

QUALITY STANDARDS GUIDANCE

The local Waterkeeper programs developed 13 Quality Standards and gave them to Waterkeeper Alliance to enforce. The Quality Standards:

1. Demonstrate to the world that the licensed trademark users and the trademark holders, represented by the Waterkeeper Alliance, are vigilant in ensuring that all Waterkeeper programs are fulfilling the expectations of a Waterkeeper, are complying with the requirements of the trademark, and are honoring the qualities and values the trademark represents. This ensures that licensed trademark users and trademark holders, represented by the Waterkeeper Alliance, are able to enforce the trademark and protect it from misuse and abuse.
2. Help new programs understand and fully honor what it means to be a Waterkeeper.
3. Provide consistency in the Waterkeeper movement and help build a local, regional, national and international recognition, understanding and respect of the Waterkeeper concept and the high level of waterway protection it represents.
4. Ensure that all Waterkeepers are honoring the principles and approaches upon which the movement was founded.

A Waterkeeper program advocates compliance with environmental laws, responds to citizen complaints, identifies problems that affect the program's identified body of water and devises appropriate remedies to address the problems. Waterkeeper programs may have educational and monitoring components, but they are primarily advocacy organizations which use hands-on advocacy, litigation, community organizing and community activism to protect, defend and restore their waterbody. A Waterkeeper program employs a full-time, privately funded, non-governmental public advocate for the identified water body – e.g. a _____keeper, – who commits to taking personal responsibility for the protection and restoration of their waterway, to giving their waterway a voice, and to giving their water-loving community a voice.

To accomplish the mission of a Waterkeeper program, Waterkeeper programs are required to achieve 13 Quality Standards within 12 months of receiving their license, and must begin working towards achieving the standards immediately:

Quality Standard #1:

Employ a full-time, paid, non-governmental public advocate for the identified water body, who identifies him or herself with the Waterkeeper mark and who serves as the primary spokesperson for the waterbody.

Guidance:

The (defining) basic concept of the Waterkeeper movement is that of an individual who is publicly identified as your Waterway's voice, a single individual who has committed themselves personally and professionally to taking on the many giants who abuse and/or threaten their waterbody. A "regular" person willing to take on all adversaries of the waterway and community is a powerful image. It is this image that has attracted members, supporters, funders and the media for over two decades. A Waterkeeper is a recognized individual willing to fight the odds, to speak with a clear and honest voice, no matter what the personal consequence, in order to give their Waterbody a place at the table, in order to ensure that their Waterway is given a priority place in all decision

making, and that its needs are not subjugated to the needs of others for any reason – business, economic, personal or political.

Being a Waterkeeper is a full-time job. In fact, it is more than that. It is a way of life. The Waterkeeper should become so connected with their waterway that they defend it with all the love, emotion, commitment, time, energy and passion that they would care for a threatened child, parent or dear friend.

Defining being “paid”: The Waterkeeper needs to be paid a salary. The level of this compensation needs to be determined by the organization. But, whatever the salary/level of compensation it needs to be the Waterkeeper’s primary source of non-family income. It must be affordable for the organization and acceptable to the Waterkeeper. It must be paid with the understanding that it is being paid in return for full-time work from the Waterkeeper.

Defining “full time”: The role of Waterkeeper must be full-time, a minimum of 40 hours a week devoted to protecting your waterway – in truth, 40 hours a week should be a gross underestimate of the time truly invested. The hours put in by the Waterkeeper must exceed the hours invested for any other paid job held by the Waterkeeper. It must be clear that the Waterkeeper position is their primary work obligation and that it takes precedence over all other work undertaken by the Waterkeeper for others. It is appropriate for the Waterkeeper to also perform the role of Executive Director for their organization as long as they operate using the title of “Waterkeeper, Riverkeeper, Baykeeper etc.” and their primary function is that of the Waterkeeper, meaning that they devote a majority of their time to representing their waterbody and representing their organization in the role as Waterkeeper on issues and challenges facing their waterway and watershed.

