

Conflict of interest disclosure training

Office of Greenhouse Gas Programs

March 2022

Purpose

To inform responsible entities (and their verifiers/verification bodies) who participate in the Oregon Clean Fuels Program and/or Oregon Greenhouse Gas Reporting Program about how to use DEQ's conflict of interest disclosure form

Agenda

- Where to find the form/administration in Adobe Sign
- Parts of the form
- Form submission

Where to find the form

www.oregon.gov/deq/ghgp/3pv/



Clean Fuels Verification

- [Information for Verifiers](#)
- [Information for Verification Bodies](#)
- [Information for Responsible Entities](#)



GHG Reporting Verification

- [Information for Verifiers](#)
- [Information for Verification Bodies](#)
- [Information for Responsible Entities](#)

On the Information for Responsible Entities page, scroll down to “Resources”

Important note for fuel suppliers: Please fill out one form for each program

Adobe Sign

- Allows digital signatures
- Embedded on 3PV website for accessibility
- CANNOT be modified once submitted- contact DEQ if you need to make a change
- New form submittals are required if:
 - There has been an addition to the verification team (e.g. new DEQ-approved verifier was hired; best practice is to include all individuals who may participate in verification)
 - There have been changes to the organizational structure of the verification body (e.g. merger, acquisition or divestiture)
 - Circumstances have changed such that a new potential for conflict of interest has arisen
 - It is a new verification year (save a copy of your submission)
- New form submittals are NOT required if:
 - Someone has left the verification team

Adobe Sign

Web forms can sometimes time out if you step away from them for a length of time

- If you think you will need more time than you have in a sitting to fill out the form, email us and we can send the form to you directly

There is a size limit on file attachments: 10MB (or 100 pages)

- If you need to attach a file that exceeds these limits, please email it to us directly

Text boxes:

- Should re-size your text to fit the space allotted when the form is submitted, but if there is a lot of text, may look “cut-off”
- **DEQ will still get your full submission!**
- If you’re concerned the text in your copy is too small:
 - Copy/paste your saved text into a separate document
 - Email us, we can send you an excel version

3PVerify@deq.oregon.gov

Parts of the form

Parts 1 and 2: Identifying information

Part 3: Verification team

Part 4: COI checklist

Part 5: Other COI circumstances

Part 6: Self assessment

Part 7: Attestation

Instructions

Parts 1 and 2- Identifying information

Legal entities and related entities:

GHG Reporting Program

For emissions data reports, the legal entity is the company being verified

Clean Fuels Program

For fuel pathway applications/reports, the legal entity is the fuel pathway applicant/holder. Note that a facility may be a separate company within a larger organization

For quarterly fuel transactions reports, the legal entity is the fuel reporting entity. The relevant legal entity may extend to a parent company if the parent company selects or contracts with the verification body instead of at the facility/company level

Application/report type: OK to submit the same form for multiple reporting types as long as the legal entity and verification team will be the same for all applications or report types being verified

Part 3- Verification team list

- Best practice is to list anyone who may participate in verification
- Can include verifiers in training on the verification team, but they **MUST** be disclosed on the conflict of interest form and **MUST** be under the direct supervision of the lead verifier at all times
- Independent reviewer may not be a subcontractor and cannot attend the site visit

Part 4- COI checklist

- Organized into High, Medium and Low
- Multiple places to attach files if needed (10MB limit):
 - Management staff/BOD overlap
 - Previous verification activities performed
 - Personal or family relationships
 - Medium COI services provided
 - Mitigation plan
 - Other COI circumstances
- Follow instructions within the section
- Form will make you answer every question

Part 4- COI checklist

Q: What is an “insignificant” service?

A: OAR 340-272 does not define “insignificant services” except in relation to other types of services that may have been provided. Best practice is to disclose any service provided that may constitute a conflict of interest

Part 4- COI checklist

Q: How does DEQ evaluate high conflict of interest potential for services?

A: If the service provided does not overlap with the scope of the verification, COI is generally considered low to medium (depending on the situation). However, we would still evaluate the service according to the provisions contained in OAR 340-272-0500(2)(A), (B), and (C) according to the program

Part 4- COI checklist

Conflict of interest mitigation plan:

- A demonstration that any individuals with potential conflicts have been removed and insulated from working on or discussing the project
- An explanation of any changes to the organizational structure or verification body to remove the potential conflict of interest.
- A demonstration that any unit with potential conflicts has been divested or moved into an independent entity or any subcontractor with potential conflicts has been removed
- Any other circumstance that specifically addresses other sources for potential conflict of interest

Part 5- Other circumstances

Catch-all for other situations that may constitute a conflict of interest but are not captured elsewhere on the form

Please include a file attachment with relevant information if applicable

Part 6- Self assessment

- Based on results of conflict of interest checklist
- Please only select Low if:
 - No high or medium conflicts of interest have been identified

Part 7- Attestation

Form must be signed by a representative of the responsible entity who is duly authorized to legally bind the responsible entity on matters related to the conflict of interest assessment

Submission of the form

Once signed and submitted, Adobe Sign will send an authentication link to the email you provide on the form

Once you click this link, you should see an onscreen confirmation your form has been submitted

You will also receive a confirmation email from Adobe Sign, which will include a link to save and print a copy of the form for your records



POWERED BY
Adobe Sign



You're done signing

Conflict of Interest Disclosure Form

Open agreement

DEQ review

- DEQ will review each conflict of interest form and notify the responsible entity and verification body whether verification is approved to proceed
- DEQ may determine that a high potential for conflict of interest exists if a member of the verification team provided services within the past five years, but the services do not result in a high conflict of interest according to section 2 of the conflict of interest rule. If DEQ makes this determination, it will explain in writing why it believes the work performed creates a high conflict of interest

DEQ review

Considerations for DEQ review of mitigation plans:

- Nature of previous work performed
- Current and past relationships between verification body, related entities and subcontractors and the responsible entity and related entities
- Cost of verification services to be provided

Ongoing monitoring

Use same form to disclose any conflicts of interest that arise as a result of continuous conflict of interest monitoring

- Conflict of interest must be monitored for at least one year following completion of verification services
- If new conflicts arise in this time, describe actions that have been taken or proposed to avoid, neutralize or mitigate the conflict
- DEQ may require re-verification if conflict of interest potential is high or if it is medium but cannot be mitigated
- Verification body could have its DEQ approval suspended or revoked
- Verification bodies please report any changes in organizational structure (mergers, acquisitions or divestitures) occurring within one year of completion of verification

High COI phase-in

- CARB allows for the phase-in of high conflict of interest requirements
- DEQ does not have a phase-in provision; all high potential conflicts of interest start out as high
- If you have questions, contact us

Thank you!

3PVerify@deq.oregon.gov