



Rulemaking Processes, Implementation, and Best Science

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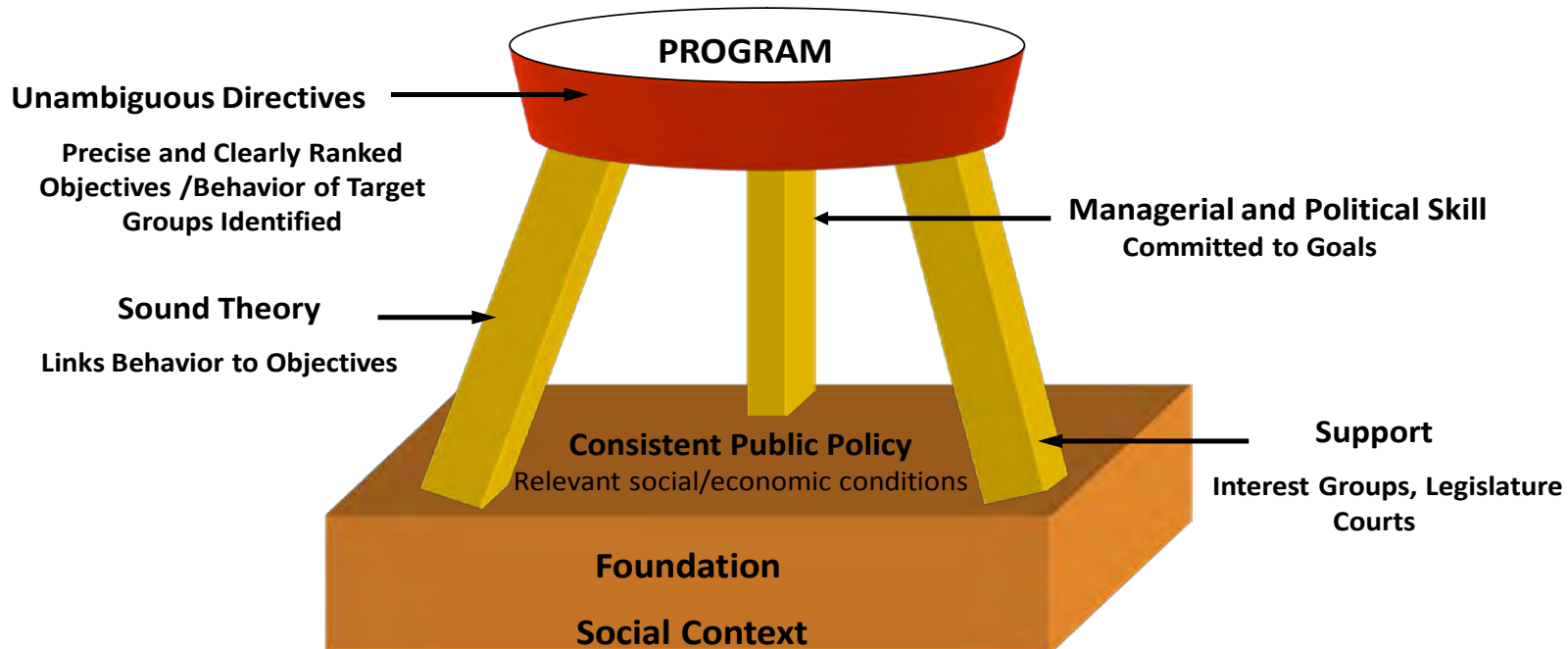
Policy Design and Policy Implementation

- Effective Policy Design and Implementation
- Incorporating Best Science

Policy =

goals + tools + organizations + resources

Conditions for Effective Policy Implementation



Statutory and nonstatutory factors affect implementation



Sound Theory

Policy is based on sound theory relating to changes in target group behavior in order to achieve objectives

- Science panel focus on substantive principles
- Must focus on process principles in equal measure



Managerial & Political Skill

Leadership committed to statutory goals

- Invest in training, mentoring, career development to build capacity
- Provide resources and incentives, recognize and REWARD effective practices

