



May 31, 2012

Dr. John Holdren
Director
Office of Science and Technology Policy
Executive Office of the President
725 17th Street Room 5228
Washington, DC 20502

Dear Dr. Holdren:

We are pleased to see that most federal departments and agencies have finally made public their draft or final scientific integrity plans¹ in response to President Obama's March 2009 Memorandum on Scientific Integrity.² However, POGO is concerned that several agencies have not included contractors or grantees in their plans. The failure to ensure the integrity of science performed outside the government but funded with taxpayer dollars is particularly troubling given that some of these departments or agencies—such as the Department of Energy (DOE)—rely heavily or nearly entirely on contractors and grantees for scientific research.

Founded in 1981, the Project On Government Oversight (POGO) is a nonpartisan independent watchdog that champions good government reforms. POGO's investigations into corruption, misconduct, and conflicts of interest achieve a more effective, accountable, open, and ethical federal government. Thus, POGO has a keen interest in ensuring both public confidence in government science and the public health and safety. This is why we are deeply interested in strengthening scientific integrity, increasing contractor accountability, and improving federal research and development.

Some of the most important advances in science, engineering, and public health—advances that touch everyone's day-to-day lives—have been the product of research supported by taxpayers through government contracts and grants. Research lacking in scientific integrity is always wasteful and has led in the past to loss of public trust and sometimes to loss of life. It would be a mistake, we believe, if the Office of Science and Technology Policy (OSTP) fails to insist that all federal agencies set high standards of scientific integrity in work supported by contracts and grants. Every department and agency should be required to announce its standards of scientific

¹ John P. Holdren, "Scientific Integrity Policies Released," *White House Blog*, April 6, 2012. <http://www.whitehouse.gov/blog/2012/04/06/scientific-integrity-policies-released> (Downloaded May 31, 2012) (Hereinafter "Scientific Integrity Policies Released")

² Memorandum from Barack Obama, President of the United States, to the Heads of Executive Departments and Agencies, regarding Scientific Integrity, March 9, 2009. <http://www.whitehouse.gov/the-press-office/memorandum-heads-executive-departments-and-agencies-3-9-09> (Downloaded May 31, 2012)

integrity and state how it will monitor the contracts and grants and deal with departures from the standards.

We recognize the difficulty of crafting comprehensive scientific integrity policies and applaud those officials who sought broad input from multiple stakeholder groups and outside experts, inviting public comment in order to generate the strongest policies to best achieve the goals of the Memorandum. Notably, at least the Environmental Protection Agency (EPA), National Oceanic and Atmospheric Administration (NOAA), and the Departments of Education, Interior, Labor, Justice, and Veterans Affairs have done so.

However, most of the other agencies have failed to engage in this process with transparency and public participation. This is why we welcomed the deadline you set for making plans public by March 30—whether in final or draft form. Making these plans public allows OSTP, as well as the public and organizations such as ours, to offer suggestions for improving the plans.

When we reviewed the scientific integrity plans and policies you posted on the White House Blog³ and issued since, we were pleased to see that the plans of the Departments of Agriculture,⁴ Education,⁵ and State⁶ specifically include the integrity of science performed by contractors. Commendably, the Departments of Justice⁷ and Interior,⁸ and the EPA⁹ and NOAA¹⁰ not only cover contractors, but also specifically cover grantees in their scientific integrity plans or policies (not surprisingly these agencies also asked for public comment on their plans).

