

**Radon Stakeholders Consensus Building Dialogue  
September 13, 2007 Meeting Summary  
Jacksonville, Florida**

**Participants:**

***USEPA:***

[Tom Kelly](#), Director, Indoor Environments, USEPA  
[Bill Long](#), Director, CRAT, USEPA  
[Laraine Koehler](#), Radon & Indoor Air Coordinator for EPA

***State Radon Programs:***

[Adrian Howe](#), State Radon Contact, NV; Chair, E-25  
[Chrystine Kelley](#), State Radon Contact, CO  
[Josh Kerber](#), State Radon Staff, OH  
[Jim McNeas](#), State Radon Contact, AL; member, E-25 and CRCPD Board of Directors  
[Sara Morgan](#), State Radon Staff, NE  
[Mike Pyles](#), State Radon Contact, PA; member, E-25  
[Bob Stilwell](#), Radon/IAQ Coordinator, Radon Control Program, DHHS, member E-25

***National Environmental Health Association – National Radon Proficiency Program (NEHA-NRPP)***

[Heidi Shaw](#), Credentialing Coordinator, NEHA  
[Dick Manning](#), Chair of Policy Advisory Board, NEHA-NRPP  
[Angel Price](#), Executive Director, NEHA-NRPP

***Conference of Radiation Control Program Directors (CRCPD)***

[Curt Hopkins](#), Radon Program Manager, CRCPD

***AARST Consortium on National Radon Standards***

[Gary Hodgden](#), Executive Stakeholder Committee Chairman, AARST Standards Consortium

***American Association of Radon Scientists and Technologists (AARST):***

[Bill Angell](#), Professor & Director, University of Minnesota—Midwest Universities Radon Consortium; President, AARST  
[Peter Hendrick](#), Executive Director, AARST  
[David Wilson](#), AARST  
[Philip Jenkins](#), Ph.D., CHP, Bowser Morner Laboratories

**ASTM**

[Phil Anthes](#), ASTM Task Group Chairman, E2121  
[Steve Mawn](#), ASTM

## **EPA Welcome**

Tom Kelly, USEPA, thanked stakeholders for participating in the second meeting of national radon stakeholder dialogue group, and remarked on the important progress made since Las Vegas toward improving understanding and reaching agreements. His hope is that the group will continue to collaborate to achieve shared goals of protecting public health and addressing remaining challenges.

## **Overview of Agenda**

Merrick Hoben, Consensus Building Institute, facilitated the meeting.<sup>1</sup> Participants introduced themselves briefly and remarked key insights from Las Vegas as well as their commitment to continued work together. Merrick gave an overview of the agenda and explained the meeting purpose. The goals of the meeting were to:

- Move forward on agreed and potential action items from the Las Vegas meeting
- Identify additional actions that the group or subgroups can be working on during the fall months
- Strengthen connection between individual leadership commitments and the consensus building efforts of the dialogue group

## **360 Check-in**

New participants and observers (see list) were welcomed to the group through open discussion on three questions:

*What excited radon stakeholders about the Las Vegas dialogue?* Comments and insights ranged from: new understandings developed among stakeholders; trust building; new clarity about concerns; the strong potential for follow through; the willingness of stakeholders to take risks to be honest and have those efforts be rewarded; new levels of outreach that was refreshing; and identifying concrete steps and objectives for moving forward.

*What do new participants need to know about participating stakeholder's efforts and commitment to this dialogue group?* Comments included:

- Private sector representatives explained their appreciation for being a part of the group, their willingness to listen and adapt to others' concerns, and have the support and commitment from their constituents.
- State representatives noted their satisfactions with the dialogue so far and the strong potential to reaching beyond individual agendas.
- EPA stakeholders confirmed their commitment to creating effective dialogue conditions, helping to bridge misconceptions and build trust among groups.
- All stakeholders see unique opportunity to educate and inform, without pre-judgment, both in the present and long-term.

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<sup>1</sup> Merrick is temporarily facilitating group meetings while his colleague Stacie Smith is on maternity leave.

*What are the key strategies and techniques the group needs to practice to build consensus and accelerate progress? Comments included:*

- The need to institutionalizing a group protocol for more frequent and effective communication.
- Demonstrating effective leadership and communication by example without generating fear of reprisal, rumor, or judgment.
- Maintaining clarity of language, intent in communication (both who and what), as well as tolerance and forgiveness of missteps.

