



Public Employees for Environmental Responsibility

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August 11, 2015

Administrator Regina McCarthy
U.S. Environmental Protection Agency
William Jefferson Clinton Federal Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

RE: Unfinished EPA Scientific Integrity Policy

VIA U.S. MAIL, EMAIL & FAX

Dear Administrator McCarthy:

I am writing on behalf of Public Employees for Environmental Responsibility (PEER) to express our dismay at the lack of progress in completing the implementing procedures for the U.S. Environmental Protection Agency's Scientific Integrity Policy. We urge the direct involvement of the Office of Administrator in filling in the gaping holes remaining in this policy before the end of the Obama administration.

In November 14, 2013 testimony before the House Committee on Science, Space, and Technology, you stated:

“Because we rely so heavily on science to meet our mission on behalf of the American people, it must be conducted in ways that are transparent, free from bias and conflicts of interest, and of the highest quality, integrity, and credibility... That’s why the agency has established—and embraced—a Scientific Integrity Policy that builds upon existing Agency and government-wide policies and guidance documents, explicitly outlining the EPA’s commitment to the highest standards of scientific integrity. And that commitment extends to any scientist or organization who wishes to contribute to our efforts. All EPA-funded research projects, whether conducted by EPA scientists or outside grantees and collaborators, must comply with the agency’s rigorous quality assurance requirements.”

Today several months later, that stated commitment remains largely unfulfilled. For example, at this time there are still “are no formal processes for receiving or resolving allegations” of policy violations, according to the program’s latest annual report issued last month. Yet without any procedures, EPA has resolved more than a score of complaints largely by dismissing them.

While that annual report indicates that EPA plans to adopt complaint procedures later this year, it

has no implementation timetable for:

- Any protections for EPA employees “who express a differing scientific opinion, from retaliation or other punitive actions,” as required by the policy;
- Clearance procedures so EPA scientists know when they are allowed to publish scientific works. The annual report says it “will work on creating an Agency framework for clearance procedures” but meanwhile some EPA offices have their own clearance rules while others have none; and
- Any media protocol spelling out when scientists may respond to press inquiries or interview requests or publicly discuss their findings, despite numerous complaints from journalists. Instead of clarifying media access, the Office of Public Affairs has added five new staff.

These missing elements are not mere details – they are the guts of the policy without which it is just an empty promise.

Moreover, it appears that completion of a coherent policy will require your personal involvement. Each of these missing components is beyond the ability of the agency’s Scientific Integrity Officer to singlehandedly complete. Only the Administrator can direct the Office of Public Affairs to adopt agency-wide protocols that provide transparency and timely media access to scientists and other specialists. Only you can cut through the clutter of differing clearance procedures and impose one agency-wide clearance process. And only you can adopt an agency-wide rule protecting scientists from reprisals for voicing differing professional opinions or engaging in research that is politically controversial.

Similarly, there is no provision specifying the consequences of or penalty for violation of the policy resulting in a “loss of integrity.” Unless you clarify who has the responsibility to follow up on such findings, the policy may remain an empty exercise. As we have seen in other agencies’ experience with their policies, when there is no follow-up disciplinary action for integrity loss, scientists lose confidence in the process. Again, only the Administrator has the authority to ensure that there are concrete career consequences for violations of the policy.

In addition, the Scientific Integrity Policy by its terms applies to contractors and grantees but the requirements of that policy have yet to be integrated into contract and grant agreements. If there are currently no scientific integrity requirements in contract or grant agreements, it is not clear in what manner these entities – which *in toto* outnumber EPA staff – are bound by the policy’s provisions.

Yet again, the involvement of the Administrator is needed to mandate that all those EPA staff who write and manage these agreements make sure the Scientific Integrity Policy is incorporated in all agreements that govern the Agency’s relationships with grantees and contractors.

As you know, the EPA Scientific Integrity program is very small. According to its latest annual report, to date only approximately one-third of EPA employees have been trained about the

scientific integrity policy itself. It is difficult to claim that EPA has “embraced” this policy when most of its employees have yet to be briefed on it.

To supplement the current pace of training, we would urge you to integrate information about the Scientific Integrity Policy into already required employee training on topics such as ethics requirements, whistleblower protections, and other topics.

Despite this sizeable remaining training task, this tiny program is also contemplating developing and providing communications and media training. While we agree that it is important for EPA scientists to be able to effectively communicate their research results, the burden of this training should fall on the Office of Public Affairs which has a much larger budget, far greater personnel, and presumably greater expertise to develop media training.

Finally, we understand that as the third anniversary of the policy approaches, the Agency will conduct an evaluation of its effectiveness. Given its still significantly unfinished state, a full evaluation of the current policy may be premature. Instead, it is critical that the gaps within the policy be filled in. In so doing, we would urge you to both tighten up some of the current language that is ambiguous by adopting more precise language from other agencies’ policies. By incorporating best practices from sister agencies, you will not only improve EPA’s policy but also bring your Agency into line with the policies and practices of other science-based federal agencies.

PEER stands ready to assist EPA in strengthening its Scientific Integrity Policy. Please do not hesitate to contact us if you desire any additional information in this regard.

Sincerely,

Jeff Ruch
Executive Director

Cc. Francesca Grifo, Scientific Integrity Official