

Independent Evaluator

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Topics of Discussion

- Three Options previously discussed
- Issues and Answers
- Discussion and Decision on best option
- Next Steps

Background

From March 16 PSC Meeting

Independent Evaluator

Chesapeake Bay Accountability and Recovery Act:

There shall be an Independent Evaluator for restoration activities in the Chesapeake Bay watershed, who shall review and report on—

- (1) restoration activities; and
- (2) any related topics that are suggested by the Chesapeake Executive Council.



What needs to be done?

- Executive Council may nominate an independent evaluator
- Within 30 days the Administrator selects a nominee that demonstrates excellence in
 - Marine science
 - Policy evaluation
 - Other studies relating to complex environmental activities
- First report due to Congress in 180 days, every 2 years after

3 Options Analyzed

- EPA Science Advisory Board
 - Convener
 - Standing Committee
 - Nominating individuals with expertise to the Committee
- The National Academy of Science
 - Convener
 - Panel
 - Individuals are selected based on expertise
- Establishing a New Entity through a Grant
 - Nominating an institution to act as the Independent Evaluator

Key Considerations

- Format
- **Cost to Program**
- Timeliness
- Sustainability
- Readiness
- Meets Intent of law
- **Avoids actual or appearance of conflict of interest**

Recommendation: Science Advisory Board

Based on:

- Cost to Program – no additional funding required
- Timeliness – Ability to get up and running quickly
- Continuity – Standing Committee with rotating membership
- Transparency – Materials and discussions are public
- **Avoids Conflict of interest – Has established procedures for ensuring experts are independent, objective, and free from financial conflict of interest**

Issues and Responses

Concerns from PSC members

- Is there an appearance of conflict of interest with the EPA Science Advisory Board? How do we address that?
- Where would the funding come from for each option?
- Are there some criteria that are more important than others?
- What would they evaluate? Who can evaluate programmatic issues vs. straight science issues?
- How can we ensure that collection of information is more the responsibility of the I.E. and not the jurisdictions?

Appearance of Conflict of Interest

- Both **EPA's Science Advisory Board** and the **National Academy of Sciences** have clear procedures to avoid conflict of interest.
- Most academic institutions within the watershed with the necessary expertise have been and will be financially supported by one or more of the signatories.

Science Advisory Board

Addressing Appearance of Conflict

- The EPA's SAB is independent from EPA and previous record shows that panels can and will be critical of EPA methods and reports.
- Final selection of the standing committee would be done by EPA with extensive outreach to the public through Federal Register Notices.
- Has rigorous processes to check panel members for conflict of interest and balances for bias.
- SAB is staffed by 16 EPA employees who work full-time in support of the Board.
- All SAB meetings are open to the public.
- EPA does not approve or alter SAB reports.

Cost: No additional cost to the Chesapeake Bay Program

National Academy of Science

Addressing Appearance of Conflict:

- Independent non-governmental body with a positive national reputation for independent high quality reporting
- Rigorous processes to check for conflicts on interest and balances bias.

Cost:

- Depends on complexity of charge and number of disciplines on panel
- Expected annual cost between \$250k and \$375k
- To come out of EPA's CBP appropriation and if cost is equally shared among the 8 signatories receiving these funds:
 - \$31,250-\$46,875 per year

New Independent Evaluator

The biggest challenges to setting up a new Independent Evaluator include:

- Cost
- Set-up time
- Conflict of Interest
- Continuity
- Ability to deliver within the 180 day timeframe

Examples of Reviews of Similar Programs

- Great Lakes Restoration Initiative Action Plan – SAB
- Lake Erie – SAB
- Everglades – NAS

Great Lakes Restoration - SAB

Charge: The EPA Great Lakes National Program Manager has requested the SAB to review the Great Lakes Restoration Initiative (GLRI) Action Plan to assess the appropriateness of its measures and actions to achieve its state priorities and goals.

Lake Erie - SAB

Under the 2012 Great Lakes Water Quality Agreement, the U.S. and Canada have committed to address eutrophication issues in Lake Erie by establishing phosphorus objectives, loading targets and allocations for the nearshore and offshore waters, and developing a phosphorus reduction strategy by 2018.

- In 2015 the SAB reviewed the agency's framework for modeling indicators of eutrophication, the ensemble of models relevant to Lake Erie, and the available data to develop, calibrate and validate the models.
- In 2016, the SAB has been asked to advise on further modeling, monitoring, and analyses needed to support implementation and evaluation of the nutrient reduction goals as part of an ongoing, adaptive management approach.

Everglades - NAS

The committee is charged to submit biennial reports that address the following items:

1. an assessment of progress in restoring the natural system;
2. discussion of significant accomplishments of the restoration;
3. discussion and evaluation of specific scientific and engineering issues that may impact progress in achieving the natural system restoration goals of the Plan; and
4. independent review of monitoring and assessment protocols to be used for evaluation of CERP progress (e.g., CERP performance measures, annual assessment reports, assessment strategies).

What will be evaluated?

- In General the types of activities envisioned by the Act Sponsors include:
 - **Tracking and accountability** – are they adequate?
 - **Effectiveness** – Are restoration efforts having their desired environmental outcomes?
 - **Process fidelity** – Is adaptive management being applied?
 - **Program management effectiveness** – coordination and collaboration vs. duplication and overlap among agencies.
- “rigorously data driven” with focused recommendation for scientific and policy options

What will be Evaluated?

From STAC recommendations:

- Because of the complexity of the restoration effort, the study should be bounded and targeted at efforts that contribute to Agreement goals.
- Audit of monitoring and analysis underway
- Part of the Decision Framework.
- Primarily as high-level audit of data collection and analysis.

First 180 Day Evaluation Recommendation from March PSC Meeting

- Review of previous audits and evaluations done on CBP
 - GAO
 - EPA's IG
 - STAC
 - NAS
- Consider recommendations and responses
 - Was the response adequate?
 - Where are the gaps? How were they filled by the new Agreement, Management Strategies, and workplans?
 - What should the focus of future evaluations?
- Recommend path forward for next 2-yr evaluation

Discussion and Decision

- Agree on the selected option
- Discuss ideas for initial charge and expertise
- Assign next steps to include
 - Intent of EC to nominate
 - Initial task/charge development
 - Recommended expertise needed for individual members
 - Process for nominating the I.E.

Questions?

