

**EPA ANNUAL SCIENTIFIC INTEGRITY 2015
NON-GOVERNMENTAL ORGANIZATIONS STAKEHOLDER MEETING**

April 20, 2015

Hosted by the Union of Concerned Scientists

Welcome and Introductions:

- Michael Halpern of the Center for Science and Democracy, Union of Concerned Scientists (UCS), opened the meeting and asked participants to introduce themselves. Participants included 17 representatives from UCS, Environmental Defense Fund, Natural Resources Defense Council, Society of Environmental Journalists (SEJ), Public Employees for Environmental Responsibility (PEER) and other organizations. Following introductions, the moderator explained that Dr. Francesca Grifo (OSA), the EPA Scientific Integrity Official (ScIO), had requested the meeting to discuss the work of her office over her first year at EPA and future directions, as well as to respond to participants' questions and concerns.

Dr. Grifo's Presentation:

- Dr. Grifo presented PowerPoint slides conveying the historical context of EPA's Scientific Integrity Policy (Policy), how the Agency defines Scientific Integrity, current initiatives and the challenges she faces.
- Dr. Grifo reviewed the accomplishments of her office over the past year, including completion of the annual report, which she made available to participants. Another stakeholder meeting to be hosted by the American Chemistry Council at the end of May will include regulated industry. A white board video training on the Policy will be provided to EPA staff and will focus on how scientific integrity enhances EPA's work and will include a case study demonstrating problems resulting from a failure to consider scientific integrity. She acknowledged that, with a small staff, allegations are not processed in as timely a way as she would like. She reviewed the formal allegation process, but noted most allegations are made informally.

Question and Answer Period

- Joe Davis of the Society of Environmental Journalists (SEJ) commented that many environmental journalists writing on deadline about EPA science that has been released in a journal want to talk to the authors or an Agency expert. Almost universally, SEJ journalists hear from EPA scientists that they cannot talk to the media without press office clearance,

but there appears to be no official policy that states scientists cannot talk to reporters without permission. The situation makes reporters' jobs harder and affects the integrity of the science. SEJ has submitted a Freedom of Information Act request seeking any written policy, but in 9 months, SEJ has received no response and has filed an appeal. He stated that the situation is a problem and asked how it can be fixed.

- Dr. Grifo responded that the Policy only states that scientists “should” consult with public affairs prior to talking to the press. Part of the problem, however, is that when Dr. Grifo’s office released its annual report with first-time Policy statistics, a *Greenwire* reporters’ headline about the report stated “Allegations at EPA Skyrocket.” The press office complains about such headlines and the lack of articles about good news, making the office reluctant to offer scientists without media training to journalists who may misrepresent or misquote the source. For that reason, the press office wants to be present on calls to verify the accuracy of quotes. When the UCS recently issued a media policy scorecard, the *Guardian* used a 3-year-old quote for its headline. Such examples make it difficult for Dr. Grifo to push back on press office oversight.
- Mr. Davis responded that it is not Dr. Grifo’s fault, but many reporters who complain to the SEJ are seasoned science journalists who nevertheless receive the same treatment as other reporters. To help, Dr. Grifo is promoting media training and rotations for media office staff to build trust between scientists in program offices and regions and the Office of Public Affairs (OPA). She underscored the distinction between speaking about science as opposed to speaking about policy, which is not a Scientific Integrity issue. She requested that SEJ and others document times when a scientist cannot be reached so that she can follow up on the matter.
- A stakeholder agreed to fulfill Dr. Grifo’s request. Another SEJ stakeholder stated that some Non-Governmental Organizations have worked since the beginning of the Obama Administration on the issues and were very hopeful. She personally and SEJ as an organization, under its new ethics code, would work with Dr. Grifo to address the problem of sensationalized news stories, citing examples of sensationalized journalism. With regard to intimidation, which Dr. Grifo’s office seeks to prevent, the stakeholder stated that scientists are intimidated when told they cannot speak with journalists except under surveillance. Once scientists or other sources can speak without having to repeat the official line, a confirmable different story almost always emerges. Government sources fear that their bosses will discover communication with journalists, an issue SEJ is working on very hard because many in SEJ feel they are “missing the world.” Dr. Grifo responded that EPA is

doing amazing work which should be well covered in the news. Again she urged journalists to let her know when the system is not working and she will follow up.