Defining “identifies him or herself with the Waterkeeper mark”: The Waterkeeper needs to be clearly identified as the *Waterbody Name* Waterkeeper (or Riverkeeper, Baykeeper, Soundkeeper, Inletkeeper, etc.). While this does not necessarily preclude the Waterkeeper from garnering another title (e.g., Executive Director), it does mean that in all materials and all correspondences, the title Waterkeeper must be clearly indicated. ***No matter what duties are carried out by this person - the Waterkeeper - it should be understood that the clear preference is that that they only use the Waterkeeper title in identifying themselves and their role with the organization.*** This may require explanation to those still unfamiliar with the Waterkeeper concept and title, but by using the title and taking the time to explain it rather than dilute it by using another, perhaps more traditional, title, you are helping to build the local, regional, national and international understanding of what a Waterkeeper is.

Defining “primary spokesperson”: Being the primary spokesperson does not require that you be the only spokesperson for your waterbody or organization, but it does mean that you are the “primary” spokesperson – the individual marketed to the media and the public, the individual identified for comment on the majority of the organization’s media outreach, and the person primarily identified on organizational materials as the person representing the waterbody and the organization’s positions on water issues. The Waterkeeper should be the individual highlighted as the first to go to for comment and as the lead person for organization and issue comment, conversation and speaking engagements. In Waterkeeper organizations that have additional staff members (e.g.

Staff Attorney, Chief Investigator, etc.), Waterkeeper Alliance recognizes that professional development, organizational sustainability, and aggressive advocacy are furthered by allowing staff members to speak to the media and engage in public speaking events. In these cases, the staff member should identify themselves by their title and the Waterkeeper organization (e.g., Staff Attorney, XYZ Baykeeper). Ultimately, however, the public should know that the Waterkeeper is the primary spokesperson for the waterbody.

Quality Standard #2:

Maintain a vessel clearly identified as the “*Waterbody Name Waterkeeper*” vessel that is readily available and actively used for patrols of User’s watershed (unless the Waterkeeper Alliance Board grants permission for use of an alternative means for patrol and public awareness).

Guidance:

Waterkeepers have an on-the-water presence. A clearly identified vessel must be a cornerstone of your program. Patrolling your waterbody in a clearly identified vessel lets the public know who you are and that you have taken responsibility for your waterbody and are protecting it on the public’s behalf.

Patrolling the waterway in your Waterkeeper vessel should be an important means for information and/or data gathering on issues. The vessel is an important means for finding, identifying and learning more about pollution problems.

The vessel is part of the Waterkeeper persona – Waterkeepers are known as hands on advocates who have first hand knowledge of the issues, struggles and problems their waterway faces. Your vessel can help ensure you have this direct knowledge. It also identifies you to the media, public officials and others as a source to them for first hand information – information that you can provide them as the result of your observations but also information you can provide them by taking them out on the water to collect their own first hand knowledge.

The particular type of vessel is to be chosen by the local Waterkeeper program. Some programs have small motorboats; some have seaworthy vessels. Others have canoes and kayaks. All vessels must be clearly labeled with your Waterkeeper name whenever you are on patrol (except in circumstances where an investigation requires anonymity) so that you are identifiable.

The vessel must also be readily accessible. If you can only borrow the vessel every third Tuesday of even number months and the biggest oil spill of the year happens on a day you cannot use the boat, that is not “readily accessible.” Similarly, if you borrow one of your board member’s vessels once a year, that does not constitute “active use.” Of course, no one expects the vessel to be in use during impractical weather conditions (e.g., if the river is frozen in winter) or where it would be dangerous to operate.

If your waterway lacks sufficient flow or otherwise would be too dangerous to patrol by vessel, Waterkeeper programs may seek permission from the Waterkeeper Alliance board to use an alternative patrol vehicle such as a vehicle or other means.

Quality Standard #3:

Be a 501(c)(3) or 501(c)(4) organization or international equivalent; or be sponsored by a 501(c)(3) or 501(c)(4) organization or international equivalent.