### **Mutual Gain Negotiation Overview**

The facilitator provided a brief presentation on the *Mutual Gains Approach* to Negotiation as a framework for key techniques and strategies likely to help the group build lasting agreements. A one-page handout summary was distributed. Electronic copy is available upon request. Key points shared include:

- The Mutual Gains Approach (MGA) is a 4-step process model for negotiating better outcomes while protecting relationships and reputation.
- The central tenet of MGA is that the majority of negotiations involve parties with more than one goal and more than one issue. Thus opportunity to create agreements that are better than existing alternatives.
- MGA is not about “win-win” or just “finding common ground”, but rather emphasizes careful analysis and process management that follows key steps: ***Prepare, Create Value, Distribute Value, and Follow Through.***

1) To ***Prepare***, we need first understand underlying core interests and alternatives -- both yours and theirs. Interests are the kinds of things a person or organization cares about, in rank order. We also need to estimate our own alternatives to negotiation, and how other side sees theirs. This is because having good alternatives to agreement increases your power at table. Good negotiators listen for interests behind positions and use that understanding to create viable options.

2) To ***Create Value***, we deliberately claim a space in negotiation dialogue to invent without committing. Based on an a clear understanding of our interests and others’, we advance options by asking “what if” (What if x person sat on y committee?; What if we were able to improve quality assurance by doing x?). By floating different options and packages we are able to discover even more interests and generate opportunities for further joint gain.

3) To ***Distribute Value***, we mean that all negotiations must reach decisions about who gets what. However, if more value is first created, it is easier to divide that value. The key is to find objective criteria or principles to support or guide difficult allocations and justify fairness. This improves stability of agreements, implementation, and relationships.

4) Finally, to ensure ***Follow Through***, we must remember to imagine future challenges and solutions (predictable surprises!) by asking ourselves, “what could go wrong?” To this end, it is

important to include specific provisions in final agreements that focus on monitoring commitments; communicating regularly; resolving conflicts or confusions; and aligning incentives. Making agreements more robust helps the parties who will live with it and by it.

### **Progress, Clarifications, and Next Steps on Las Vegas Agreements/Commitments**

The group discussed progress, clarifications, and next steps regarding key agreements and commitments from Las Vegas.

### **Reconciliation of differences and similarities between ASTM E-2121 and AARST's RMS**

The group discussed efforts by AARST and E-25 to compile a mutually acceptable comparison of the differences and similarities between ASTM E-2121 and AARST's RMS, for dissemination to members of both groups.

There have been two independent agency attempts to look at differences in standards, movement toward resolution and a willingness to look at the standards process, but not agreement yet on one standard.

There was general agreement that diverse points of view will improve the standards document – in ways that address underlying interests, as well as ensure a technical, viable and reliable document. One option for bringing the two standards together was to improve the ASTM process, and if stakeholders are satisfied over time, then the AARST standard could be dropped. Such a process would need to follow ASTM rules. The AARST consortium gave general support to move forward like this.

An ongoing challenge to follow through is the differences in protocol for organizational decision-making between AARST and ASTM that all must be better aware of. These differences could derail good faith efforts via perception of individuals feeling left out or unheard.

It was noted by group members that 95% of the two standards are, in fact, very similar. The fraction of remaining differences are mostly due to business practice limitations and technical differences that could be clarified with further communication between the organizations. Another alternative for addressing differences in business practices is to potentially have two separate sections or documents on specifically on business practice.

ASTM (Steve Mawn) provided a brief overview of its approach to standard setting. The group recommended that ASTM and AARST continue their dialogue and keep the group informed of their progress.

### **ACTIONS / REQUESTS / OFFERS**

- There is strong initiative in the group to further clarify misunderstanding and bring the standard into one document with continued involvement from stakeholders.

- To this end, [Steve Mawn and Phil Anthers](#), and [Gary Hodgden](#) agreed to jointly create a document that explains the reasons, limitations and policy differences among the two standards processes. The document will identify the pieces that belong in other places, and make recommendations to address those. The analysis will be 3 pages (Description, Analysis, Recommendations) and updated as needed. Gary will write the first draft for review by Phil and Steve, then share with the full group for input. Phil Jenkins will add a brief overview of the standards and their origin. The document will ultimately be posted on the organizational websites.
- AARST and states will communicate freely about this standard unifying initiative.
- Mike Pyles will also share a document with group that explains PA's view of similarities and differences in the standard.

### *Work group on lab referencing*

Bill Long updated the group on his efforts to establish a working group on the issue of lab referencing.

