



**Chesapeake Bay Program**  
**SCIENTIFIC AND TECHNICAL ADVISORY COMMITTEE**  
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<http://www.chesapeake.org/stac/>

July 14, 2014

RE: STAC Recommended Process for BMP Expert Panels to Receive and Address External Input

Chesapeake Bay Program/Lucinda Powers  
U.S. Environmental Protection Agency  
410 Severn Avenue, Suite 112  
Annapolis, MD 21403

Dear Lucinda,

The purpose of the Chesapeake Bay Program (CBP) BMP Protocol (available at: [http://www.chesapeakebay.net/publications/title/bmp\\_review\\_protocol](http://www.chesapeakebay.net/publications/title/bmp_review_protocol)) is to ensure the CBP and the Chesapeake Bay Partnership receive independent, objective advice on how to incorporate BMPs into the Chesapeake Bay model platform. Specifics as to how panels are convened, their composition, and how conflicts of interest are determined and addressed are presented in the CBP's BMP Protocol document.

In developing the current revision of the BMP Protocol, the CBP suggested that all meetings of Expert Panels (EPs) be open to the public. This included the EP's scientific deliberations. STAC disagreed with this aspect of the BMP protocol largely because such an approach is inconsistent with panel deliberation processes commonly used in the scientific community. STAC conveyed that disagreement in a memo to the CBP dated June 30, 2014. In that memo STAC indicated that it would submit an alternative Expert Panel public accessibility process/protocol to the CBP. A STAC recommended process/protocol that is based on the National Academy of Science process is presented below. Note: the process/protocol presented below only addresses issues related to public access to the EP, data/information gathering and review, and EP report generation, review, and approval. Issues related to EP composition, etc. have been addressed in the CBP BMP protocol referenced previously.

**Suggested Expert Panel Process/Protocol:**

Step 1. Each BMP EP shall gather information through various means including:

- a) Meetings that are open to the public and that are announced in advance through the CBP website. Each EP shall, after some initial information gathering has occurred, convene a meeting that is open to the public. At this meeting, the EP shall accept written and verbal comments relevant to the EP charge (i.e., comments/information related to BMP or BMPs the EP is tasked with reviewing). In accordance with

federal law, the information-gathering meetings of the EP should be open to the public.

- b) The submission of information by outside parties. Parties external to the EP may submit relevant BMP performance data for the EP to consider during their deliberations. Any written materials provided to the committee by individuals who are not officials, agents, or employees of the CBP are maintained by the CBP in a public access file that is available for examination.
- c) Reviews of the scientific/grey literature. As outlined in the CBP BMP Protocol, the EP shall evaluate and consider such literature as they deem appropriate.
- d) Other data/information sources that the EP deems appropriate. This may include things like data that the EP is aware of and considers applicable and credible, but has yet to be published.

Step 2. The deliberations of the EP shall be closed to the public. EP members and the EP Coordinator shall be the only ones present during EP deliberations. This allows the EP to develop draft findings and recommendations based on frank and unbiased deliberations on the scientific merits of the evidence. The EP is expected to provide brief summaries of these meetings to the CBP. The summaries shall include the list of EP members present for the deliberations. All analyses and drafts of the EP report remain confidential (shared only among the EP members and EP Coordinator) until the report is released for external review.

Step 3. The EP generates its draft report.

Step 4. A draft EP report is released for a specific, time-limited comment period (30-days). All comments received during this period will be archived, and be accessible via a request made to the CBP. The EP membership and EP Coordinator will review the comments. If warranted, EP responses will be included in an appendix in the final EP report

Step 5. The EP delivers its final report to the CBP. At this point, the EP has completed its charge.

Step 6. The WQGIT votes to accept or reject the EP report.

Please direct any questions you may have about this suggested protocol to Natalie Gardner, the Chesapeake Bay Program's Scientific and Technical Advisory Committee Coordinator, and lead subcommittee member, Brian Benham of Virginia Tech.

On behalf of the entire STAC, thank you again for considering these recommended steps, and we look forward to working with you closely on this in the future.

Sincerely,



Kirk Havens

Chair, Chesapeake Bay Program's Scientific and Technical Advisory Committee