Guidance:

You can start your own official non-profit organization or be sponsored by another non-profit organization. Either way, being backed by an official, recognizable, registered and legally designated entity is critical for establishing and maintaining credibility and confidence that you are an organization of substance and longevity. For example, in the U.S., non-profit status allows you to take tax-deductible donations from members and donors. Being a 501(c)(3) or (c)(4) organization, or international equivalent, allows you to successfully apply for and receive grants and funding from a variety of sources. Being a 501(c)(3) or (c)(4) organization, or international equivalent, ensures your community and colleagues that you are connected with your community via board representation, that your activities are subject to a level of public oversight, and that your organization is fulfilling sound tax and other professional practices.

In the international arena, standards for charitable activities differ from those in the U.S. Regardless, it is important that the Waterkeeper organization be established in the local area in a legally recognized manner that serves the public interest rather than the interests of profit.

Quality Standard #4:

Develop a grassroots constituency.

Guidance:

Numbers matter! You are representing the waterway and the community. Community support equals credibility and success. Having a strong grassroots constituency:

- ✓ Provides information and observations on pollution events and the many issues that you are or should be working on;
- ✓ Provides the multiplicity of individual voices that can speak individually and collectively to press your message;
- ✓ Provides a heightened level of credibility and priority in the eyes of politicians and decision-makers who are very aware of who and how many they are hearing from;
- ✓ Provides you with legal standing in court – and the more members the greater likelihood you will have needed members impacted by each and every issue you are pursuing legally and need standing for.
- ✓ Provides a source of needed, and oftentimes unrestricted, funding; and
- ✓ Demonstrates to grant funders that you are a true grassroots and community organization worthy of their support.

Domestically, this Quality Standard typically is demonstrated by the number of members a program has, as it is quantifiable and supports maintaining representational standing (Quality Standard 5). However, internationally, there are different legal standards and cultural norms, and there are other means for demonstrating a grassroots constituency.

Distinct Cultural (and Legal) Differences. In many countries, a non-profit group has legal standing submitting a lawsuit against a polluter by representing affected individuals, even if these people are not paying members of this NGO.

In some non-US countries, volunteers that are not paying members provide information and observations on pollution events. In some countries, an NGO does not have to represent any affected individual in order to enforce an environmental law.

In these situations, a Waterkeeper can demonstrate a grassroots constituency by showing the number of volunteers, the number of supporters at hearings on key issues, the number of people who sign their petitions, and through other means. An example would be where one of our Waterkeeper programs in Latin America had collected more than 8,000 signatures to support their campaign to protect a beach.

Economic Hardship. For many of our international programs, the median household does not allow for community members to pay a membership fee to a non-profit organization. Even if the fee is symbolic and minimal, the tradition of paying for this type of service is at a very early stage in the history of environmental advocacy in these countries. In Latin America, the community is dependent on paternalistic government subsidies especially around health programs. Participating in an environmental group is viewed as a luxury - a commodity that most low-income people cannot afford. Alternatively, there is great participation of volunteerism for campaigns to improve the surrounding community. The donations are mostly in time and availability from student groups. Therefore, these “members” do not provide a source of needed, and unrestricted, funding, but instead they support the organization with their time and energy.

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Quality Standard #5:

Use best efforts to maintain representational standing.

Guidance:

To successfully pursue litigation you need to ensure that you fulfill the legal requirements for standing to be in court. In the U.S. court system, for example, this means that the person(s) you represent:

- ✓ suffered an actual or threatened injury as the result of the issue or activity you are working on;
 - ✓ that this injury is fairly traceable to the alleged violation; and
 - ✓ the alleged injury is likely to be redressed by a favorable decision by the court
- plus
- ✓ your individual members (used for standing in a specific case) would have standing on their own
 - ✓ the interests at issue are germane to the organization’s purpose (its mission)
 - ✓ that participation of the individual members in the lawsuit is not required.

