UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUN 14 2013

OFFICE OF THE
SCIENCE ADVISOR

MEMORANDUM

SUBJECT: Response to Office of Inspector General's Draft Report Entitled *Quick Reaction Report: The EPA Must Take Steps to Implement Requirements of its Scientific Integrity Policy*

FROM: Glenn Paulson, Ph.D.
Interim Scientific Integrity Official for EPA Glenn Paulson

TO: Arthur A. Elkins, Jr.
Inspector General

Thank you for the opportunity to provide comments and additional information on this Draft Quick Reaction Report. In addition to general comments on the conclusions and recommendations, technical comments are provided in Attachment 1.

I have personally met with the Office of Inspector General management several times to develop coordination procedures on actions related to allegations of scientific misconduct and therefore I am surprised by the tone and method that is being used for this draft report. During our last meeting, I suggested that OIG attend the Agency's Scientific Integrity annual meeting scheduled for June 25. You have already received and accepted a formal invitation to this meeting. Further, the hot line call mentioned in this report and the report's recommendations do not appear to me to have any connection with each other.

OVERALL COMMENTS

In February 2012, the EPA published a Scientific Integrity Policy that built on our long history of scientific safeguards to further ensure that sound science drives agency decision-making. The EPA's ability to fulfill its mission to safeguard human health and protect the environment depends on sound scientific analyses, and the Agency remains committed to scientific integrity. When dealing with science, it is the responsibility of every EPA employee to conduct, utilize, and communicate science with honesty, integrity, and transparency, both within and outside the agency. When Bob Perciascepe (then Deputy Administrator) announced the Scientific Integrity Policy in his "All EPA Employees" memorandum dated February 16, 2012, he stated that the Policy became effective immediately. Each employee received this email, demonstrating the Policy's importance.

The draft report demonstrates both a lack of clear understanding of the Policy and also any recognition of what has been done thus far to implement it at the Agency. For example, the draft does not acknowledge that the Policy not only incorporates but goes well beyond the OSTP guidance, and in

addition clearly demonstrates the EPA's commitment to Scientific Integrity through a training element, as well as an annual meeting and report.

The draft report's core concern is that the development of training and the generation of an annual report have not been completed. The draft report does not acknowledge that, in fact, work on both is well advanced, and substantial efforts have been devoted as necessary to bring that work to its current status. The draft report fails to acknowledge the ongoing work that the Scientific Integrity Committee is undertaking to ensure consistent implementation of the Policy. The Interim Scientific Integrity Official has, in addition to leading the Committee, addressed several allegations of scientific misconduct that have been reported by outside entities.

These cases have been resolved, and also discussed with the OIG. Finally, we have also been working with the OIG to develop procedures to ensure coordination on allegations of scientific misconduct or other violations of the Scientific Integrity Policy (See Attachment 2). The draft Quick Reaction Report leaves the erroneous impression that there is little work being done on scientific integrity issues. While completion of the training module and the annual report are important, these are only two of the activities currently underway, and they do not impede agency managers and employees from complying with the Policy or detecting and reporting violations of the Policy.

As identified in this response, the draft report contains substantial misstatements. Since the work outlined in the draft report's Recommendations is already well advanced, finalization of the OIG draft report would not contribute to effective completion of that work. By failing to acknowledge these activities and arriving in the midst of their completion, the draft Quick Reaction Report, if made final, would be superfluous. It would, however, further delay the work of the Scientific Integrity Committee and staff in implementation of the Policy. To respond to this draft, OSA's scientific integrity staff has already been diverted away from developing the training, planning the annual meeting, and gathering information for the annual report.

AGENCY RESPONSE TO RECOMMENDATIONS

The draft report recommends that the EPA's Deputy Administrator direct the Scientific Integrity Committee to (1) develop and implement agencywide training on the *Scientific Integrity Policy* in a manner that will minimize delay in the EPA's adherence to policy requirements, (2) complete and issue an annual report on the status of scientific integrity in the agency before its first formal review of the policy, and (3) provide the Deputy Administrator with a written plan describing the actions and milestones for implementing and completing the training and issuing the annual report.

The draft report claims that the Scientific Integrity Committee's lack of progress in implementing the requirements of the Policy is resulting in the EPA being less equipped to provide leadership for the Agency on Scientific Integrity, promote compliance with the Policy, keep the Agency's senior leadership informed on and involved with the agencywide status of scientific integrity, and detect violations of scientific integrity.

