



RESOURCE E

Conflict of interest considerations for reviewers, advisors, and applicants

Introduction

As part of its mission to provide the best available scientific information to inform water and environmental decision-making in the Sacramento-San Joaquin Delta and Suisun Marsh (collectively referred to herein as Delta; California Water Code § 85058), the San Francisco Bay-Delta (Bay-Delta) system, and the broader San Francisco Estuary, the Delta Stewardship Council's (Council) Delta Science Program takes steps to ensure the integrity of its internal and external work products and peer

review processes. The Delta Science Program is committed to transparency and strives to ensure consistency among the funding agencies with which it coordinates and collaborates.

This overview of the Delta Science Program's conflict of interest considerations is guided by state law and intended to prevent actual and perceived conflicts of interest that could undermine the integrity of the Delta Science Program funded science or peer review. This extends to actions or activities that could create the perception of bias, favoritism, influence, or unfair funding decisions.

See Table E-1 for an illustrative summary of conflict of interest laws and regulations.

A potential conflict of interest does not automatically disqualify an individual or organization from working with the Delta Science Program and may sometimes be managed through disclosure.

Situations that may have conflict of interest implications include:

- Submitting a bid, proposal, or application
- Reviewing proposals or applications
- Advising the Delta Stewardship Council
- Subject matter experts conducting peer review

Table E-1 | Summary of conflict of interest laws and regulations. This summary is for illustrative purposes only and is not intended to provide legal advice or interpretation or be representative of all potentially applicable laws.

LAW	SUMMARY
Government Code § 87100	Public officials must not make or influence decisions if they have a financial interest in the outcome of those decisions.
Government Code § 8920	High-level state officials must avoid actions that conflict with their personal or financial interests with their public responsibilities.
Incompatible activities: Government Code § 1125; Government Code § 19990	State employees are prohibited from engaging in outside work or activities that conflict with their official duties or create a potential conflict of interest.
Government Code § 1090	Officials and employees are prohibited from participating in the making of contracts if they or their agency has a financial interest in them.
Public Contract Code § 10365.5	If you have a consulting contract to help develop a plan or recommendation, you cannot then bid on work that stems from or is suggested by that plan.
Public Contract Code § 10410	State employees cannot be paid for work funded by the state unless it's part of their job, and they cannot independently contract with the state while still employed.
Public Contract Code § 10411	Former state employees are prohibited from entering into contracts related to their state service for a period of two years after leaving their state job. For one year after leaving a policymaking position, former employees are prohibited from contracting with their former agency in the same subject area, unless as an expert witness or for ongoing legal work.

Proposal and independent peer review

The Council's Delta Science Program develops contracts with independent experts to serve as peer reviewers for research proposals and scientific materials. To avoid financial, professional, and personal conflicts of interest or the perception of conflicts, the Delta Science Program selects reviewers who have no direct connections or perceived connections to the proposals that they review.

Independent peer reviewers are considered consultants and compensated through consulting services contracts. These contracts require reviewers to operate through businesses authorized to do business in California and to comply with applicable laws and regulations. In some cases, the contracts may be subject to additional requirements and restrictions under the Political Reform Act (see 'Advising the Delta Stewardship Council' section below).

Because potential conflicts of interest are not always apparent, the Delta Science Program requests that potential reviewers promptly disclose any direct or indirect financial, professional, personal, or other connection to proposals under review. The Delta Science Program uses this information to assess whether that reviewer is suitable to participate in the review of that specific proposal.

A reviewer is disqualified if they:

- Assisted in the development of the proposal to be reviewed in any way
- Will receive a direct or indirect financial benefit (e.g., income, cost recovery/avoidance) from the funded project
- Have a conflict of interest under California law (see e.g., Table E-1)

In addition, a reviewer may be disqualified if they have any of the following connections to a proposal applicant within the past four years.

- Collaboration on research
- Co-authorship of publication(s)
- Thesis or post-doctoral advisor/advisee relationship
- Supervisor/employee or independent contractor relationship
- Worked at the same federal, state, or local agency; university; or private firm – even if they are in different divisions
- A close personal relationship

These connections do not necessarily disqualify the reviewer. The submitted information regarding such connections in the proposal is reviewed to determine if the connections could compromise the objectivity of the reviewer. If any disclosed connection may result in bias, favoritism, or an unfair funding decision, the reviewer will be excluded from that proposal or review, and the Delta Science Program will reassign the proposal or review. Additionally, individuals selected to serve as reviewers are expected to complete unconscious bias training before the review.

Advising the Delta Stewardship Council

Serving as an advisor to the Council (including the Council's Delta Science Program) may affect eligibility for future funding or contract opportunities related to the advice provided. Individuals or organizations that participate in Council (including Delta Science Program) workgroups, committees, or advisory panels may be considered advisors under state conflict of interest rules, even if the role is unpaid or informal.

Examples of situations that may lead to ineligibility include:

- Providing input on topics or priorities for funding program(s)
- Independent scientific advice that provides direct recommendations for public policy

- Participation in Council committees or work groups that inform Council policy or its implementation (e.g., Delta Adapts, Tribal and Environmental Justice Issue Paper)

Individuals and organizations engaged in these roles should evaluate potential for advisory conflicts before submitting proposals. Early disclosure of participation in any Council committee or workgroup that advises on funding topics or priorities is strongly recommended to determine if participation could affect eligibility.

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