

## Department of Ecology

March 19, 2007

To: Science Advisory Board  
From: Pete Kmet, P.E.  
Subject: Conflict of Interest Policy

The SAB Charter requires Board members to identify any conflicts of interest. Specifically, current charter language states:

Conflict of Interest: At the time of appointment each appointee to the Board shall identify to the Director potential sources of conflict of interest or bias, such as economic interest in the regulatory outcome of matters within the purview of the Board or affiliation with an interested party. Furthermore, potential sources of conflict of interest or bias shall be identified to fellow Board members by each member at the time of taking a seat on the Board.

A member shall refrain from participating in a Board matter if that member for any reason cannot act fairly, objectively, and in the public interest with regard to that matter.

At previous Board meetings, there has been discussion of a need for additional guidance on how to determine a conflict of interest exists. We have researched the National Academy of Sciences and other State agency policies on conflict of interest. Based on this review, we've prepared a draft statement for your review at our March 19<sup>th</sup> meeting.

Also attached is a copy of the NAS policy, which is rather lengthy.

One issue in particular I would like your input on is the role of the Board in policing itself (the highlighted area in the policy).

At this point it is not clear to me if we would replace the current charter language or attach this to the current charter. We can work out that detail once you've had a chance to discuss this.

**Model Toxics Control Act Science Advisory Board**  
**Conflict of Interest Policy**  
(February 28, 2007 DRAFT)

The citizens of Washington State expect those appointed to provide advice to government agencies to perform their public responsibilities in accordance with the highest ethical and moral standards and to conduct such business only in a manner that advances the public's interest. In order for the Model Toxics Control Act Science Advisory Board (Board) to maintain its reputation with the public, government agencies, elected officials and potentially liable parties it is important that the decisions and actions of the Board not be unduly influenced by the financial interest and bias of individual members. Accordingly, Ecology had adopted the following conflict of interest policy:

Decisions made by the Board members should always be based solely on the best interest of the people of Washington State. Decisions should not be influenced by a Board member's financial interest. It is also important for Board members to set aside their own biases to the extent possible and objectively consider issues brought before the Board. Board members should disclose any potential conflict of interests at the annual meeting. Any conflict interest not previously disclosed that arises during consideration of a particular issue before the Board should be disclosed at the meeting the issue is under consideration.

A potential conflict of interest exists when a Board member has a financial interest which might impair his/her independence of judgment or inappropriately influence his/her decisions or actions concerning Board matters.

A potential conflict of interest exists and should be disclosed if the Board member currently:

- Owns a financial interest in any business that provides goods or services to the Department of Ecology.
- Is employed by or under contract to an organization or company that has a financial interest in Board recommendations.
- Has participated in the development of a report or publication that is under consideration by the Board for approval or formal support.

Each Board member has a high duty and obligation to disclose to the Board and Ecology any potential conflict of interest and to abstain from any decision where a significant conflict of interest exists. The Board may recommend to Ecology dismissal or other actions for Board members that fail to disclose a potential conflict of interest. Ultimately, it is the responsibility of Ecology to determine what, if any, actions will be taken to protect the integrity of the Board.

Board members who have participated in the development of a report or publication under consideration by the Board for approval of formal support should not serve in the capacity of critically reviewing that work as a member of the Board. This is not intended to prevent the Board member from providing information to the Board to facilitate the Board's review.