

Nikki L. Tinsley, Inspector General
U.S. Environmental Protection Agency
Office of Inspector General
1200 Pennsylvania Avenue, N.W. (2410T)
Washington, DC 20460

July 18, 2005

Dear Inspector General Tinsley:

We are writing to you on behalf of Public Employees for Environmental Responsibility (PEER) in connection with the EPA Office of Research and Development's "Sources Sought Notice" #ORD-05262005 (attachment A) and similar such contracts that ORD is initiating. PEER requests that you initiate an investigation into these EPA ORD practices to determine their legality, their conformance with agency policy and their appropriateness in terms of budgetary needs and priorities.

Under the cited notice, ORD is seeking proposals of work for a \$6 million contract to provide "Communication & Graphic Research Support." ORD is seeking professional guidance in "strategic communications" to "enhance ORD's corporate image." The chosen contractor will "conduct focus group and survey research" and "enhance ORD's physical identity" through branding and product development.

Besides public relations contracts, ORD is training its scientists in "media/press relations, community outreach/activities, feature story writing and photo opportunities," according to a May 18, 2005 agency email from Donna Roa advising fellow employees of the ORD Science Communication Bi-Annual Meeting scheduled for this upcoming September in Narragansett, Rhode Island (attachment B).

1. Legality

Congress has prohibited the use of appropriations for publicity or propaganda purposes in every appropriations bill since 1951. The most recent iteration of this ban (Section 540 of the Consolidated Appropriations Act of 2004, P.L. 108-199) reads—

"No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not authorized before the date of the enactment of this Act by the Congress."

The ORD notice appears to violate this prohibition by requesting a contractor to “conduct focus group and survey research” and “enhance ORD’s physical identity” through composing articles for journals and magazines with an eye toward enhancing “ORD’s corporate image.” In addition, the notice advertises work in developing press releases, brochures and banners. All of these activities would seem to entail some degree of what Congress would consider “publicity.”

Moreover, the Narragansett meeting email explicitly recounts publicity-related activities that will be conducted with appropriated funds.

2. Conformance to EPA Policy

EPA’s own Policy and Implementation Guide for Communications Product Development and Approval, states that all agency products must, “reinforce the visual identity of EPA.” The policy provides for deviation from the standard EPA format but only with approval from the Office of Public Affairs (OPA) and OPA “strongly discourages the creation of identifiers for programs, offices, initiatives, etc. because EPA should be the primary organizational reference for all EPA efforts, not a lower-level organization.”

This rule against branding by EPA sub-units draws from EPA’s longstanding policy (“One Agency, One Voice”) against brand diversification as laid out in an early order concerning the EPA Seal and Agency Identifier. This December 1978 order prohibits the use of any visual identification other than the original seal and identifiers as laid out in the order.

EPA’s current specifications for web design also draw from the 1978 order stating:

“The general public should see EPA’s web materials as one cohesive site, not as hundreds of individual offices providing information.”

The ORD Sources Sought Notice, in apparent violation of these guiding principles and policies, specifically requests a contractor to develop “ORD’s corporate image” and to “provide graphic design services to enhance ORD’s physical identity, including development of logos and seals.”

EPA’s current policy on Communications Product Development and Approval in sharp contrast provides:

“Even if approved, program identifiers must not be so large as to compete with the Agency’s identification system or ‘corporate identity,’ and program identifiers should be used sparingly.”

3. Appropriateness In Light of Fiscal Constraints

Apart from whether ORD’s actions contravene Congressional mandate or EPA policy, PEER is concerned that these activities divert funds and management time away from cash-strapped public health and environmental research needs.

The mission of the ORD and EPA is to protect public health and the environment. PEER believes that ORD's communications activities do not serve this mission at all, or, at best, the relevance to this mission is so tangential that this spending could only be categorized as a waste of public funds.

In terms of priorities, PEER would argue that an EPA public relations campaign meant to enhance its image should be the last thing on which the agency should be expending appropriated tax dollars.

For these reasons, PEER respectfully requests that you examine these issues and recommend appropriate action. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

Jeff Ruch
Executive Director

Rebecca Roose
Program Director