



## JOINT FACT-FINDING

Resolving complex public policy disputes requires that interested parties share an understanding of the technical dimensions of the problem they face. Whether the challenge is reducing pollution of the marine environment or cleaning up toxic waste sites, it is important that efforts to resolve these issues are based on scientific information that is both accurate and perceived as legitimate in the eyes of involved stakeholders.

In the public policy domain, when different interest groups and agencies disagree about the merits of a proposed policy or project, they often use their technical reports and evidence to promote their own views or interests. We help parties avoid the pitfalls of “advocacy science” or “battles of the experts” by pooling relevant information and “translating” it into a format that can be used by decision-makers and others to create the foundation for broad-based consensus. We call this approach Joint Fact-Finding.

CONCUR has carried out numerous fact-finding processes as part of our practice. Fact-finding can be a robust process where independent scientific experts are recruited to gather and review scientific information specific to a project. It can also be a more modest effort where existing technical experts and stakeholders pool relevant information to narrow areas of disagreement and uncertainty.

Elements of our joint fact-finding approach include:

- ▶ Working with agencies and stakeholders to frame issues that would benefit from joint fact-finding;
- ▶ Developing criteria to guide the recruitment of credible experts;
- ▶ Managing the contracts for technical experts to provide an arm’s length relationship between expert parties involved in deliberations;
- ▶ Assembling, organizing and translating technical findings into a more accessible format for policy-makers and stakeholders; and,
- ▶ Facilitating deliberations to allow participation or observation by interested stakeholders.

The benefits of joint fact-finding include providing “maps” of areas of scientific agreement to increase technical certainty, saving time and money by avoiding unnecessary duplication of information, and providing a process that encourages interested parties to work together to develop information and resolve technical disputes.

### Selected Projects

***Independent Panel on Agricultural Water Measurement.*** CONCUR designed and facilitated an independent review panel that produced a consensus recommendation on a suite of actions intended to improve the way agricultural water use is measured in California. The Panel’s work - undertaken during a series of public deliberations involving agricultural, agency and environmental representatives - necessitated an in-depth look at the costs, benefits and technical challenges associated with different measurement approaches. The effort resulted in unprecedented consensus on a highly contentious topic.

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**Humboldt Watersheds Project.** CONCUR worked directly with the North Coast Regional Water Quality Control Board (NCRWQCB) to design and facilitate a joint fact-finding effort focused on the protection and restoration of sediment-impaired beneficial uses of waters in several Humboldt County, California, watersheds. The effort, known as the Independent Scientific Review Panel (ISRP), also sought to advise policymakers on interim physical actions that could be initiated in the short term to fulfill the mission of the NCRWQCB. The ISRP investigated issues such as watershed hydrology, sediment loading, and geotechnical slope stability. Findings of the ISRP were used by the Board to implement Watershed-Wide Waste Discharge Requirements.

**Guadalupe Oil Field Cleanup.** CONCUR designed and mediated a dispute resolution process leading to the cleanup of the Guadalupe Oil Field in San Luis Obispo County for the State of California and Union Oil of California (UNOCAL). CONCUR facilitated a series of agreements enabling the parties to characterize the nature and extent of pollution and discuss the movement of contaminated plumes, environmental toxicology and the effectiveness of alternative remediation strategies. The discussion led to agreement on a series of steps for clean-up including field-level testing of several novel cleanup technologies. CONCUR used a technical fact-finding approach on two parallel tracks with staff from both the Regional Water Quality Control Board and UNOCAL. The mediated joint fact-finding process was designed to help policymakers reach agreement on site characterization issues by working collaboratively to develop strategies to address areas of technical uncertainty.

**Managing PCBs in the Hudson-Raritan Estuary: The New York Bight Initiative Joint Fact-Finding.** Convened under the auspices of the New York Academy of Science (NYAS), the focus of the New York Bight Initiative was management of PCBs in the Hudson/Raritan Estuary and the NY Bight System. CONCUR Principal Scott McCreary teamed with colleagues at the NYAS to design and facilitate a joint fact-finding process to build a better understanding of the sources, fates and effects of PCBs and appropriate management measures. Participants included U.S. EPA, the Port Authority of New York and New Jersey, the coastal programs of New York and New Jersey, New York State DEC, New Jersey DEP, fishing interests, and local and national environmental organizations. The scientific advisors worked with assembled stakeholders to develop a "budget" of PCB sources, clarify and narrow areas of scientific disagreement, and advise on development of alternatives for further investigation.

For a complete list of projects please visit our website at [www.concurinc.com](http://www.concurinc.com)

## About CONCUR, Inc.

CONCUR, Inc. provides services in agreement focused mediation and facilitation, joint fact-finding, conflict assessment, environmental policy analysis, strategic planning, and environmental mediation training. Our staff has a unique dual expertise in both the process and substance of environmental decision-making. We are rigorously trained in the art and science of negotiation and dispute resolution, as well as in environmental planning and policy analysis. This dual expertise is the foundation of CONCUR's philosophy: to integrate different disciplines that strengthen our problem-solving capability so that we can provide clients the highest quality professional services. For further information about our services please visit our web site at [www.concurinc.com](http://www.concurinc.com) or contact us at:

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