



United States  
Department of  
Agriculture

Research  
Education  
Economics

Office  
of the Chief  
Scientist

Room 338A  
Jamie L. Whitten Building  
Washington, DC 20250-0110

DATE: October 14, 2015

TO: Carlos Rodriguez-Franco, Forest Service  
Mary Coffey-Alonzo, Grain Inspection, Packers and Stockyards Administration  
Greg Pompelli, Economic Research Service

FROM: Doug Bannerman, Office of the Chief Scientist  
Bill Hoffman, National Institute of Food and Agriculture

SUBJECT: Scientific Integrity Review Panel Charge for Case "USDA-ARS-SI-09.12.2014"

In a memorandum, dated June 15, 2015, Dr. Catherine E. Woteki, Under Secretary for Research, Education, and Economics, and USDA Chief Scientist, appointed you to serve on a USDA Scientific Integrity Review Panel (SIRP) to review a complaint submitted by Jonathan Lundgren, Ph.D. (hereafter, "Complainant"), an employee of the Agricultural Research Service (ARS). As a follow-up, the current memorandum serves to provide background information with regard to the complaint and the SIRP's charge.

On September 12, 2014, the Complainant submitted a written complaint to the ARS Agency Scientific Integrity Officer (ASIO) and the USDA Departmental Scientific Integrity Officer (DSIO) alleging that:

"[The Complainant has] been subjected to a sudden but escalating pattern of impediments and disruption of my scientific work, restraints on my ability to communicate with scientific colleagues, as well as the media . . . [and that the] onset of [these] actions undoubtedly appears to have been prompted by the scientific activities that are supposed to be specifically safeguarded and encouraged under the USDA Scientific Integrity Policy." (Page 7 of complaint.)

The complaint specifically indicated that following interviews that the Complainant conducted with the media and the release of a Center for Food Safety report that listed the Complainant as an external reviewer, the following actions were taken: (1) restraint from further media contact; (2) initiation of a misconduct investigation; (3) disruption of research; and (4) professional interference.

In accordance with the *USDA Scientific Integrity Policy Handbook*, dated July 10, 2013, the ARS ASIO conducted a review of the complaint. In a letter, dated October 15, 2014, sent to the Complainant, the ARS ASIO indicated that she "failed to identify evidence in [the Complainant's] allegations of violations of scientific integrity policy and research misconduct."

In response to the ARS ASIO's letter, the Complainant sent an email, dated October 18, 2014, to the acting DSIO and the acting Director of the Office of the Chief Scientist expressing dissatisfaction with the response to his complaint. Specifically, the Complainant stated that the ARS ASIO's October 15, 2014, letter:

"Completely ignored the basis of [the] complaint (suppression of honest communication of scientific findings, and participation in peer review);

Failed to address the myriad instances of retaliation as a result of the Agency's violation (restraint on further media contact, damaging "misconduct" investigation, research disruption); and

Did not even mention the several instances of professional interference by line management, and threats to [the Complainant's] personnel record. Nor did the ASIO even acknowledge that the suspension decision which is part of these violations is being upheld by key people identified in [the] complaint.”

In May of 2015, the Department issued guidelines for convening a SIRP. A permanent USDA DSIO was appointed on August 9, 2015, and undertook a review of the case. Because of the nature of some of the concerns raised by the Complainant and based on information provided by the former acting DSIO that the Complainant may have submitted a whistleblower complaint, the DSIO met with representatives from the USDA Office of the Inspector General (OIG) on August 26, 2015, to determine whether OIG had concerns with the SIRP convening its review of the matter. In an email, dated September 22, 2015, OIG notified the DSIO that it did not have any concerns with the SIRP proceeding with its review.

In the absence of a satisfactory resolution at the agency level of an alleged violation of scientific integrity, §6a of the *USDA Scientific Integrity Policy Handbook* allows the Departmental Scientific Integrity Officer (DSIO) to convene a SIRP to review the complaint. Correspondingly, Dr. Woteki appointed a SIRP to review the matter.

Many of the issues cited in the initial complaint pertain to issues that do not fall within the scope of the *USDA Scientific Integrity Policy* (e.g., “reprisal” activities and violations of policies and procedures pertaining to agency investigations of employee misconduct). Therefore, in carrying out its charge, the panel should address only those issues pertaining to alleged violations of the *USDA Scientific Integrity Policy*. Correspondingly, the panel should address the following question:

- (1) Was the Complainant inappropriately restrained from communicating his findings with the media and scientific colleagues, and if so, did the restraint constitute a violation of the *USDA Scientific Integrity Policy*?

The SIRP proceeding will culminate in the issuance of a written report that addresses the question listed above and the required report elements delineated in the USDA SIRP Guidelines.

The privacy of all participants and the confidentiality of information gathered are to be preserved by all persons throughout the course of the SIRP proceeding to the extent possible and as allowed by law. SIRP members are required to recuse themselves if, through the course of the review process, they self-identify a conflict of interest with the case before them.

If you have any questions about the SIRP proceeding, please contact Doug Bannerman by telephone at (202) 690-0745 or by email at [Douglas.Bannerman@osec.usda.gov](mailto:Douglas.Bannerman@osec.usda.gov).

cc: Director, USDA Office of the Chief Scientist