- Another stakeholder noted that the Policy fails to clearly state that a scientist can choose not to consult with OPA when speaking with a journalist. Dr. Grifo responded that the Policy also does not state that a scientist “must” be accompanied; it takes a position in the middle of those two positions. Another stakeholder added that “should” is not in the middle, but is 8.5 out of 10 in the direction of a requirement.
- A stakeholder asked about data access regulations and Dr. Grifo responded that Dr. Thomas Burke, EPA’s Science Advisor, is working hard on the issue.
- Another stakeholder asked about the Policy’s enforcement of the Whistleblower Protection Enhancement Act, which is supposed to protect employees who express a different view. Such protections appear to be missing in many federal agencies’ policies. Dr. Grifo requested a written proposal to remedy the situation, which the stakeholder agreed to provide. He stated that protections should be embodied in a Civil Service rule that is enforceable by the Office of Special Counsel.
- Another participant asked about the Personal Views Exception, which many agencies resist. Dr. Grifo responded that she has not heard that the issue is significant; EPA has a solid basis of experience to provide a basis for the Agency’s Differing Scientific Opinions Policy, which many regard as an avenue to enable people’s scientific information to be discussed. Another stakeholder suggested that EPA, the National Oceanic and Atmospheric Administration (NOAA) and others could disseminate their best practices.
- A participant asked if EPA scientists feel thwarted by the restrictions on traveling. In response, Dr. Grifo noted that there has been a significant decline in available travel funds. The process to request travel permission works well. The participant added that many associations are working on the issue because they have seen a decline in government scientists attending their meetings.
- A stakeholder lauded the resolution of the contractor-managed FACA meetings issue and urged publicizing the news. She also noted the difficulty of the media training issue, which applied to her organization as well, and asked if the EPA ethics training module would be publicly available. Dr. Grifo indicated that she would determine if training that her office produces can be made available outside EPA’s Skillport system. [Update: the training module is not available to the public as of August 2016.]

- Jeff Ruch of PEER asked if the draft policy for reporting and resolving allegations would be published for public review and comment. Dr. Grifo responded that it was shared with the unions for review, and she offered to explain the policy in detail to Mr. Ruch or any interested parties. Mr. Ruch stated that the process would be stripped of the ability to recommend corrective action if supervisors are found in violation of the Policy. Dr. Grifo responded that those issues are addressed at an EPA level, not by her office. Mr. Ruch asked how scientists could have confidence in the process, and how PEER could recommend filing a complaint, if supervisors suffer no consequences for a lack of Scientific Integrity. Even if filed confidentially, a complainant's identity would be known, but managers could retaliate and state that their actions were not directed at the filing scientist, whose identity is presumed to be unknown. He urged a public review process to vet such issues. He also expressed concern that Dr. Grifo's limited time and resources would be used for communications training, despite a lack of communications policy, and suggested that OPA's budget be used for such purposes. Similarly, the EPA OIG Ombudsman has a statutory duty to provide Agency-wide education on rights and options for all kinds of discrimination regarding disclosures, which broadly includes the Policy. An additional module could address the Policy. Dr. Grifo agreed to inquire into the matter. Mr. Ruch urged OIG to subject itself to the Policy and asked about the status of a "loss of integrity" complaint if it was filed about an OIG information product. Lastly, Mr. Ruch asked if a single "loss of integrity" complaint had been substantiated. Dr. Grifo replied that none had been, but currently her office is reviewing three allegations involving extensive documentation. Mr. Ruch added that there should be career consequences if a "loss of integrity" has been found, which argues for publicly presenting such findings. In some PEER cases, managers dismiss complaints because there are no consequences, so a good example is needed to demonstrate the seriousness of allegations. Dr. Grifo agreed that if a solid case results from investigations, it would be reported in the annual report.
- Dr. Grifo thanked the participants for their input and participation. The meeting concluded at 2:22 p.m. EDT.