

Scientific Integrity Response to Project No. OPE-FY12-0020 (December 19, 2013)

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OIG RECOMMENDATION: The U.S. Environmental Protection Agency's (EPA or Agency) Scientific Integrity Official develop standard operating procedures that detail how staff are to comply with the EPA's Scientific Integrity Policy requirement to provide timely responses to requests for information by media, the public, and the scientific community.

RESPONSE TO OIG: All Agency employees, including scientists, managers, and political appointees, must follow the EPA Scientific Integrity Policy when engaging in, supervising, managing, or influencing scientific activities; communicating information in an official capacity about Agency scientific activities; and utilizing scientific information in making Agency policy or management decisions. The Policy provides a framework intended to ensure scientific integrity throughout EPA's scientific activities¹. The Scientific Integrity Policy states that "promoting a culture of scientific integrity is closely linked to transparency," and the Policy is created against a "complicated regulatory [and statutory] backdrop." This backdrop includes the statutory and regulatory obligations of the Freedom of Information Act (FOIA). The FOIA encourages accountability through transparency and timeliness. The Scientific Integrity Policy, however, uses timely and timeliness in multiple contexts related to requests for information.

The following summarize practices for responding to information requests related to scientific activities from:

- **MEDIA:**
 - The EPA Office of Public Affairs aims to respond to media inquiries in as timely a manner as possible.
 - The response is driven mostly by the reporter's requested deadline. The goal of EPA's Office of Public Affairs is to always provide information or an interview within the timeframe requested by the reporter.
- **SCIENTIFIC COMMUNITY AND MEMBERS OF THE PUBLIC:**
 - Members of the public and the scientific community may use the FOIA framework the Agency has in place. In addition, requesters may check FOIAonline to see if the information has been released under a previous similar FOIA.² EPA also continues to make additional scientific information publicly available on the Agency's website.

¹ "Scientific activities" as used in this context means those activities leading to the systemic knowledge of physical or material world, largely consisting of observation and experimentation as well supervising, managing, or influencing these activities; communicating about them in an official capacity; and utilizing scientific information from them in making Agency policy or management decisions.

² <https://foiaonline.regulations.gov/foia/action/public/home>

The FOIA: Agencies typically process FOIA requests in the order of receipt. Nothing in the FOIA prevents the Agency from responding faster than the statutory timeframes. The time it takes to respond to a request will vary depending on the complexity of the request and the backlog of requests already pending at the agency. Using the FOIA framework promotes accountability. Information requesters may track the status of their information requests, EPA is obligated by statute to respond to FOIA requests in a timely manner.

- Federal agencies are required to respond to a FOIA request within twenty working days, excluding Saturdays, Sundays, and legal holidays. The twenty-day period does not begin until the request is received by the Agency and identify the records you are seeking and have an agreement to pay fees or a fee waiver has been granted.
- The Agency may extend the response time when: (1) it needs to collect responsive records from field offices; (2) the request involves a "voluminous" amount of records which must be located, compiled, and reviewed; or (3) the Agency must consult with another agency which has a substantial interest in the responsive material or with two or more other offices of EPA. When an extension is needed, EPA will notify the requester and offer him/her the opportunity to modify or limit your request. Alternatively, the requester may agree to a different timetable for the processing of your request.

WHEN THE RESPONSE TO THE FOIA REQUEST IS OVERDUE: If a FOIA response to the FOIA request related to scientific activities is overdue, the requester may continue contacting the assigned lead office or the FOIA Public Liaison or he or she may also file a timeliness allegation with the Scientific Integrity Official. If the Scientific Integrity Official receives a timeliness allegation pursuant to the Scientific Integrity Policy, then he or she will make inquiries to identify the reasons for delay and provide additional assistance, as needed, to the responding lead office.

COMMUNICATION: These timeliness measures as they relate to information requests regarding scientific activities will be communicated to the members of the Scientific Integrity Committee. The Committee will be provided with talking points and asked to formally communicate this information out to their office/regions/program offices. We will add it to their next updated slide deck of scientific integrity slides. We will include it in all of our outreach, for example any talks the Scientific Integrity Official would give including the annual webinar and annual stakeholder meetings. We will include it in the Scientific Integrity Annual Report and add it to the Scientific Integrity Website. This language will be added to the Scientific Integrity Policy when it is opened for revision in FY 2016.

This policy is not intended to preempt other authorities, but instead to work in conjunction with and supplement them. This policy does not create any obligation, right or benefit for any member of the public, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies or entities, its officers, employees or agents or any other person.