

Policy for Resolving Conflicts within the RMP Planning and Decision-Making Process

Introduction

One of the recommendations from the 2003 Program Review Panel was for the Regional Monitoring Program for Trace Substances in the Estuary (RMP) to develop a procedure for resolving conflict when consensus-based decisions cannot be reached during the decision-making process. The Review Panel observed that as the Program expands, the potential for conflict will increase as a result of the implementation new methodologies, a change in Program participants, and expansion of the application of RMP data to new policy questions. To date, the RMP has largely quantified the pollutant levels in the Estuary using widely accepted methodologies for the collection and analyses of samples (e.g., standard methods or US Environmental Protection Agency-accepted protocols). As the RMP expands its program, particularly in the area of biological exposure and effects, it is likely that new methodologies will be employed that may not be as universally accepted or that provide results that may be more subjective in nature. The Review Panel also stated that consensus-based decisions require stakeholders that share and trust the Program's objectives and goals. The RMP has been fortunate in that there has been a low turnover in the stakeholders that actively participate in the RMP. As a result, many of the participants in the Program have developed successful long-term working relationships. The Review Panel noted that as there are changes in stakeholders either due to attrition or inclusion of new groups into the RMP (e.g., environmental groups), the potential for disagreement increases. Lastly, the Review Panel noted that as application of the RMP data to new policy arenas such as the TMDL process and wetland restorations, the potential for conflict is likely to increase.

The purpose of this document is to present a description of the consensus-based process that is currently used in RMP planning and decision-making process and to codify a procedure to resolve conflicts when consensus-based decisions cannot be achieved.

Current Consensus-based Process

Consensus is defined as all participants are in general agreement with the decision proposed. The participants may not agree with every detail of the consensus-based decision; however, the participants are in general agreement with the decision and feel that it has considered all of the interests of the parties involved. The RMP currently employs consensus-based processes to address issues that arise in the Workgroups, the Steering Committee, and the Technical Review Committee. The consensus-based process is described for the three RMP groups below.

Workgroups

The main technical subject areas covered by the RMP are addressed by the following three workgroups: Sources, Pathways, and Loading Workgroup; Exposure and Effects Workgroup; and Contaminant Fate Workgroup. Workgroups consist of scientists who are currently studying the Bay, invited scientist who are nationally known experts in their field, and federal and state regulators. Each workgroup meets two to three times a year to address issues concerning the planning and implementation of RMP studies. Activities of the workgroups are overseen by the RMP Technical Review Committee. The workgroups also address technical issues of interest to the Clean Estuary Partnership.

The workgroups make recommendations for new study ideas or new program directions. To date, the workgroups have been very successful achieving consensus-based decisions regarding studies selected, new areas of research, and funding for projects under the purview of the workgroup.

Steering Committee

The Steering Committee determines the overall budget, allocation of program funds, tracks progress, and provides direction to the Program from a manager's perspective. The Steering Committee meets quarterly.

The Steering Committee makes decisions regarding the budget for the Program and publications. The RMP has developed a policy regarding the review and release of publications, which is attached.

Technical Review Committee

Oversight of the technical content and quality of the RMP is provided by the Technical Review Committee (TRC), which consists of technical representatives from the Regional Board and discharger groups. The Technical Review Committee meets quarterly.

The Technical Review Committee makes decisions regarding the direction of the Program and publications. The RMP has developed a procedure for the evaluation of Pilot and Special Studies for inclusion in the Program. This information is posted on the RMP web-site

(http://www.sfei.org/rmp/documentation/study_selection/welcome_pilotspecial.html).

Decisions regarding the core program are achieved through a consensus process. As described above, a procedure for the publication of RMP documents has been developed.

Processes to be Undertaken to achieve Consensus in the Event of Conflicts

The Steering Committee has discussed the decision-making process and strongly believes that it is imperative that all decisions should be consensus-based. To achieve a consensus-based decision, the following procedure is recommended in the event of a conflict among the participants.

The Chair of the group (e.g., Steering Committee, Technical Review Committee, or Workgroup) will work with the parties to understand the issues, to address the concerns of the parties involved, and to propose alternative solutions. If the Chair and the associated group are still unable to achieve consensus, the issue will be tabled for discussion at the next scheduled workgroup or committee meeting, barring circumstances in which there is an urgent matter. In the intervening period, the Executive Director of SFEI will meet with the Chair to strategize means for achieving consensus. The Executive Director and the Chair will prepare a memorandum proposing strategies for achieving consensus. This memorandum will be distributed to all workgroup members. At the next scheduled workgroup meeting, the issue will then be addressed and a second attempt at achieving consensus will be made. Both the Chair and the Executive Director of SFEI will be present and actively striving for consensus among the group.

If consensus cannot be reached, then the proposed action or decision will not be pursued by the group.

If the matter which arises in the group meeting is urgent, the issue will not be tabled and no memorandum will be prepared. The Executive Director will be asked to participate in the workgroup meeting to assist the Chair in resolving the conflict. Again if consensus cannot be reached, then the action or decision will not be pursued.

APPENDIX

SFEI'S PEER-REVIEW PROCESS

SFEI's primary work products are written documents (e.g., reports and journal articles) that are disseminated to a wide audience (e.g., academic researchers, regulators, and the public at large). As such, it is important that they be well-written and scientifically accurate. To assure that all of SFEI documents are of high quality, the following peer-review process has been implemented for all SFEI documents.

1. SFEI Documents Authored by SFEI Staff

Documents authored by SFEI staff will be reviewed by three reviewers. Where possible, two of these reviewers will be the invited experts who are currently serving on SFEI work groups committees (e.g., Drs. Baker and McKone who serve on the Contaminant Fate Work Group). The third reviewer will be an anonymous reviewer that Applied Marine Science (AMS), specifically Dr. Robert Spies, will identify. AMS will identify a reviewer, send the document to be reviewed to the anonymous reviewer, and pass the anonymous review of the document to SFEI in a timely manner. It will not be necessary for AMS to compile the reviewer's comments in the case of one external reviewer. The primary point of contact at SFEI for the peer-review of documents is Dr. Daniel Oros.

In the event that it is not possible, or not appropriate, for invited work group experts to review SFEI documents, SFEI will notify AMS of the need for additional reviewers. In the case where AMS is obtaining more than one anonymous review, Dr. Spies will summarize the reviewers' comments and provided SFEI with one comprehensive document that compiles all of the comments on the SFEI document. Dr. Oros will again be the primary point of contact at SFEI. He will provide appropriate numbers of copies to Dr. Spies and Dr. Spies, in turn, will provide his summary to Dr. Oros.

2. SFEI Documents Authored by External Staff

Documents authored by external staff (e.g., consultants, researchers, subcontractors, etc.) will be reviewed by SFEI staff. Dr. Oros will determine the most appropriate staff members to review the documents and will compile reviewer comments into a single document that will be forwarded to the non-SFEI author. Dr. Oros will coordinate among the workgroup leaders to determine the number of SFEI reviewers available and the need for multiple reviewers.