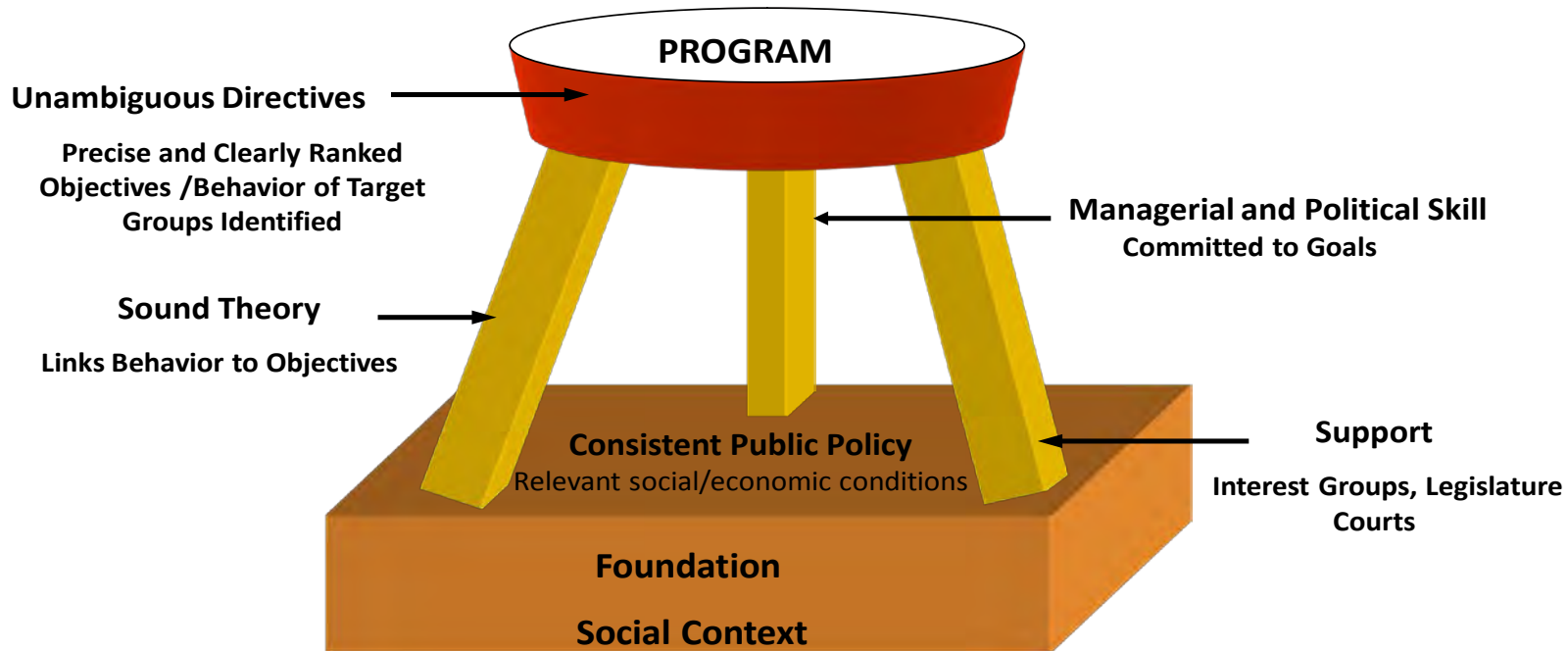


Support

Policy is supported by constituent groups, legislatures, courts

- Communication
 - Engage EARLY in decision process
 - Materials easily available, understandable
- Partnerships and Collaboration (MOUs, other tools)
- Consistent with NEPA and other policies

Conditions for Effective Policy Implementation



Statutory and nonstatutory factors affect implementation

HOW to consider best science?

- In policy design, include approaches that:
 - Define Characteristics of Best Science
 - Encourage Joint Fact Finding
 - Practice Adaptive Governance
 - Make Process Principles High Priority





Define Characteristics of Best Science

- Example: WA state Critical Areas Policies
 - Criteria for what is Best Science (peer review, methods, inference, analysis, context, references, sources)
 - Criteria for obtaining Best Science
 - Criteria for incorporating Best Science
 - Criteria for inadequate science
- Flexible and evolving, include new information over time
- W.A.C. 365-195-905
<http://apps.leg.wa.gov/WAC/default.aspx?cite=365-195-900>

Use Joint Fact Finding

- Potential alternative to adversary science
- Extends collaborative efforts
- Participants work together to develop issues, data, analysis, and apply information to reach decisions
- Situations where more/less useful





Practice Adaptive Governance

- **Policy:** multiple targets, multiple interests, emphasis on monitoring, policies are resilient
- **Decision Making:** bottom up, integrate different interests, collaborative processes
- **Science:** relationships evolve, open systems, contextual, embrace uncertainty, science + other knowledge important
 - See R.D. Brunner et al., 2005. *Adaptive Governance: Integrating Science, Policy and Decision Making*. Columbia University Press



Process Principles High Priority

- Many challenges to agency decisions are about the process
- Must support internally (training, resources, rewards)
- Develop patterns and communities of practice
- NEPA for 21st Century initiative

<http://www.fs.fed.us/pnw/about/programs/fsd/NEPA/index.shtml>



Flexibility and Uncertainty

- Approaches allow flexibility and address uncertainty
 - Develop and implement approaches - then monitor and modify if needed
 - Contingent agreements (if ...then) can be incorporated into plans (using MOUs or other tools)
 - Continued, long-term interactions
 - New institutions? (Partnerships, Coordinating Councils)
- Effective implementation requires investment of time and resources, commitment to principles



- Thank you!