

Selecting an Environmental Consultant

Guidance Document 21

The following are a few guidelines for selecting a reliable professional consultant to help you clean up contamination caused by an agricultural chemical incident. We suggest you contact several environmental consultant companies and inquire about their experience, training, fees, and insurance coverage; then compare them to each other to determine which one best suits your needs.

RESEARCH CONSULTING COMPANIES

The Minnesota Department of Agriculture (MDA) Incident Response Unit can provide you with MDA guidance document [GD22 Environmental Consultant List](#). Please call us at (651) 201-6455 to request this list. This list is not comprehensive, and contains information provided by the companies themselves. It is not an endorsement by MDA, as state law prohibits MDA from recommending one consulting company over another. The MDA provides training to consultants in agricultural chemical cleanups and ACRRA, and the list indicates which of the consultants attended the latest training.

EXPERIENCE

Before you hire a consultant, determine whether the prospective company has the technical competence to do the work needed. An inadequate investigation, unacceptable field procedures, or lack of familiarity with state and federal requirements may unnecessarily cost you thousands of dollars and still not complete the cleanup. Conduct interviews with each firm's staff. Narrow your list to companies that answer "Yes" to most of the following questions:

1. Does the firm have experience performing agricultural chemical or other environmental contamination investigations and cleanups in Minnesota?
2. Is the firm familiar with sample collection of ground water, surface water, and soil? Does the firm have established, acceptable field procedures and chain-of-custody procedures for sampling?
3. Has the firm performed on-site testing of soil and water for pesticides and fertilizer? Are they familiar with analytical requirements?
4. Is the firm familiar with treatment options (land spreading, bioremediation, etc.) for soil and water contaminated with agricultural chemicals?
5. Does the firm have experience in ground water monitoring, well design and installation? (If the firm subcontracts its drilling to another company, be sure to get references for that subcontractor, too.)
6. Does the firm know the requirements of the Minnesota Water Well Construction Code?
7. Has the firm complied with OSHA safety training requirements?

INSURANCE

Request information about the consultant's and subcontractor's insurance coverage. Do not contract with a company that does not carry professional liability insurance. If a company is self-insured, make certain it has adequate resources to cover any problems that might occur.

PROJECT COSTS

Remember: You are responsible for ensuring that investigation and cleanup costs are reasonable if you intend to apply for reimbursement from the Agricultural Chemical Response and Reimbursement Account (ACRRA). (See MDA guidance document [ACRRA.001 Reimbursement of Costs for Agricultural Chemical Incident Cleanups: ACRRA](#).) To prove that a cost is reasonable, you may be asked to supply documentation that 1) a competitive selection or bidding process was used, 2) the cost is equivalent to what is charged routinely in the area, 3) the contractor was the only party reasonably available, or 4) the contractor was the only party reasonably qualified.

Any consultant you hire should provide you with an itemized fee schedule. Have the consultant inform you which, if any, activities are subcontracted, and if the subcontracts are competitively bid. Be aware that a wide range of costs exists for some subcontractor

activities such as soil excavation, while other costs such as laboratory analyses are fairly standardized throughout the industry. Also, ask about billing options for the subcontractors, such as direct billing to you for no extra charge, or billing through the consultant with a percentage mark-up fee. Consultants should be able to fully justify their mark-up costs, as this is a cost above their normal hourly fees.

REFERENCES

Obtain references from any consultant you are considering. Request complete lists of the company's clients with agricultural chemical incident sites in your county or region. Contact several of the former clients and ask about the company's work. MDA can also provide you with a list of agricultural chemical incident sites in your area. You may wish to call some of the parties involved. The following are suggested questions:

1. Did the consultant meet the stated work and project deadlines?
2. Did the consultant keep you informed of project developments?
3. Did the consultant work effectively with MDA and other state agencies?
4. Were you satisfied with the consultant's overall performance?

PROJECT PROPOSAL

Choose several companies and ask them to submit a proposal for the project. Each proposal you receive should include the following:

1. Résumés of the field staff and the project manager who will be conducting the work;
2. An itemized fee schedule;
3. Availability to do the work and ability to meet regulatory deadlines;
4. Anticipated subcontractors, and their costs;
5. Billing options for subcontractors and contractor management (markup) fees; and
6. A list of references.

EMERGENCY WORK

Ideally, when you need a consultant for investigation and cleanup help you will have time to go through the steps outlined in this guidance document. However, in the event of an emergency, you may require the immediate services of a consultant until the situation is contained and stabilized. Under these circumstances you wouldn't have time to fully investigate a consultant. In an emergency, your report to the Minnesota Duty Officer ((651) 649-5451 (metro); 1-800-422-0798 (non-metro)) will put you in touch with the MDA Emergency Response Team, who may be able to provide you with information on consultants who are prepared to deal with emergency situations.

Consultants hired for emergency response do not have to be retained to complete the investigation. If you are not satisfied with a consultant's performance in handling the emergency, you should not feel obligated to continue contracting with the company for the remainder of the site investigation and cleanup.

MAKING THE FINAL SELECTION

Your best interests, both legally and financially, are served by hiring experienced, competent companies to handle investigations and cleanups of agricultural chemical incidents. Also, you are responsible for making sure the investigation and cleanup is conducted properly and in a timely manner. Remember, the same rules apply for any contract or consultant work:

1. A consultant who attempts to minimize technical or legal requirements for an adequate cleanup is probably not the consultant you should hire.
2. If it sounds too good to be true, it probably is.
3. Cheaper is not always better