

A PRIMER FOR NON-TECHNICAL  
ENVIRONMENTAL CLAIMS MANAGERS

# Selecting an Environmental Consultant



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Environmental Solutions

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# As environmental consultants, we know the job of an environmental claims manager (ECM) is stressful...

Given the diverse claims coming across their desks, and the even wider range of potential costs to be controlled, there's a lot of responsibility. If the ECM doesn't have a relevant technical background, then the stress level is surely compounded. Well, working with the right environmental consultant can go a long way to alleviate this stress, so the focus of this brief paper is to provide ECMs with some criteria when searching for a qualified environmental consultant.

## Professional Credentials

All environmental issues will need to be addressed by appropriately qualified people, such as Professional Engineers (PEs), Professional Geologists (PGs), Certified Hazardous Materials Managers (CHMM's), etc. The primary reason is these individuals have the appropriate skill sets to evaluate the environmental issue and help the ECM appropriately manage the associated risks. The secondary reason is state regulatory agencies require people with various credentials to sign off on reports because this provides them the assurance the environmental issue is being appropriately managed. It should also be understood by the ECM the credentials required by each state vary, and certain credentials are state specific. For example, PEs and PGs typically must have a separate license for each state in which they work.





## Regulatory Knowledge/Relationships

With the potential exception of environmental issues falling under the jurisdiction of the U.S. Environmental Protection Agency, most environmental issues fall under state jurisdiction. Selecting an EC with a presence in the state of interest goes a long way to minimizing time, costs and frustration for the ECM. An EC located in the state of interest will be familiar with the applicable regulations as well as the regulatory agency staff managing the issue(s) at hand. Although regulators are not permitted to formally recommend an EC, they usually let someone know if the EC they're considering has a good reputation within the agency, so it's worth the time to reach out to them. Working with an EC with a good reputation within the regulatory agency makes the entire process smoother because the agency knows they can trust the EC's work product. Furthermore, this trust tends to lead to more productive negotiations regarding work scopes and to a faster route to closure of the environmental issue.

## Diversity of Experience

ECMs manage environmental issues involving various contaminant classes (i.e., petroleum, chlorinated solvents, metals, etc.), so it makes sense to work with an EC that has experience addressing a variety of contaminant classes. Even if an environmental issue is thought to entail a single contaminant class, it is common for other contaminant classes to be encountered during investigative activities, especially if a property has a long operational history. If this turns out to be the case, the ECM can rest assured the EC has the relevant experience to address the change in scope. This flexibility is good for the ECM, and there is another benefit as well. Typically, the technical staff of an EC firm like this are more well-rounded and have a deeper knowledge base to tap.

## Progressive Thinking

An ECM is well served to spend some time evaluating how the EC's they're considering approach their work. It's true much of the processes involved in their work are dictated by regulations and/or scientific and engineering best practices, but there's still plenty of room for progressive thinking resulting in savings of both time and money.



Unfortunately, many ECs become complacent over time about these regulations and best practices because it's easier not to think about it. The EC should always begin planning with the end in mind. However, "the end" means different things to the various stakeholders involved (i.e., ECM, policy holder, regulatory agency, third parties, etc.), so the EC should confer with the various stakeholders at the start to determine what "the end" means. This allows the most efficient course of action to be determined.

Progressive thinking also comes in the form of "thinking outside the box" when considering the various tools and tests to be employed. For example, utilizing high resolution site characterization tools at the beginning of investigation activities will provide significantly more data points than traditional investigation methods and a more thorough understanding of the nature and extent of the problem. This will cost a little more, but the return on investment (ROI) can be huge due to a reduction in investigation and remediation costs.

Another example is the use of new forensic analytical methods such as molecular biological tools and compound specific isotope analysis (CSIA). Molecular biological tools can provide a more definitive assessment of the biological processes taking place in the subsurface and aid in the development of appropriate remediation strategies. CSIA can be useful in determining if one or more sources exist for the contamination (i.e., potential commingled plumes) and/or if the contamination is degraded biologically or reducing in concentration via dilution. The bottom line is that the EC should always be balancing what is necessary to achieve the goals of all stakeholders with the best available technology options to reap the best ROI.

## **Knowledge of Environmental Claims Process & Alternate Funding Sources**

Bottom line, an ECM can make their lives easier by working with an EC who understands the environmental claims process. Knowing that the EC understands the difference between defense and indemnity, coverage counsel and defense counsel, and in general is accustomed to working with attorneys can help relieve stress. Furthermore, an EC with diverse experience and a solid understanding of their state's regulations, will know if there are potential funding options outside of insurance. For example, many states have a fund established for addressing petroleum releases. These funds are typically fed money via various taxes and underground storage tank fees. If an ECM has a petroleum issue to deal with, the EC should, depending on state regulations, be able to establish the state fund as the primary payer. This will typically leave the ECM only having to cover costs not covered by the state and the state required deductible.





## Service Oriented

This particular aspect of an EC firm may be more difficult for the ECM to evaluate up front. Knowing if the EC is service-oriented will either come through recommendations from others, or through normal trial and error. A service-oriented EC will communicate effectively, will be responsive to requests/questions from stakeholders, is open to considering other opinions and recommendations, will be budget conscious, and will consider or propose alternate fee options (i.e., fixed fees) where sensible. Ultimately, the EC moves the environmental issue to closure as quickly and cost effectively as possible. The ECM should feel the EC is a partner sharing the load of responsibilities, not a contractor to be micro-managed.

**At SESCO Group, we positively embody all of the necessary attributes and are always looking for opportunities to serve with expertise and thoughtful guidance.**

Speak with our experts today.  
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