- The Lab Referencing group has met twice since Las Vegas with objective of articulating how labs and chambers fit with proficiency programs. Documentation will eventually be brought to the full dialogue group for review and final approval.
- Three additional representatives have been added to the group -- two from proficiency programs and one from states. The group will meet again soon to further develop language.

### ACTIONS / REQUESTS / OFFERS

- Bill Long (EPA) requested an independent facilitator for lab group meetings in order to more fully participate as a stakeholder. Consensus Building Institute was asked to help facilitate those meetings.
- The group requested full transparency of contractual and financial relationships regarding independent group facilitation and all consultant relationships.
- The group will continue to invite NRSB to join the Work Group on Lab Referencing.
- Dave Wilson has withdrawn his lab referencing concept proposal in order to support Phil Jenkin's concept paper. However, Dave Wilson's ideas about structure, especially with regard to the idea of the Proficiency Programs (versus EPA) instituting new requirements of applicants (thereby creating more business for the private labs) will remain on the table..
- [Phil Jenkins](#) to re-circulate his proposal and concept slides. The slides focus on how the radon industry must evolve. Key ideas included: the need for development of international standards and comparison; the need for more EPA involvement and oversight; the need for continuous participation of the US / EPA involvement in regular international exchange.
- On a related note, Mike Pyles is revising Pennsylvania radon chamber policy with intent on reducing controversy and confusion over calibration. Copies of his document were distributed at meeting, with request for review and comment by the group.

### ***Reducing perception of conflict of interest between AARST and NEHA/NRPP***

The group discussed AARST's steps to reduce the perception of a conflict of interest between AARST and NEHA/NRPP by making changes to the AARST home page.

- The respective websites have been clarified and protocol is being improved around communication. This is a huge step forward that should be acknowledged.
- Specifically, website removal / editing of confusing language is now complete, emails now to go to NEHA/NRPP members via Angell Price; the policy advisory board will post all meeting minutes; and the policy manual is posted on the NRPP website, etc.

### **ACTIONS / REQUESTS / OFFERS**

- Though substantial progress has been made, the group acknowledged that some mistrust and uncertainty persists regarding this issue.
- To address this, group members requested further clarification and documentation of the NEHA / NEHA-NRPP relationship as well as AARST's involvement with the technical review board. It was recommended that clarification be posted by CRCPD and/or NEHA distribute information via its website and other means.
- Peter Hendrick (Exec. Dir AARST) offered explanation of AARST's intent and commitment to work toward a positive AARST / NEHA-NRPP relationship. He noted his efforts to bring business expertise to the professional organization and that the stock buy was a good faith effort to 'avoid bad actors'. While there were errors in communication, there was no malicious intent. Fear is driving continued concerns, but those concerns can be overcome through actions supported by the group. A key task is to improve communication in ways that help assure all stakeholders about existing relationships. This will require the good faith communication and the work of the dialogue group as a whole.
- After lunch, Peter Hendrick recommended the group commit to resolving this issue once and for all through the development and distribution of a NEHA / NRPP statement jointly created and reviewed to the satisfaction of group. The group agreed that if NEHA provides clear written answers to satisfaction of dialogue group, it will serve as 'ambassadors' for clarifying and ultimately eliminating ongoing constituent concerns.
- NEHA's document will include both history and clarification of misconceptions. [Heidi Shaw](#) (Credentialing Coordinator, NEHA) will draft a statement responsive to concerns (see Las Vegas meeting notes for specifics), distribute to those to the dialogue group, and provide opportunity for participant comment and response.
- States will email their constituents to solicit any ongoing concerns and communicate those to Heidi. The final document will be distributed to all participants and posted on the

NEHA website. Timeline: two week to develop draft; two weeks for comment; two weeks to redraft; completion by early November.

### ***Constituent input on Las Vegas Agreements***

Following Las Vegas, the group stakeholders were asked check in with their constituents regarding key agreements and issues. The group noted that their check-ins were done through informal communication and there was broad support for the dialogue process and decisions to date. Some used the draft email protocol provided by CBI.

#### **ACTIONS / REQUESTS / OFFERS**

- States were asked to further clarity on state perspectives on key issues.
- [Josh Kerber](#) and (State Radon Staff, OH) [Sara Morgan](#), (State Radon Staff, NE) will draft brief update from the Jacksonville meeting for states to provide input and review on the dialogue process.
- Timeline: A draft of the email update will be ready the first week of October, two weeks for review and revision, and then it will be sent out. The update will include a recap regarding the intent of dialogue group and how it works.

