

CSAP Guidelines on Conflicts of Interest for Performance Assessment Panel Members

The following guidelines are provided for prospective Performance Assessment Panel Members (PAPMs) to outline scenarios that are considered conflicts of interest and other factors to consider when evaluating potential conflicts of interest.

The following scenarios are considered conflicts of interest and would preclude a member from acting as a PAPM.

1. The PAPM is an employee of the same company as the report authors or the submitting Approved Professional (AP) under performance assessment.
 - this applies if the PAPM and report authors/submitting AP worked for the same firm within the previous 2 years
2. The PAPM has a business relationship with report authors or the submitting AP
 - this applies if the relationship existed within the previous 2 years
 - examples of business relationships would include:
 - members that are associates in a business venture
 - scenarios where the PAPM is frequently hired by, or hires, the report authors/submitting AP to conduct consulting work
 - note, the term 'frequently' is not clearly defined in this clause; rather, reference is made to the other factors to consider outlined below and specifically to the recommendation to disclose issues that could be perceived as conflicts of interest
3. The PAPM worked on the Site, or at an adjacent site that was associated with the Site by potential commingled contamination or other technical/legal issues.
 - this applies if the PAPM worked on the Site in the previous 7 years
4. The PAPM works directly for the client/responsible party associated with the submission.
 - this clause would apply if the PAPM spends more than 200 hours/year working for that client
 - this clause may not be applicable if the client is a large organization with geographically disperse locations/management and the PAPM does not work for the regional unit associated with the submission
 - this clause would not be considered to apply if the PAPM's firm, but not the PAPM specifically, works for the client
 - in such situations, this should be declared by the PAPM to ensure that both PAPMs associated with the PA do not have the same issue

Other factors to consider when evaluating potential conflicts of interest.

In general, when evaluating whether a conflict of interest exists or appears to exist, members should consider whether a reasonably well-informed individual in possession of the facts would believe a conflict exists.

The objective is to ensure that the prospective PAPM can complete the performance assessment in a professional, fair, objective and unbiased manner, in the absence of other influencing factors.

Factors that can cause conflicts of interest and must be considered include the following:

- friendships
- family relationships
- personal conflicts
- influential clients
- employers/colleagues/partners
- client relationships
- knowledge/involvement with the Site or surrounding area

The above list is not intended to be comprehensive, but rather to help prospective PAPMs consider the types of issues that can result in conflicts of interest.

Members are advised to err on the side of caution regarding potential conflicts of interest and it is recommended that potential conflicts of interest be disclosed such that they can be evaluated by CSAP prior to proceeding. The form below can be used to disclose potential conflicts of interest.

Disclosure of Conflict of Interest or Potential Conflict of Interest

CSAP PA#: _____

Please describe the issue that puts you in a conflict of interest, or potential conflict of interest, for the submission under performance assessment.

Date: _____

Name: _____

Signature: _____