However, we are disappointed that several agencies have not clearly stated that the policies apply to the contractors and grantees they oversee. POGO found that at least fourteen of them do not sufficiently cover contractors or grantees in their draft or final plans or policies. These include

³ “Scientific Integrity Policies Released”

⁴ Memorandum from Thomas J. Vilsack, Secretary of Agriculture, to the Department of Agriculture, regarding USDA Scientific Integrity policy, August 5, 2011. <http://www.ocio.usda.gov/directives/doc/SM1074-001.pdf> (Downloaded May 31, 2012)

⁵ Department of Education, *Scientific Integrity Plan Draft Posted for Public Comment*, May 30, 2012. http://ies.ed.gov/pdf/EDScientificIntegrityPolicy_Draft.pdf (Downloaded May 31, 2012)

⁶ Department of State Foreign Affairs, “11 FAM 820 Scientific Integrity,” *U.S. Department of State Foreign Affairs Manual Volume 11: Legal and Political Affairs*, April 16, 2012. www.state.gov/documents/organization/176812.pdf (Downloaded May 31, 2012)

⁷ Department of Justice, *Scientific and Research Integrity Policy Draft*. <http://www.justice.gov/open/doj-scientific-integrity-policy.pdf> (Downloaded May 31, 2012)

⁸ We applaud DOI for covering all science they fund by clearly stating that their policy applies to “All contractors, cooperators, partners, permittees, leasees, and grantees.” Department of the Interior, “Chapter 3: Integrity of Scientific and Scholarly Activities,” *Department Manual: Series: 05-Department Management*, May 5, 2012. <http://elips.doi.gov/elips/DocView.aspx?id=3045&searchid=b9bc8db7-d431-47d2-b21f-721102ac757a&dbid=0> (Downloaded May 31, 2012)

⁹ Environmental Protection Agency, *Scientific Integrity Policy*. http://www.epa.gov/osa/pdfs/epa_scientific_integrity_policy_20120115.pdf (Downloaded May 31, 2012)

¹⁰ National Oceanic and Atmospheric Administration, “NOAA Scientific Integrity Commons.” <http://nrc.noaa.gov/scientificintegrity.html> (Downloaded May 31, 2012)

the Departments of Commerce,¹¹ Energy,¹² Health and Human Services,¹³ Labor,¹⁴ Transportation,¹⁵ and Veterans Affairs,¹⁶ and the Centers for Disease Control,¹⁷ Food and Drug Administration,¹⁸ Marine Mammal Commission,¹⁹ National Aeronautics and Space Administration,²⁰ National Institute of Standards and Technology,²¹ National Science Foundation,²² Office of the Director of National Intelligence,²³ and U.S. Agency for International Development.²⁴ It may be that some of these departments or agencies intended to cover contractors and grantees, in which case, specifically stating so with more clarity in the plans would help ensure proper implementation and enforcement.

These omissions are gaping holes in the scientific integrity plans and policies, particularly at a department like DOE, since nearly all of its science is funded through contracts or financial

¹¹ Memorandum from Cameron F. Kerry, General Counsel of the Department of Commerce, regarding Implementation of Administration Policy on Scientific Integrity, March 30, 2012. http://www.commerce.gov/sites/default/files/documents/2012/april/march_30_2012_scientific_integrity_memorandum.pdf (Downloaded May 31, 2012)

¹² Steven Chu, Department of Energy, *Secretarial Policy Statement on Scientific Integrity*, March 23, 2012. https://www.directives.doe.gov/references/secretarial_policy_statement_on_scientific_integrity/view (Downloaded May 31, 2012)

¹³ Department of Health and Human Services, *Policies and Principals for Assuring Scientific Integrity*. http://www.cdc.gov/od/science/docs/Scientific_integrity_principles_12-19-11.pdf (Downloaded May 31, 2012)

¹⁴ Labor's policy states, "This SIP applies to all employees and detailees. Agencies should take steps to ensure the scientific integrity of data and analyses generated by its contractors." Department of Labor, *Scientific Integrity: Statement of Policy*. <http://www.dol.gov/asp/ideascale/si-policy-for-comment.pdf> (Downloaded May 31, 2012)

¹⁵ Memorandum from John D. Porcari, Deputy Secretary of Transportation, to Heads of Operating Administrations and Secretarial Officers, regarding Implementation of Departmental Scientific Integrity Policy, April 10, 2012. http://www.rita.dot.gov/rdt/memo/scientific_integrity_policy.pdf (Downloaded May 31, 2012)