### **Discussion of other Suggested Agreements/Commitments**

The group discussed the potential, feasibility, and pending action regarding a range of additional issues. Discussion was limited due to the early departure of a number of group members.

### ***Increasing QA / QC for accuracy of devices***

- The group briefly discussed how to ensure the accuracy of devices through increased QA/QC requirements for the members of proficiency programs.
- Improving QA/QC is technically challenging and important work, particularly among quality labs and device manufacturers where improved chambers protocol is relevant issue – specifically, calibration themselves and the implications for public health protection.
- Professional and state programs also require demonstrated QA/QC, thus the EPA needs to get more involved in active monitoring.
- A missing step is the absence of appropriate device design performance tests. Maintaining certification of device types requires testing every 1 to 2 years. Unless established, there's no control over devices in use. There's a need to address tertiary device issue as well.
- Recommendation: start with devices that have been listed with EPA for long time. Specify a certain date at which all certifications expire. All old ones that don't show up would then be gone, and others periodically certified.

- The group agreed that there is no need to wait for QA/QC process, but there are legality questions relating to standards that need to be explored. Neither NEHA nor NRSB can act without a consensus based standard.
- Another issue is devices on the market with false certification that are advertising bogus claims of EPA approval. EPA promised to investigate.

#### ACTIONS / REQUESTS / OFFERS

- The group agreed that there was no need to wait on device evaluation standardization and reevaluation because a protocol is already in place.
- **Angel Price** will take this suggestion to the NEHA / NRPP Policy Advisory Board for consideration. The lab work group will be included in discussion.
- NRSB needs to weigh in and submit comments before the next meeting. **Bob Stilwell** will communicate with Nancy Bredhoff (NRSB).
- The group as a whole needs (esp. States) to ask for constituent input on this issue.
- **Angel Price** will send pictures of falsely advertised devices to EPA, and **EPA** to follow up with the companies. EPA will also review options under law for stipulating what may be done in terms of discriminating against businesses on grounds of QA/QC.

#### ***Written clarification of protocols for compliance actions against professionals for whom concerns and complaints are raised***

- The group briefly discussed how states could better assist on compliance via improved access to state services to enforcement.
- **Angel Price** will email the NEHA written policy on compliance to group.
- **Bob Stilwell** to ask NRSB for input.

#### ***Development of working group with states, AARST, NEHA, and NRPP to support continuing communications***

- The group noted that there was a prior assumption that the difficult problems that the group could potentially not work through in plenary may require working groups. This may not be relevant now given progress made on key issues.
- It was noted that there should be further clarification of appropriate communication channels on key issues.
- CBI will revise the groundrules to clarify the communication protocol among the group for review at the next meeting.

#### ***Designation of group liaisons for all groups i.e. ARSST, E25, SR Committee etc.)***

- CRCPD recently forwarded a proposal to the ARSST Board regarding designation of group liaisons. The AARST board is informed and waiting for details on proceeding with designation of liaisons.



- There was general agreement on the need and value of broader stakeholder involvement and the perspectives they can bring to organizational discussion. However, further clarification of representation and responsibilities is needed regarding liaisons. Specifically, the respective organizations need to clarify the differences between informal liaison and formal representative decision-making roles across groups.
- AARST and E25 will continue to discuss potential and next steps regarding liaison opportunities (led by Adrian Howe and Bill Angell).

***Ongoing work, Group Composition, and Next Steps***

EPA's Tom Kelly noted that the group had been so far very successful addressing critical issues. He asked for group input on the need for the group to continue to meet to address substantive issues. Participants responded that the forum was very useful, especially in conjunction with the National Radon Meeting. It was unclear whether a next meeting is more convenient in December 07 or January 08.

***ACTION:*** EPA will respond to the group regarding feasibility of dates for the next meeting.

The group also discussed the absence of NRSB from the group, and their importance as a stakeholder. The group respects the decision of NRSB to not participate, but some were concerned about the opportunity being missed. The group agreed to maintain transparency regarding all actions and meeting summaries, as well as be open to observers.

***ACTION:*** Bob Stillwell will check in with NRSB regarding their future participation.

Finally, the group emphasized the importance of transparency regarding financial and contractual relationships (as note prior).

***ACTION:*** CBI to a draft transparency clause regarding all financial and contractual relationships for addition to the group groundrules for review.

The meeting adjourned at 3:30 pm.