



SBO/SBEAP NATIONAL COMPLIANCE ADVISORY PANEL

GUIDELINES



NATIONAL COMPLIANCE ADVISORY PANEL

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:

- Assist the states in the formation and function of the CAPs;
- Support the state Small Business Ombudsmen (SBOs) and Small Business Environmental Assistance Programs (SBEAPs) and advocate for them;
- Provide information to the U.S. EPA Asbestos and Small Business Ombudsman (ASBO) about the state CAPs, as well as environmental issues affecting small businesses; and
- Review existing and proposed EPA rules affecting small businesses and when necessary, recommend changes.
- 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.¹

Membership

Composition

The NCAP shall consist of one representative from each EPA regional boundary (voting members), at least two members-at-large (voting members), the SBO/SBEAP National Steering Committee (NSC) Vice-Chairperson or his/her designee and the U.S. EPA ASBO or his/her designee.

¹ The U.S. EPA ASBO nor his/her designee will not engage in nor support (including the use of official employee time and Government resources) any activities that are intended or designed (directly or indirectly) to influence in any manner a member of Congress, a jurisdiction, or an official of any government (Federal, state or local) to favor or oppose any legislation, law or appropriation.

Term of Service

The terms of service of representatives and members-at-large shall be two years or until their successors are duly selected. A member may serve for more than one subsequent term.

Selection

The SBO/SBEAP National Steering Committee (NSC) Vice Chair will coordinate with the NCAP Chair, NSC Regional Representatives and state CAP within each EPA regional boundary to elect/select one representative to serve on the NCAP. The state CAPs are encouraged to select a small business owner or a small business representative. The NSC regional representative may serve as the representative for that region if there is no CAP member able or willing to serve.

The members-at-large are selected by the NCAP 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 NSC Vice Chair will coordinate with the NCAP Chair, NSC Regional Representatives, and State CAPs to elect/select a member for the remaining portion of the unexpired term created by the vacancy.

Removal of Regional Representatives

A regional representative may be removed by the selecting CAP based on recommendation of the NCAP members.

Officers

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 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 only one subsequent term.

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 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. Duties may include coordinating with the U.S. EPA ASBO, serving as or designating a NCAP representative on the SBO/SBEAP 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 Chair 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. Self-nominations are acceptable and nominations from the floor will also be allowed at a meeting to elect officers. The Chair will provide a list of nominees and any accompanying information for the NCAP members' review at least two weeks before the election meeting. NCAP members should share this information with their CAPs.

Meetings

Meeting attendance is vital to the advisory role performed by the NCAP. 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 if funding is available. One of these meetings is held at the annual SBO/SBEAP National Conference. 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 ample notice of meeting times and locations.

Voting and Member Quorum

Only representatives from the various EPA regional boundaries and the members-at-large shall have voting rights on matters requiring a vote. Each voting member is entitled to one vote. The SBO/SBEAP National Steering Committee Vice Chair and the U.S. EPA Asbestos and Small Business Ombudsman 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 consult with the state CAPs within their regions, so their positions can be shared with the NCAP.

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.

Support of U.S. EPA

The U.S. EPA ASBO or his/her designee will participate on NCAP quarterly conference calls to provide advice on NCAP activities, provide information regarding Agency rulemakings impacting small businesses, utilize the NCAP to review publications and projects for small business perspectives and understandability, and engage NCAP members in agency workgroups as appropriate. In addition, the U.S. EPA ASBO or his/her designee will work with the NCAP to develop strategies for forming CAPs in all states, and when possible, will work with the NCAP to provide training for state CAP members. The U.S. EPA ASBO will provide support through the Small Business Environmental Home Page and support the quarterly conference calls or any additional calls through the use of the EPA ASBO conference line. The U.S. EPA ASBO or his/her designee will coordinate the content of the meeting agenda with the Chair and will be responsible for meeting logistics such as recording and circulating meeting minutes. The U.S. EPA ASBO or his/her designee will keep a register of all members and their post office and electronic mail addresses, see that all notices are given in accordance with the provisions of these guidelines or as required by law, and is custodian of the NCAP records.

The U.S. EPA ASBO nor his/her designee will not engage in nor support (including the use of official employee time and Government resources) any activities that are intended or designed (directly or indirectly) to influence in any manner a member of Congress, a jurisdiction, or an official of any government (Federal, state or local) to favor or oppose any legislation, law or appropriation.

Subcommittees

The NCAP 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.