Contrary to this claim, the Committee, comprised of senior management officials from across the agency, meets regularly to discuss elements of the Policy and enhance consistency across the Agency. These elements include development of a training module on the Scientific Integrity Policy, options for management certification of compliance with the Policy, coordination procedures for the Scientific Integrity Official and the OIG, and the format for the annual meeting and annual report. By meeting

regularly to discuss scientific integrity, the Committee provides a critical cross-agency resource for conveying information and providing leadership on the Policy. Further, the Deputy Administrator has provided guidance and is already directly engaged with the Scientific Integrity Policy's implementation.

The training module development, while important, cannot be used as a surrogate for demonstrating Policy implementation. In compliance with an earlier recommendation from the OIG to work with the unions in developing scientific integrity principles training ("Office of Research and Development Should Increase Awareness of Scientific Integrity Policies," Report No. 11-P-0386), over a period of several months the Committee diligently urged the unions to recruit volunteers to participate in training development.

In a letter from the unions dated last November 21, 2012, the unions acknowledge that the EPA reached out to them for their participation (Attachment 3). When no representatives were named, Mary Greene, Deputy Director of the Office of the Science Advisor, responded back to them on January 9, 2013, again requesting participation (Attachment 4.) Union representative names were finally provided on May 3, 2013, and the first full workgroup meeting has already taken place. At the same time, the Committee has continued to develop the training module on the Scientific Integrity Policy. As reported to the OIG on April 3, 2013, the Committee plans to finalize the scientific integrity training module by December 31, 2013 and make it available through Skillport. The Quick Reaction Report implies that no progress has been made on the training development action; this is simply not true.

In a memorandum to the Scientific Integrity Committee dated May 8, 2013, the Acting Administrator reiterated his commitment to scientific integrity and provided thoughts to the Committee on the organization of the annual meeting on scientific integrity and the content of the annual report. He requested that the Committee complete the annual report by the end of Fiscal Year 2013. A copy of his memorandum is found at Attachment 5. The Scientific Integrity Committee has reviewed an outline for the annual report on scientific integrity and, after receiving input at the upcoming annual meeting on June 25, plans to finalize the report by September 30, 2013.

The third recommendation, to provide the Deputy Administrator with a written plan for completing the training and issuing the annual report, is not needed as we have already outlined the path forward, and the Deputy Administrator has been briefed, provided input, and agreed with the plan presented to him.

As required by the EPA Order 2750, the agency's written response to a final report would address any recommendations that may be included at that time. We would consider any recommendations on their merits and, if applicable, provide a corrective action plan and/or offer alternative solutions to the report's recommendations.

I request that you withdraw the draft report at this time. In my view, an appropriate time to review the EPA's implementation of the Policy would be after the first annual report is issued and the first cycle of training is at least well underway, if not completed.

CONTACT INFORMATION

If your staff has any questions, please contact Martha Otto, Scientific Integrity Staff, Office of the Science Advisor, at (202) 564-2782 or otto.martha@epa.gov.

Attachments

cc: Bob Perciasepe, Acting Administrator

Attachment 1

Technical Comments on the Draft Report, "Quick Reaction Report: The EPA Must Take Steps to Implement Requirements of its Scientific Integrity Policy."

Page 3, in the first sentence of the first paragraph, the draft report states that, "In response, the agency agreed to make the Principles of Scientific Integrity E-Training mandatory for scientific and technical staff and to update the course…" In fact, the Office of Research and Development, not the agency, provided those responses to the OIG recommendations.

Page 4, in the first full paragraph, the draft report states that, "During our meeting with the interim scientific integrity official, he could not provide any projected milestone dates or timeframes for when the committee will complete this training requirement." This is factually incorrect. The interim scientific integrity official said that the Committee should finish the training this year.

Page 4, in the first full paragraph, the draft report states that, "On May 1, 2013, according to the Audit Follow-up Coordinator for ORD and the agency's Management Audit Tracking System, the estimated completion date for the agencywide training on the February 2012 *Scientific Integrity Policy* has been revised to December 31, 2013. However, neither the audit follow-up coordinator nor the Management Audit Tracking System entry indicated whether the agency's Scientific Integrity Committee was involved in establishing the completion date for the agencywide training." The date approved by the Scientific Integrity Committee was coordinated with ORD's Audit Coordinator. This statement is factually incorrect and needs to be deleted.

Page 4, in the second full paragraph, last sentence, the draft report says that, "The interim scientific integrity official stated that the committee would have to develop and implement training on the *Scientific Integrity Policy* for the EPA's employees before they can complete the annual reporting requirement." This is factually incorrect. When asked whether the Committee had completed the annual report, the interim scientific integrity official replied that the Committee was discussing the format for the annual report. He did not state that the annual report would have to wait for training development.

