



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

CHRIS CHRISTIE
Governor

BOB MARTIN
Commissioner

KIM GUADAGNO
Lt. Governor

NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION

SCIENCE ADVISORY BOARD

Ethics Requirements and Restrictions Revised June 2010

As an appointed member of the Science Advisory Board (SAB) or a Standing Committee (SC), the following ethical restrictions will apply to you with regard to your work for the SAB or Standing Committee, as required by paragraph 16 of Administrative Order 2009-05 (Mauriello, signed May 28, 2009):

Conflict of Interest and Recusal

You must recuse yourself from deliberations on any subject matter in which you have a financial or other personal interest ("conflict of interest"). This means that when an issue or topic for consideration ("charge topic") is identified by the NJDEP Commissioner to the SAB or Standing Committee, you must refrain from participating in any discussion of that charge topic (or issues that subsequently arise from that charge topic) and must immediately publicly disclose your conflict of interest and recuse yourself from that charge topic.

For purposes of the above restriction, "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it 1) could significantly impair the individual's objectivity or 2) could create an unfair competitive advantage for any person or organization. "Recusal" means the process by which a person is disqualified, or disqualifies himself or herself from a matter because of a conflict of interest.

Following is a list of general categories of potential conflicts of interest that may require recusal. This is not an exclusive list as other situations may arise in practice that must be evaluated on their own facts using the above criteria.

Conflict of Interest Categories - General

- The SAB/SC member is currently conducting research funded by NJDEP that involves a charge issue.
- The SAB/SC member is restricted from applying for research funding from NJDEP in the future, both as an individual or in collaboration with others, if the research involves a subject in which

the SAB/SC member participated in the design of the proposed project or the development of a Request for Application. Topics for which general recommendations for research have been made but no specific designs have been recommended would not constitute a conflict of interest. Generally, no conflict of interest would occur for SAB/SC member actions on the development of a recommendation for an environmental standard. (See examples below.)

- The SAB/SC member is employed (or self-employed) by an entity that is regulated by NJDEP or an entity that represents clients before NJDEP or the member is employed by an entity that comes before the NJDEP in a lobbying or other capacity and a charge topic is related to the member's employment.
- The SAB/SC member has a spouse or other person with whom the member has substantial common financial interests that is employed by an entity that is regulated by NJDEP or an entity that represents clients before the NJDEP or advises clients on NJDEP issues and a charge topic is related to that other person's employment.
- The SAB/SC member has a spouse or other person, with whom the member has substantial common financial interests, that is employed at NJDEP and a charge topic is related to that NJDEP employee's work.
- The SAB/SC member serves on another advisory body to the NJDEP or is a member of an in-but-not-of entity to the NJDEP and the charge topic relates to the work of that other entity (fact specific analysis required).
- The SAB/SC member is an active, participatory member of a non-profit organization that advocates positions or otherwise lobbies on NJDEP issues and the charge topic is related to the lobbying activities of the organization.
- Any SAB/SC member who is a former NJDEP employee must adhere to post-employment requirements or guidelines set forth by the New Jersey State Ethics Commission.

At the commencement of deliberating on each charge question, the SAB/SC Chair will ask each SAB/SC member to identify any potential or real conflicts of interest. The Department will provide a form for any member to complete when identifying a conflict of interest and that completed form will be made publicly available via the Department's SAB website. SAB/SC members are advised to raise any potential conflicts with their Chair with regards to charge topics so that the Chair, in consultation with the Department, can determine whether a real conflict exists.

Examples:

Conflict:

1. The SAB/SC member is asked to design a study to improve the analytical methods for the measurement of XXX in air or water. As an SAB/SC member, you are having a direct impact on the design of a project and or RFA. Since you will be deriving advantage, you are precluded from applying if you do not recuse yourself prior to the start of deliberations.
2. The SAB/SC member participates in general discussions on the development of an RFA.

Not a Conflict:

1. The SAB/SC considers that compound XXX or remediation option YYY has not had sufficient research completed to advance either a regulation or use as an option for site remediation, respectively. The SAB provides general recommendations that research needs to be completed in specific areas; however, no specific plans are mentioned.
2. The SAB/SC is asked to consider lowering the soil standard for XXX from 100 ppb to 1 ppb. The SAB analyzes the current state of evidence and recommends options to the Commissioner. There is no conflict of interest on the outcome of the decision for specific new research initiatives that can be conducted by SAB members. The members are using their best scientific judgment to define a level of safety for the Commissioner. This does not represent any material gain for SAB members and should not present a conflict of interest on the topic.
3. The SAB/SC member participates in general discussion, discussion of a bill in the legislature, discussion of a USEPA regulation, or review of draft legislation on a particular topic.