To fulfill this legal requirement and organizational obligation, it is important for you to have members and to represent their interests in the waterway. A diversity of membership will help you gain access to justice for your waterway throughout your watershed.

Quality Standard #6:

Establish an easily located, identifiable telephone number to which citizens can report pollution incidents or concerns.

Guidance:

You are representing the waterbody and the community that appreciates and depends upon it. Your phone number makes the Waterkeeper accessible to citizens to report pollution incidents, to provide helpful and needed information about issues you are or should be working on, and to give donations! The telephone number should be published in a number of locations including your website, in the phone book, on banners, on all organizational materials, and other widely used publication spots. The more people know about your existence and available services, the more connected to the community and the waterbody you will be.

Quality Standard #7:

Identify and respond to citizen complaints.

Guidance:

Waterkeeper programs need to recognize that the community is their best source of information and support for the issues they take on. Waterkeepers need to be part of and responsive to their community. Having a dedicated pollution hotline, holding public meetings around issues, securing public input in a variety of ways, ensures you stay informed and connected and that you will have a community willing to rise to your river's side and your Waterkeeper's side simply by being asked. Use the hotline, have public meetings, and survey the community. Community members are extra "eyes and ears" that help you protect the waterway. Respond to their complaints and follow-up with the complainant. You will be a more informed and successful organization and will build great goodwill in the community.

Quality Standard #8:

Advocate and enforce compliance with environmental laws, including the use of litigation and administrative challenges against polluters in appropriate circumstances.

Guidance:

Waterkeepers are enforcers. They find and eliminate sources of pollution and waterway harm using the laws that empower us to protect our waterbodies and communities. This is our niche and a powerful tool. We use the law to support our in-court and out-of-court advocacy, to ensure that our voice is heard in all public forums, and to stop the pollution and degradation of our waterways and watersheds. Enforcing the law with our words and deeds ensures that polluters and decision-makers sit up and listen when we speak – they know that if they don't that we will take whatever action necessary to stop pollution and waterway harm, to enforce the law and to hold them accountable. And they know we are organizations and individuals with the knowledge, tools, connections, track record and

community backing needed to succeed. We are willing to use all available tools to stop pollution.

The Waterkeeper program needs to undertake specific clean water initiatives, and not just public education or “feel good” activities. The Waterkeeper program needs to be actively monitoring the waterway, addressing both non-point source and point sources discharges, advocating for enforcement of environmental and public participation laws, and enforcing these laws. Where these laws do not yet exist, the Waterkeeper program should participate in whatever lawful way they can to ensure that the public has a right to fully engage in environmental protection and decisionmaking.

Quality Standard #9:

Participate actively in Waterkeeper Alliance, including, but not limited to:

- a. inclusion of Waterkeeper Alliance (50 South Buckhout St., Suite 302, Irvington, NY 10533) on mailing lists of User’s publications, newsletters and mailings;
- b. notification to Waterkeeper Alliance of filing of lawsuits;
- c. regular attendance at annual Waterkeeper Alliance conference;
- d. subscription to Waterkeeper Alliance listserv; and
- e. inclusion of the Waterkeeper Alliance collective mark and the “*Waterbody Name Waterkeeper*” name in promotional materials, including newsletters, brochures, website, and letterhead. (On letterhead, User may substitute the words “Waterkeeper Alliance member” or similar in lieu of the Waterkeeper Alliance collective mark.)

Guidance:

Waterkeeper Alliance needs an active membership: A key part of the alliance is the networking, coordinating, and sharing of experiences. We count on our member programs to be proud participants in and champions of Waterkeeper Alliance.

For a. - Include WKA on your mailing list – it helps us know what you are up to, gives us the opportunity to offer help, and to share your work to help others.

For b. - Notification of filing lawsuits – same theory, no use reinventing the wheel.

For c. - Listserv – same, plus learn from others, share experiences.

For d. - Conference – the Annual Conference is when we convene to discuss business, and there are great opportunities for training, sharing experiences, meeting staff, and reenergizing.

