DRAFT, DELIBERATIVE

State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION

JON S. CORZINE
Governor

MARK N. MAURIELLO
Acting Commissioner

TO: Ruth
                  Gary
                  Liz
                  Marjorie

FROM: me

SUBJECT: Release of Internal and External Reports, DELIBERATIVE MATERIAL

DATE: June 1, 2009

While I believe the following procedures are not necessarily new, I think they are important enough to be reiterated in writing for you to clarify with your staffs. These procedures are common sense approaches for approval of releasing technical/scientific reports and other information generated by OS staff and external investigators. I believe this will ensure the appropriate level of review as well as notification/communication to management and Departmental programs while still allowing timely release of these reports.

Draft Data: Draft data is subject to change (e.g., following QA or technical review); therefore it is not recommended that draft data be released prior to full review and the issuance of a final report. Therefore, draft data (e.g., analytical data) will generally not be posted or released unless approved by me. I will continue to handle public release of draft data on a case-by-case basis. All draft data will be labeled as such.

Draft Reports: Draft reports will not be released or posted when in the draft stage. Draft reports are not subject to public access under an OPRA exemption. The only exception for releasing a draft report will be if authorized by me. All draft reports, including those undergoing internal review, must be clearly labeled as "draft, deliberative" material.

Final Reports: Final reports will be released and posted on the DEP website upon completion of the following steps:
1. Internal review of draft and final reports.
2. Peer Review (relevant): external peer reviews are sometimes conducted on draft or final versions of reports. We have been advised that draft final reports that are undergoing external peer review will be considered deliberative material and, as such, are exempt under OPRA. As such, reports being sent out for peer review must be clearly noted as draft final and deliberative and proprietary and handling such materials must be clarified to peer reviewers.
3. Finalization of a Research Project Summary (if applicable in the Office of Science);

4. Approval of the relevant program manager.
5. Confirmation in writing (e.g., email) from any affected Departmental programs (i.e., program for which an Office of Science study was conducted) acknowledging the planned posting date.
6. Notification of Commissioner (i.e., Hot Issue);
7. Approval for posting and release from the Office of Communications.

For reports that are generated by an outside contractor/consultant, reports are not to be considered final and project managers should not approval the report nor approve a final invoice, until the above steps have been followed.

Publications:
For publications that will be available for public distribution via print or online sources (i.e. journal and magazine articles), please follow the following procedures:
1. Staff must receive "Prior Approval" form completed by author/co-author and reviewed/approved by the program manager and myself.
2. Review and Approval by the Communications Office.
3. Notification in Hot Issues Report prior to publish date (e.g., if expected to raise public/press inquiries).

Web Posting Procedure:
For creation of new web pages and/or modifications to existing website pages, please follow the following procedures:
1. Request approval from me through the appropriate program manager
2. Have design and/or specific modifications approved by the appropriate program manager.
3. For new web pages or significant modifications to existing web pages, consult with Office of Communications.

Terri Tucker serves as the representative for Policy, Planning and Science on the Internet Peer Review Council and will forward appropriate items for review to the Council prior to posting.

An exception to these procedures is the regular updating of updates to the online Environmental Trends Report. For updates to this online report, the Office of Science (OS) will follow the following procedures:
1. OS Trends Team identifies Trends Report chapters in need of updating, and works with relevant program to gather updated data and other new information or considerations, and then revises chapter accordingly.
2. OS Trends Team sends draft revised chapter to program for their approval.
3. Upon program approval of revised chapter, OS Trends Team coordinator sends revised chapter for approval to me through the Manager of the OS.
4. Following my approval, the OS posts revised chapter on Trends Report web site.

Please feel free to contact me if you have any questions or concerns.