¹⁶ Contractors may be covered in part under referenced handbooks. Department of Veterans Affairs, *Scientific Integrity*, March 27, 2012. http://www.va.gov/HEALTH/docs/DRAFT_VADirective0005.pdf (Downloaded May 31, 2012)

¹⁷ Office of the Associate Director for Science, *CDC Guidance on Scientific Integrity*, February 2012. http://www.cdc.gov/od/science/docs/CDCSIGuideE02_16_12.pdf (Downloaded May 31, 2012)

¹⁸ Federal Drug Administration, *Scientific Integrity at FDA*. <http://www.fda.gov/downloads/AboutFDA/ReportsManualsForms/StaffManualGuides/UCM290169.pdf> (Downloaded May 31, 2012)

¹⁹ Memorandum from Timothy J. Ragen, Executive Director U.S. Marine Mammal Commission, to John P. Holdren, Director Office of Science and Technology Policy, regarding Scientific Integrity at the Marine Mammal Commission, February 14, 2012. http://mmc.gov/commission_policies/pdfs/sci_integrity_policy.pdf (Downloaded May 31, 2012)

²⁰ Contractors and grantees are only mentioned in the section on "Management of NASA Scientific and Technical Information." National Aeronautics and Space Administration (NASA), *Ensuring Scientific Integrity at the National Aeronautics and Space Administration*, December 16, 2011. http://www.nasa.gov/pdf/611201main_NASA_SI_Policy_12_15_11.pdf (Downloaded May 31, 2012)

²¹ National Institute of Standards and Technology (NIST), "Summary Report on Scientific Integrity." http://www.nist.gov/director/scientific_integrity_summary.cfm (Downloaded May 31, 2012)

²² The policy states only that, "NSF awardees, whether current or prospective, also are expected to adhere to high standards of ethical conduct." National Science Foundation (NSF), *NSF Scientific Integrity Policy*. <http://www.nsf.gov/bfa/dias/policy/si/sipolicy.pdf> (Downloaded May 31, 2012)

²³ Office of the Director of National Intelligence, *Scientific Integrity Policy for the Intelligence Community*, April 28, 2011. <http://www.npr.org/documents/2011/dec/foia.pdf> (Downloaded May 31, 2012)

²⁴ Only "personal service contractors" are mentioned. U.S. Agency for International Development, *USAID Scientific Integrity Policy*. <http://www.usaid.gov/scitech/integrity.pdf> (Downloaded May 31, 2012)

assistance agreements. This represents tens of billions in science funded with taxpayer dollars at DOE alone.²⁵ Indeed, we are concerned that DOE, by selectively complying with only part of the President's directive, is neglecting a crucial public responsibility—a requirement that DOE's contractors observe the standards of scientific integrity. We made this point in a letter to DOE last December, urging the agency to cover contractors in its scientific integrity plan.²⁶

Because DOE and several other agencies have failed to do so, we believe it is time for OSTP to clarify that all agencies and departments must include contractor- and grantee-performed science in their integrity plans.

Americans must be able to trust the results of all federally-supported science—not just the science performed by federal employees. We urge OSTP to ensure that all departments and agencies, when issuing their final plans and policies, strengthen the integrity of all scientific work funded with taxpayer dollars including the work of contractors and grantees. The integrity of the President's Memorandum is at stake.

We would appreciate an opportunity to meet with you and your staff to discuss this further. To set up a time at your convenience, please contact our Director of Public Policy, Angela Canterbury, at acanterbury@pogo.org or 202-347 -1122.

Sincerely,



Danielle Brian
Executive Director

²⁵ In fiscal year (FY) 2011, \$10.2 billion was appropriated, and nearly \$13 billion was requested for FY 2012, for DOE research and development and related programs at 17 national laboratories and for extramural research elsewhere.

²⁶ Project On Government Oversight, Letter from Danielle Brian, Executive Director of Project On Government Oversight et al., to the Honorable Steven Chu, Urging DOE to Strengthen Scientific Integrity Policies, December 15, 2011. <http://www.pogo.org/pogo-files/letters/public-health/ph-iis-20111215.html>.