

The Science Team and Conflict of Interest

[draft, October 14, 2005]

Two sources of potential conflict of interest are of relevance to the activities of the South Bay Salt Pond Restoration Project (SBSRP) Science Team: (1) involvement of Science Team members in the peer review of study proposals and draft reports of study findings, and (2) involvement of Science Team members in both the development of the overall Project scientific agenda and in the subsequent submittal of proposals in response to Project Requests for Proposals (RFPs).

Peer Review

The first and the easiest potential conflict to address is the issue of peer review. It is expected that the Science Team will be charged with coordinating the review of technical proposals submitted to the SBSRP in response to research/monitoring RFPs. Similarly, members of the Science Team will be called upon to provide peer review of draft technical reports submitted to the Project. In both cases, the issue of potential conflict of interest arises when individual members of the Science Team might in some way be connected to the individuals or institutions submitting the proposals or technical reports.

Review of proposals. Following the guidelines established by the California Bay Delta Authority for the review of CALFED research proposals, the SBSRP will manage potential conflicts of interest by selecting reviewers who have no personal or financial connection to, or benefit from the proposals that they review. Individuals participating in each step of the review process must comply with Federal and State conflict-of-interest laws. Applicable statutes include, but are not limited to: Government Code section 1090 and Public Contract Code sections 10365.5, 10410 and 10411 for State conflict-of-interest requirements, e.g., <http://ag.ca.gov/ethics/accessible/contract.htm>. The Project will define conflict of interest as follows: the reviewer has a) a close personal or professional relationship with the submitting individual or institution; b) assisted in the development of the proposal being reviewed; c) received a financial benefit from the funded project; or d) has a financial interest under State conflict-of-interest laws. If one of these instances applies to any review, the individual is conflicted and must decline participation in the review.

A connection to an applicant exists if any of the following relationships were applicable during the past four years: 1) collaboration on research, pilot, or implementation proposal or project; b) co-authorship of publications; c) thesis or post-doctoral advisor/advisee relationship; or d) supervisor/employee relationship. A conflicting institutional connection between employees and their employers may exist when, for example, a reviewer and an applicant are employees of the same State or Federal agency. Similarly, a university employee may have an institutional connection with a proposal submitted from that same university (each UC and CSU campus is considered to be a separate institution).

Review of reports. Similarly, Science Team members asked to review draft reports commissioned by the Project would have a conflict of interest if one or more of the following applies: the reviewer has a) a close personal or professional relationship with the report's author(s) such as a research colleague relationship, a thesis or post-doctoral advisor/advisee relationship, or a supervisor/employee relationship; b) assisted in the study and/or the preparation of the report being reviewed; and c) co-authored other publications with the same author(s). If one of these instances applies to any review, the individual is conflicted and should decline participation in the review.

To ensure avoidance of a real or apparent conflict of interest in carrying out the review of a proposal or a report, Science Team members must reveal any connections they have with individual applicants/authors or the submitting institution. Common sense should dictate in each instance, with erring on the side of avoiding even the appearance of conflict being the norm. The SBSPRP Lead Scientist will be charged with making the final determination regarding the presence or absence of conflict in each borderline case.

RFP Eligibility

The second potential source of Science Team member conflict of interest is the situation that will arise when individual members who have helped to develop the overall SBSPRP scientific agenda and to define the major technical questions facing the project subsequently wish to submit proposals to the SBSPRP in response to Requests for Proposals issued by the Project. In short, at what point in the Team's ongoing participation in the development of the Project's scientific program does a Science Team member become disqualified from eligibility to apply for funding in response to future Project RFPs?

The present situation. Members of the Science Team, over the past two years, have prepared reports on each of the major technical issues/questions (e.g., Landscape and Marshes; Sediment Management; Migratory Birds; Hydrological Modifications; Pollutants; Invasive Species; Public Access & Wildlife; Infrastructure) relevant to the plan to restore the salt ponds. Additionally, Team members have participated actively at technical workshops on such topics as sediments, mercury, birds, fish, pond ecology, and modeling. Finally, the Science Team has assisted the Lead Scientist in preparing a Project Adaptive Management Plan. In all of these activities, Team members have been fully involved in the development of lists of key uncertainties in each of the major subject areas and have defined in general terms those issues and questions that should be addressed by a) further literature review and synthesis, b) new and/or expanded monitoring, and c) new research. In short, the Science Team has prepared and presented an overall science strategy for achieving the goals and objectives of the Restoration Project.

Addressing potential future conflict. At this point in the evolution of the Project and, particularly, the development of plans for addressing specific technical studies, the potential for Science Team member conflict becomes an issue. In short, to what degree

does an individual member of the Team who has participated in the development of the SBSPRP science strategy discussions and documents (e.g., the technical syntheses, the Adaptive Management Plan, and the workshop findings) find him/herself in a position of conflict with respect to any future RFP?

Because the reviews and discussions of each technical topic (e.g., the science syntheses) were carried out as group/sub-group efforts within the Team, and because the specific findings and recommendations were developed on a consensus basis and incorporated the ideas and recommendations of many others outside the team, there is little or no chance that any individual member of the team has had an undue influence on the specific findings and recommendations made by the Team to date. We therefore conclude that, at this point in the development of the Project science strategy, no member of the Team is necessarily excluded from submitting proposals in response to future Project RFPs by reason of conflict arising from past participation on the Science Team.

However, as we approach the time when the Project will seek to contract with individual scientists and institutions to carry out specific research and monitoring studies, the potential for conflict will arise, e.g., if a scientist participates in the development of the specific questions that would be the focus of an RFP. In that case, the scientist would have a clear conflict and could not subsequently submit a proposal in response to that RFP.

In order to preclude any apparent or real conflict of interest for Science Team members with respect to RFPs, it will be necessary to remove the RFP development process from the purview of the Science Team altogether. Instead, this role should be placed in the hands of a separate team or committee, e.g. an “RFP Team” that perhaps could comprise a) those members of the Science Team who, by their positions or status, will not be involved in responding to RFPs, b) representatives from the Project Management Team, and c) outside experts who will not be seeking funding for SBSPRP studies. This team or committee should be given its own charter and be fully recognized and publicly identified as a separate committee within the Project organizational structure.