



## State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE  
*Governor*

MARK N. MAURIELLO  
*Acting Commissioner*

P. O. Box 402  
Trenton, New Jersey 08625-0402  
Tel: (609) 292-2885  
Fax: (609) 292-7695

### ADMINISTRATIVE ORDER NO. 2009-05

WHEREAS, the New Jersey Department of Environmental Protection (Department) is charged with establishing and implementing policies to protect public health, the environment and the State's natural resources based on sound science; and

WHEREAS, the Department has a long tradition of scientific excellence in many diverse disciplines that are relevant to the Department's core mission; and

WHEREAS, New Jersey and its surrounding states are home to many eminent and highly respected scientists in different sectors, including academia, non-profits and industry; and

WHEREAS, the Department's consideration and deliberation on the scientific and technical underpinnings of its decisions would benefit from review and advice from scientists who are not employees of the Department and who do not have a conflict of interest in providing this review.

NOW THEREFORE, I, Mark N. Mauriello, Acting Commissioner of the New Jersey Department of Environmental Protection, by virtue of the authority vested in me by N.J.S.A. 13:1B-3, do hereby ORDER and DIRECT:

1. There is hereby convened a NJDEP Science Advisory Board (Board) whose mission is to provide independent peer review and advice to the Commissioner, as requested by the Commissioner, on scientific and technical issues relevant to the Department's mission;
2. The Board shall be composed of up to twelve members, none of whom shall be employed by the Department. Each board member shall have an advanced degree and extensive training, expertise and experience in scientific and technological fields related to the Department's mission;
3. The Commissioner shall appoint members of the Board, as well as its chairperson. The members of the Board shall serve three-year staggered terms with an equal distribution of its initial membership of one, two, and three-year terms. The chairperson shall be a member of the Board, and shall serve as chairperson for a term of two years;
4. The issues on which the Board deliberates shall be those that the Commissioner requests the Board, through the Department's Office of Science, to consider, which issues shall be limited to specific scientific and technical issues, not policy or regulatory matters;

5. The Board shall deliver its findings and recommendations to the Commissioner through the Office of Science, which shall serve as the liaison between the Board and the Commissioner, the Department staff, and the public;
6. In addition to the Board, there shall be four standing committees, consisting of up to twelve members each:
  - Ecological Processes
  - Public Health
  - Water Quality and Quantity
  - Climate and Atmospheric Sciences
7. The Commissioner shall appoint members of the standing committees and a chairperson for each standing committee. Each member shall serve for a three-year term, with a distribution of initial membership of one, two and three-year terms. The chairperson of a standing committee shall be a member of the standing committee, and shall serve as chairperson for a term of two years;
8. The Board may request that the Commissioner convene one or more ad hoc committees with appropriate membership and for a necessary period of time, to deliberate on specific issues that the Commissioner presents;
9. The Commissioner shall appoint members of the ad hoc committees and its chairperson. Members shall serve for a period not to exceed three years, or until the Commissioner dissolves the ad hoc committee, whichever is less. The chairperson shall be a member of the ad hoc committee;
10. A standing committee or ad hoc committee may convene one or more subcommittees to address issues on which it is deliberating. The subcommittees may consist of members of the standing committee or ad hoc committee, or other persons with expertise particular to the issue being deliberated. Members of a subcommittee shall be chosen by the standing committee or ad hoc committee under which it serves; however, the Commissioner shall have authority to disapprove the appointment of any subcommittee member. The subcommittee shall report to the standing committee or ad hoc committee under which it serves;
11. Members of the standing committees, ad hoc committees or subcommittees shall not be employed by the Department, and shall have an advanced degree and extensive training, expertise and experience in fields related to the Department's mission;
12. The standing committees and the ad hoc committees shall communicate to the Office of Science through the Board;
13. Members of the Board shall not serve on standing, ad hoc or subcommittees;
14. Members of the Board or any standing, ad hoc or subcommittee shall not be compensated by the Department or the State for their service on the Board or the committees or subcommittees;
15. Eligibility for appointment to the Board and any standing or ad hoc committee shall be determined based upon a public solicitation through the Office of Science. The solicitation process shall be comprehensive and shall include, but not be limited to, an announcement of the solicitation of members on the Department website, letters to the State's academic institutions and through such other means as the Office of Science deems appropriate.

16. Prior to being appointed to the Board or any standing, ad hoc or subcommittee, a candidate must complete a conflicts of interest survey provided by the Office of Science that, among other things, discloses any financial or other personal interest the candidate may have in the subject matter that will be considered by the Board, committee or subcommittee. A person shall not be appointed to a subcommittee to deliberate on any subject matter in which he or she has a financial or other personal interest. Once appointed, a member of the Board or any standing or ad hoc committee must recuse him or herself from deliberating on any subject matter in which he or she has a financial or other personal interest;

17. Although a member of the Board or any standing, ad hoc or subcommittee is not required to be a resident of New Jersey, preference shall be given to New Jersey residents when making appointments, provided the appointees have the requisite qualifications as set forth in this Administrative Order;

18. The Office of Science shall promptly establish a website for the Board and begin the process of soliciting members of the Board and the standing committees;

19. Appointments to the Board or any standing or ad hoc committee shall be made by Administrative Order. Appointments to a subcommittee shall be memorialized by posting on the Board's website; and

20. The Office of Science shall provide technical and science support to the Board and any standing, ad hoc or subcommittee, including conducting research and analysis, as appropriate.

I hereby direct senior staff within the Department to provide sufficient and adequate resources to the Board and the standing, ad hoc committees or subcommittees to ensure their efficient and effective operation, and to provide information and support necessary for the Board and any committees to fulfill the Board's mission, to the maximum extent allowed by law.

This order shall take effect immediately.

5/28/09  
Date

Mark N. Mauriello  
Mark N. Mauriello, Acting Commissioner