



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
Northeast Fisheries Science Center
Population Dynamics Branch
166 Water Street
Woods Hole, MA 02543

December 21, 2012

Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street NW, Ste 240
Washington, DC 20036

VIA ELECTRONIC MAIL

Subject: Deciding Official Report, SMRA 2012-001

Dear Mr. Ruch:

Enclosed please find the final report of the Deciding Official for Scientific and Research Misconduct Allegations (SMRA) 2012-001.

I remind you to hold confidential all information related to these proceedings.

Sincerely,

A handwritten signature in cursive script, appearing to read "Paul Rago".

Paul Rago, Ph. D.
Integrity Review Panel Chair

Enclosure

Administratively Confidential – Do Not Release





UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
National Marine Fisheries Service
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166 Water Street
Woods Hole, MA 02543

November 8, 2012

Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P Street NW, Ste 240
Washington, DC 20036

VIA ELECTRONIC MAIL

Subject: Opportunity to comment on draft inquiry report

Dear Mr. Ruch:

Enclosed for your review and comment is the draft inquiry report prepared by the Integrity Review Panel (Panel) in response to the scientific and research misconduct allegations that you made against Dr. William Lehr. This opportunity for comment is in accordance with the Procedural Handbook that I previously provided to you in the course of these proceedings. The Handbook provides five calendar days for your review, but, in light of the Veterans' Day holiday, the Panel will accept any comments you provide on or before next Wednesday, November 14, 2012.

Once the Panel has received any comments from you on the draft report, the report will be finalized and sent to the Determining Official who will make the final decision on whether or not an investigation is warranted in these proceedings. More details on this process and on the role of the Determining Official are provided in the Procedural Handbook.

Importantly, I must remind you to hold confidential all information related to these proceedings.

Sincerely,

A handwritten signature in cursive script that reads "Paul Rago".

Paul Rago, Ph. D.
Integrity Review Panel Chair

Attachments:

1. Draft Inquiry Report, SMRA 2012-001

Administratively Confidential – Do Not Release





UNITED STATES DEPARTMENT OF COMMERCE
The Deputy Under Secretary for
Operations
Washington, D.C. 20230

February 27, 2012

Jeff Ruch
Executive Director
Public Employees for Environmental Responsibility
2000 P St., NW Suite 240
Washington, DC 20036

Dear Mr. Ruch:

On January 27, 2012, I received your allegations of Scientific and Research Misconduct by a NOAA scientist.¹ NOAA is handling these allegations in accordance with our Scientific Integrity Policy (Policy) and associated Procedural Handbook (Handbook).

Although the allegations were not filed within 60 days after the alleged misconduct, I have determined that the allegations were timely filed, since they were filed within 60 days of the issuance of the Policy, and since evidence on this subject is not stale.

The conduct which is the subject of your allegations took place in mid-2010, prior to the adoption of the Policy on December 7, 2011. I have determined that alleged breaches of principles and codes of conduct that have long applied to NOAA scientists may be investigated using the formal process described in the Handbook that accompanied the Policy even if the conduct occurred before the Policy was made final. However, the new and augmented requirements in the Policy will not be applied to conduct that took place prior to NOAA's adoption of the Policy and Handbook.

Under the Handbook, Section 3.03, allegations are subject to an initial assessment by the NOAA Deputy Under Secretary for Operations to determine whether the allegations fall within the definition of Scientific and Research Misconduct and are sufficiently credible and specific so that potential evidence may be identified. Based on my assessment, I am referring your allegations for inquiry – a process conducted by an Integrity Review Panel under the standards and procedures set forth in Section 5.02 of the Handbook.

The purpose of the inquiry will be to determine whether any of the allegations are based on principles and codes of conduct clearly applicable to NOAA scientists at the time of the complained-of conduct, whether any such allegations have substance, and whether further investigation is warranted. A referral to an Integrity Review Panel for inquiry is not a determination of scientific misconduct; it is a step in the evaluation process.

¹ For clarity of the record, we note that the allegations were dated January 23, 2011, when it appears that January 23, 2012, was intended.



I draw your attention to the responsibilities of a Complainant set forth in the Handbook, Section 4.01. Among these responsibilities is maintaining confidentiality. As NOAA explained at the time of the Policy's adoption, the Policy protects those who report scientific and research misconduct and also protects the anonymity of those who are accused of research misconduct during the review process. Strict adherence to these responsibilities is imperative to preserve the integrity of the process. It has come to my attention that you have published your allegations in a press release and on a publicly available website. Please be aware that any future breaches of the responsibilities set forth in the Handbook (including the responsibility to maintain confidentiality) may be considered grounds for summary dismissal of your allegations.

Within the next 30 days I will appoint an Integrity Review Panel Chair and a Determining Official. The next communication you receive on this matter will be from the appointed Integrity Review Panel Chair.

Sincerely,



Charles S. Baker
Deputy Under Secretary for Operations
(Acting)

Enclosure: Handbook