MANUFACTURING CHEMISTS ASSOCIATION
1872 A CENTURY OF SERVICE 1972
1825 CONNECTICUT AVENUE, N.W. WASHINGTON, D.C. 20009 (202) 483-6126

February 28, 1972

To: ENGINEERING ADVISORY COMMITTEE
FOOD, DRUG, AND COSMETIC CHEMICALS COMMITTEE
LABELS AND PRECAUTIONARY INFORMATION COMMITTEE

Subject: MCA Procedural Requirements on Meetings and Outside Contracts

Gentlemen:

The attached copy of the Technical Department Memorandum of 2/22/72 is being sent to you to explain and emphasize certain aspects of committee operation as an aid to those participating in MCA activities.

Sincerely yours,

M. M. Hoover, Secretary
Engineering Advisory Committee
Food, Drug, and Cosmetic
Chemicals Committee
Labels and Precautionary
Information Committee

MMH:gr

Attachment

Distribution "C"

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ASI 00003136

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GEORGE E. BEST
TECHNICAL DIRECTOR

TECHNICAL DEPARTMENT MEMORANDUM

The purpose of this memorandum is to emphasize two procedural regulations -- see copy attached -- and to provide interpretation in a form useful to committee members and staff. Full understanding is particularly important in order to avoid inadvertent infringement.

Meetings (Section 5 of the "General Principles Applicable to the Structure and Operations of Committees")

These requirements apply to any meeting of persons, no matter what number, which may be regarded as being under MCA auspices, viz., an "MCA meeting". In addition to those of committees, subcommittees, and task groups, it covers other sub-units by whatever name, and includes conference or consultation meetings with governmental agencies or other organizations on MCA's behalf, workshop-type meetings, etc.

All such meetings may be planned and arranged only with the full knowledge and concurrence of the assigned MCA staff representative, who should always have the option to attend, and who should distribute the meeting notice and the agenda or other statement of purpose for which the meeting is called. Put another way, no one other than the staff representative should arrange, or issue notices of, meetings even though the staff representative might be aware of such plans in view, unless specifically authorized to do so for special reason.

The procedural modification given in paragraph (g), to allow for meetings when a staff representative is unable to attend, should not be construed as a routine alternative but as a provision for emergencies. The presence of a staff representative is required whenever possible.

ASI 00003137

Supervision of MCA Contracts (Office Manual, page 113)

These requirements remind that committee members or representatives have no authority to incur oblication of MCA funds, either in new areas of prospective attention or through modification of programs under existing contracts.

This means that assigned committee representatives are charged with keeping a contracted project within the channel as authorized and, with the staff representative being primarily responsible, making sure that the contractor's charges are held strictly within the authorized limit.

George E. Best

GEB:tp

2/22/72

Attachments

ASI 00003138

Excerpt from MCA's "General Principles Applicable to the Structure and Operations of Committees" (As approved March 12, 1963 and amended March 9, 1971):

5. MEETINGS.

(a) *Frequency.* Each committee, subcommittee and task group will meet only as necessary to perform authorized committee business as determined by the MCA staff. Meetings should not be held where the subject matter can be adequately and practicably handled by correspondence or telephone between the appropriate staff representative and individual members.

(b) *Location.* To the extent practicable and in the absence of cogent reasons for holding meetings elsewhere, all committee meetings should be held at the Association's office or other suitable location in Washington, D. C.

(c) *Agenda.* The staff representative assigned to each committee shall prepare written agenda prior to each of its meetings, which agenda shall be cleared in advance with General Counsel.

(d) *Attendance of Staff Representative.* No MCA committee meeting shall be held without the attendance of the staff representative assigned to it or other full-time MCA staff employee. General Counsel should also attend any meeting whenever in his opinion the nature of any subject on the agenda makes his presence desirable.

(e) *Minutes.* The staff representative assigned as Secretary to the committee shall keep accurate and complete minutes of all business transacted at each meeting, which are to be subject to review and approval by General Counsel.

(f) *Discussions limited to agenda.* All substantive discussions at any MCA committee meeting are to be limited to authorized aspects of subjects on the agenda, except where additions to the agenda are specifically approved by the staff representative assigned to the committee. The staff representative's decision as to the propriety of any subject matter raised for discussion at any meeting shall be final. Any discussions or occurrences on the occasion of any meeting which are contrary to MCA's policies or rules and which come to the staff representative's attention shall be reported promptly by him to his superior and to General Counsel.

(g) *Subcommittees and task groups.* The foregoing rules on meetings are applicable to all committees, subcommittees, task groups and other working groups meeting under MCA auspices, except that subparagraphs (c), (d) and (e) may be modified as indicated below in those cases where the subcommittee or other group must meet in order to carry out a limited and specific written assignment from the parent committee. In each such case, (i) the specific assignment must be set forth in the parent committee's minutes; (ii) the MCA staff representative assigned as Secretary to the parent committee must be satisfied that the meeting in question is necessary and that the subject matter is not such as to require his presence; (iii) the Chairman of the subcommittee or other group is to be responsible for carrying out the duties of the MCA staff representative, including particularly those specified in subparagraph (f) above; and (iv) such Chairman must promptly make an accurate and complete written report to the parent committee and to the MCA staff representative as to everything occurring at such meeting.

Excerpt from MCA's Office Manual (As revised January 1, 1972):

Supervision of MCA Contracts

In executing contracts on behalf of MCA for services of external agencies, either the President or the Secretary-Treasurer of the Association is the contracting officer. MCA committees or subcommittees have no authority to incur obligation of MCA funds.

Technical and functional committees usually appoint subcommittees to supervise the technical execution of contracts falling within their respective areas of interest. When circumstances indicate the desirability of increasing or decreasing the scope of a contract or its costs, a recommendation to that effect will be made through the parent committee and committee staff representative to the contracting officer with explanatory reasons. No commitments, explicit or implied, will be made to the contractor pending approval of MCA's contracting officer.

Professional Staff are requested to bring the provisions of this section to the attention of all future committee members when they are designated to supervise the technical execution of contracts.

Each staff representative of a committee exercising technical supervision over a contract is responsible for monitoring such contract to insure that obligations incurred are in accordance with, and not in excess of, those authorized under the terms of the contract.