Attachment 2

Office of the Science Advisor

Coordination Procedures between the Scientific Integrity Official and the Office of the Inspector General regarding Scientific Integrity Allegations

(Draft Version 6; April 9, 2013)

A. Scientific Integrity Allegations First Received by the Agency Scientific Integrity Official (ScIO)

1. Upon receipt of an allegation, the ScIO will: a) refer the allegation to the Office of the Inspector General (OIG) Hotline, and b) with appropriate members of the Scientific Integrity Committee (ScIC), review the allegation and develop and implement a plan for its disposition. Note that some allegations may require the ScIO to take immediate action before a formal meeting of the ScIC.

2. If the OIG decides to start an audit, evaluation, or other action, the OIG will send a memorandum to the ScIO to that effect. If the OIG decides not to take an action, it will inform the ScIO of that decision.

B. Scientific Integrity Allegations First Received by the Office of the Inspector General

1. The OIG will contact the ScIO to discuss the allegation, as appropriate.

2. The OIG will then inform the ScIO about its decision regarding disposition of the allegation. The OIG disposition will consist of one of the three following options:

   a. There is no further OIG interest in the allegation.

   b. OIG needs to gather additional information prior to making a determination regarding the disposition of the allegation, or

   c. OIG will start an audit, evaluation, or other action and will contact the ScIO for assistance as needed.

3. If option B2(c) is selected – i.e., the OIG is going to start an action, then the OIG will send a memorandum to the ScIO to that effect.

C. Communication with the Relevant Manager

The ScIO will provide information to the relevant manager or office for further action, as appropriate. The ScIO may also request further information from the relevant manager or office, as needed.

D. Disposition of Allegations Reviewed by the ScIO (Sections A 1, B 2(a), B 2(b))

For allegations reviewed by the ScIO and ScIC, the ScIO will document the resolution of the issue, including the response to the complainant. This documentation will be reviewed by the ScIC and sent to the Deputy Director of the OIG for his/her information.

E. Communication Back to the Complainant

The ScIO will respond to the complainant for allegations in which the OIG has no further interest. The ScIO will work with the ScIC and other senior Agency personnel, as appropriate, to develop the response to the complainant.

Attachment 3

American Federation of Government Employees
Local 3607
P.O. Box 1616
Denver, CO 80201-1616
Phone: (303) 312-6547 FAX: (303) 312-7812

November 21, 2012

Michael G. Moore
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 8101R
Washington, DC 20460

RE: Scientific Integrity Policy

Dear Mike:

Thank you for the opportunity to speak with you, Peter Grevatt and Mary Greene on November 8 about EPA's Scientific Integrity Policy. We understand the Agency's desire to move forward on training expeditiously and the Unions are willing to work with management on this. However, we do have some reservations that we need to express.

When Bob Perciasepe, Deputy Administrator, issued this Policy February 16, 2012, he did so without providing notice and an opportunity to bargain for EPA's unions. The Unions discussed the issue with you and others in management and agreed that it would be best to negotiate an implementation plan. Due to changes in personnel, management now questions whether an implementation plan is necessary. We understand management's perspective that this Policy is merely a compilation of existing Agency policies, but we believe there are still many unresolved issues that may act as barriers to implementation within EPA. Furthermore, we do not believe that training alone will achieve the goals of the Policy.

The Unions view this Policy as an opportunity to go beyond the mere compilation of various policies on the subject. Rather, the Unions see this as our opportunity to work with EPA management to develop an integrated process to address scientific integrity issues within the Agency that will promote transparency, respect among the Agency's scientific and non-scientific staff, and will strengthen the credibility of this Agency's work long into the future. The Policy focuses on scientific misconduct as a main reason to have a policy. We view the need as more broad with scientific misconduct as one of many concerns that a policy needs to address. In order for the Agency to maintain internal credibility, we believe that peer review processes need to be developed and have buy-in at the scientist level and above. This peer review process may differ based upon the work of a particular organization as differences exist between the research type functions of the Agency and the regulatory functions. We also need to develop a credible approach which details how to address instances in which there is legitimate scientific

disagreement and uncertainty about a particular issue. We recognize that the integration of science and public policy can be challenging. We believe that establishing guidelines for these decisions will strengthen the Agency when it must make those difficult policy decisions.

The Unions would like to join EPA management in developing a basic course on broadly focused scientific integrity principles for immediate roll out to the Agency. Concurrent with that process, we would like to frame key issues that need further exploration between EPA and its Unions. These issues could be addressed using a pre-decisional involvement model to develop standards for integrating this policy within the Agency and aid in the implementation of the policy.

Thank you for the opportunity to work through these important issues which make up the heart and soul of this Agency and its employees. We believe that by embarking upon this endeavor, we have the opportunity to create a legacy of scientific integrity for this Agency that will sustain the employees and the high quality work that we all strive to perform.