For e. - Collective Mark – this helps protect the trademark, and makes us members of a team. For the Waterkeeper name, the Waterkeeper program needs to be prominently displayed in all materials. Ideally, if part of a larger organization, the Waterkeeper would have its own newsletter, its own website, and its own materials. This is not a requirement. However, we do require a prominent Waterkeeper link on the homepage which describes Waterkeeper Alliance, the Waterkeeper program, and the work and issues of the Waterkeeper program, as well as the Waterkeeper Alliance member collective mark. A link to a PDF

does not suffice. Similarly, all newsletters must have *at the very least* a Waterkeeper program page that updates readers on the Waterkeeper's work and issues, and even highlights the work of other Waterkeeper programs and Waterkeeper Alliance.

Quality Standard #10:

Establish a physical office space within User's watershed.

Guidance:

Having a permanent and physical office space conveys to the community and your funders that you are an organization of substance and staying power – it engenders confidence and connection so important to building community and funder support. You should aspire to an accessible office space where you can meet with folks, entertain funders, and allow for walk-in access to your organization. You don't have to invite walk ins but you should have a place where folks know they can find you if they have to.

Your office space needs to be located within your identified patrol area's watershed. Having a physical presence in your watershed of focus ensures your ability to become an integrated, embraced and respected part of the community. People don't want to deal with representatives from outside of their watershed; they want to be represented by someone they can call their own -- imagine community reaction to someone in Dallas, Texas representing themselves as the voice of Galveston Bay hundreds of miles away!

Quality Standard #11:

Adhere to generally accepted accounting practices (GAAP) and IRS rules.

Guidance:

An organization that solicits funds from the public is accountable to the public for managing those funds and must follow proper protocol. We enforce laws and need to be sure that our organization is following laws too.

Quality Standard #12:

Develop strategic and fundraising plans to guide User's organization.

Guidance:

This requirement helps build a sustainable program. Identify what you will do, how you will do it, how much it will cost, and where the money will come from. You need to have a strategy to build a strong program. A strategic plan can ensure that you stay focused on your work and do not get pulled in so many directions that your voice and effectiveness become diluted and ineffective. A strategic plan helps guide your focus so you know what you need to raise money for. A strategic plan can provide you with identified goals and aspirations to strive for, and that you can build energy and commitment around from your board and community. A strategic plan becomes the basis for an effective fundraising plan that is important for ensuring you identify and reach your fundraising goals, from all funding sources (membership dues, donations,

foundations, major donors, events, etc.). Funders often look for strategic plans including fundraising capabilities when they consider funding a program.

Quality Standard #13:

Maintain a high level of integrity and avoid conduct (financial or otherwise) that is improper or creates the appearance of impropriety (financial or otherwise) or injures the reputation of the User, mark holder and/or Waterkeeper Alliance. Examples include receiving financial benefit or employing staff who receive financial benefit for advocacy or conduct that conflicts with the mission of User or Waterkeeper Alliance.

Guidance:

Waterkeepers need to be recognized as totally committed to their waterbody and community. They must ensure that they have not created a situation where their credibility, motivations or commitment to their waterway, organization or community can be challenged. Waterkeepers must not act in a way that draws their decisions or efforts into question. Folks will not always agree with what you do – even at times your friends or allies may question you – but while they may question or disagree with a decision or action, you don’t ever want them to question your commitment to your waterway or that you did what you did because you genuinely believed it was the right decision/action for your River/Sound/Bay/Inlet/Waterway.

A few concrete examples of things you don’t want to do: a. You falsify some portion of a response to the Quality Standard Review questionnaire that you submit to Waterkeeper Alliance; b. You moonlight as a consultant for the biggest polluter in your watershed; or c. You accept money from a polluter and then temper or completely drop your advocacy against the polluter. It can be acceptable to take corporate money, but that acceptance should in no way limit the actions you take in the present or the future. Again, a Waterkeeper always puts the waterway first.