INTRODUCTION
From the shores of the Chesapeake Bay to the waters of the Clinch and Jackson Rivers, from the Piedmont’s rolling hills to the towering forests of the western mountains, Virginia is blessed with rich natural resources vouchsafed by our Constitution for the benefit, enjoyment and general welfare of the people. While the Commonwealth’s elected officials enact environmental laws that regulatory agencies implement through regulations and permits, Virginia’s regulatory boards uniquely ensure that Virginians—the public—have a meaningful voice in shaping the rules that are designed to protect our priceless air, water and lands.

Comprised of non-expert, uncompensated regulatory volunteers, members of Virginia’s citizen boards work hard, often thanklessly and in the most trying of circumstances, to uphold the law and engage the public in protecting the environment. The Boards and the process by which they operate are not perfect. However, as with many aspects of governance, there is clearly room for improvement when it comes to transparency, independence, and public engagement. Yet the Boards’ inherent value as Virginians entrusted with key decisions about the Commonwealth’s natural resources, and their great promise to be independent arbiters about what is best for these resources and all Virginians, cannot be overstated. It is therefore critically important that Virginia policymakers refrain from interfering in the Boards’ independence, scope or authority.

BACKGROUND
Virginia’s citizen boards—such as the State Water Control Board, State Air Pollution Control Board, Waste Management Board, Marine Resources Commission—play key roles in Virginia’s balanced framework for protecting the environment. Board members are not necessarily experts in environmental issues; agency staff develops technical information and advises where necessary; instead, they bring thoughtful, on-the-ground perspectives to technical decisions relating to air, water and land. They are expected to be free from financial and other conflicts of interest. Notably, while they are appointed by the Governor (typically, for specific, staggered terms), they are not state employees and are free to exercise independent judgment without constraint or direction from elected officials.

Procedings before citizen boards are also structured to enable members of the public to provide meaningful, substantive feedback for the Boards to consider in their decisions regarding major environmental issues. Board proceedings are open to the public, and people may attend to learn about matters to be decided, including details that could otherwise be hidden. Virginians may engage in this work by submitting written comments and testifying to the board on specific agenda items. The citizen boards’ process for soliciting and considering public comment should not be constrained, if anything, it could be enhanced. When Virginians feel they are truly involved, they bring thoughtful, on-the-ground perspectives to technical decisions relating to air, water and land. They are expected to be free from financial and other conflicts of interest. Notably, while they are appointed by the Governor (typically, for specific, staggered terms), they are not state employees and are free to exercise independent judgment without constraint or direction from elected officials.

Public engagement with the citizen boards ensures a measure of transparent accountability for environmental decisions. Virginians ask questions of the decision makers and insist on answers. Ideally, these opportunities help to build public understanding of the issues, recognition that important perspectives are being taken into account, and trust in the decision-making process.

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CONCLUSION
In view of the important environmental protection role served by Virginia’s independent citizen boards, the current system should not be constrained or otherwise reduced in scope or authority in any way. While no appointment process is entirely free from political influence, the present system of gubernatorial appointments for specific staggered terms ensures, unless interrupted by unusually timed member appointments, regular turnover in board membership such that each governor will have some, but never complete, control over board composition. It also avoids some of the delays and tradeoffs that could slow or complicate legislative involvement in appointments.

BACK BAY NATIONAL WILDLIFE REFUGE. Image credit: Shutterstock

PRIORITY RECOMMENDATIONS
Refrain from legislating or authorizing any change to the current regulatory board framework that would reduce, constrain or otherwise weaken the Boards’ ability to make independent, publicly informed decisions that uphold state law and protect the Commonwealth’s invaluable natural resources. Specifically, we ask that no legislation be enacted to limit the ability of regulatory board members to reach reasoned, independent decisions supported by the administrative record and applicable law or to restrict the role or ability of regulatory boards to assure public participation in environmental decision making.