Sincerely,

Karen S. Kellen
Co-Chair, National Partnership Council
President, AFGE Local 3607

cc: Peter Grevatt
Mary Greene
Nancy Gelb
NPC Union Coalition

Attachment 4

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN - 9 2013

OFFICE OF THE
SCIENCE ADVISOR

Karen S. Kellen
Co-Chair, National Partnership Council
President, AFGE Local 3607
American Federation of Government Employees
Local 3607
P.O. Box 1616
Denver, CO 80201-1616

Dear Ms. Kellen,

Thank you for your response to our request that unions representing Agency employees partner with representatives for the Scientific Integrity Committee to develop training on the Scientific Integrity Policy. Your letter states that the unions "would like to join management in developing a basic course on broadly focused scientific integrity principles." As noted during our previous conference call, we need to move forward with the development of overview training on the Scientific Integrity Policy, which would include principles of scientific integrity. We would like to have union participation in the development of the overview training. If you would like to partner with us in this effort, please provide a list of up to five representatives by February 1, 2013, and we will include them in the development process.

Scientific integrity is crucial to the Agency's ability to pursue its mission to protect human health and the environment. We share the unions' interest in helping to further the EPA's strong tradition of scientific integrity.

Regards,

Mary Greene

Mary Greene, Ph.D.
Deputy Director
Office of the Science Advisor

cc: Peter Grevatt
Glenn Paulson
Nanci Gelb

Attachment 5

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

MAY - 8 2013

OFFICE OF
THE ADMINISTRATOR

MEMORANDUM

SUBJECT: U.S. Environmental Protection Agency's Annual Scientific Integrity Meeting

FROM: Bob Perciasepe, Acting Administrator Bob Perciasepe

TO: Scientific Integrity Committee Members

The U.S. Environmental Protection Agency one year ago formally announced its scientific integrity policy, which established a framework intended to ensure the integrity of the science that is essential to the EPA's work and our ability to fulfill our mission to protect human health and the environment. Scientific integrity is a critical component to ensuring that the EPA's processes for generating science and the science itself are sound and above reproach. Indeed, science is the backbone of the EPA's decision making.

As we mark the policy's first anniversary, it is time to have an annual meeting and prepare our first annual report on the EPA's scientific integrity activities, both of which are called for in the policy. The meeting should include input and participation either at the meeting or in earlier preparatory discussions from the EPA's national-program offices, regions and scientific community. Similar to our management integrity listening meeting, we will also invite representatives from organizations such as the Science Advisory Board, the White House Office of Science and Technology Policy, and the EPA's Office of the Inspector General to talk about the EPA's scientific integrity strengths and weaknesses. Discussions from these meetings and any appropriate conclusions will be incorporated into the annual report, which is to be completed by the end of Fiscal Year 2013.

As you begin discussing the meeting logistics, please be mindful of the budget challenges we currently face. I encourage you to leverage available technologies to carry out our meeting requirements. In addition, the tools offered within My Workplace can help you to collaborate with the EPA's scientific community on the scientific integrity policy.

The annual report on scientific integrity will highlight scientific integrity successes and weaknesses throughout our national-program offices, laboratories and regions. Within the report, each organization will identify areas for improvement and a plan for addressing any critical weaknesses. The policy also requires that the deputy scientific integrity officials certify compliance with the policy and also report on scientific integrity implementation and scientific misconduct issues within their offices or regions. Therefore, I am directing the Scientific Integrity Committee to develop a certification statement and questions to facilitate the evaluation of compliance with the Scientific Integrity Policy. Each national-

program office, laboratory and region will need to address scientific integrity beginning with their FY 2014 Federal Managers' Financial Integrity Act assurance letters. The certification statement in your organization's assurance letter will satisfy the certification requirement in Section V.D of the Policy, while also informing the FMFIA review. This evaluation process should be designed to nurture open and helpful discussions that can motivate the entire EPA science community to continually improve.

I also wish to inform you that we are now working to hire a permanent scientific integrity official and hope to fill that position by mid-summer. Peter Grevatt, director of the Office of Groundwater and Drinking Water, has served for almost a year as the interim scientific integrity official. Peter has provided leadership as the EPA worked to assemble the Scientific Integrity Committee and to implement the Scientific Integrity Policy. He also worked closely with the Office of the Inspector General on several scientific integrity issues and developed coordination procedures between the scientific integrity official and the OIG regarding scientific integrity allegations. I greatly appreciate Peter's service and his dedication.

Further, I am pleased to announce that the interim scientific integrity official's responsibilities are now delegated to Dr. Glenn Paulson, the EPA's science advisor. Glenn will serve in this role until the permanent scientific integrity official is on board. Please give him your full support.

I appreciate all of your efforts to ensure that scientific integrity remains at the forefront of our work. I look forward to further discussions and our annual meeting on scientific integrity.