that all notices are given in accordance with the provisions of these guidelines or as required by law; be custodian of the NCAP records; keep a register of all members and their post office and electronic mail addresses; in general perform all duties incident to the role of the secretary; and perform such other services as may be needed from time to time by the NCAP.

Subcommittees

The National CAP shall designate subcommittees as may be required for the NCAP to fulfill its purposes. These subcommittees shall have and exercise the responsibilities extended to them by the NCAP.

Amendment of Guidelines

These guidelines may be adopted, amended, suspended and/or repealed by a majority vote of the NCAP. Action to adopt, amend, suspend, or repeal these guidelines may be proposed and read at any regular or special meeting, but cannot be voted upon until the following regular or special meeting. The Chair may unilaterally suspend these guidelines for a time not to exceed the time to the next regular or special meeting of the NCAP if, in the judgment of the Chair, implementation of these guidelines would defeat the purposes of the NCAP.