Testimony of
James L. Connaughton
Chairman, White House Council on Environmental Quality

Before the United States House of Representatives
Committee on Oversight and Government Reform

March 19, 2007

Attachments

Lieberman

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL ON ENVIRONMENTAL QUALITY
WASHINGTON, D.C. 20503

CHAIRMAN

October 9, 2003

Senator Joseph I. Lieberman
United States Senate
Committee on Governmental Affairs
Washington, DC 20003

Dear Senator Lieberman,

The Chief of Staff has asked me to respond to your September 24, 2003 letter to him concerning the Administration's denial of a petition by the Competitive Enterprise Institute ("CEI") asking the White House Office of Science and Technology Policy ("OSTP") to withdraw the "*National Assessment of the Potential Consequences of Climate Variability and Change*" on the ground that its dissemination violates the Data Quality Act ("DQA"). I wish to reassure you that there is no foundation for the allegations that CEI conceived a "collusive plan" with a member of the Bush Administration to bring a lawsuit seeking to invalidate the very decision we ourselves made. If we had agreed with CEI's legal position, we simply would have granted its petition. We did not. We denied CEI's petition on the ground that the document in question was the product of an advisory committee chartered under the Federal Advisory Committee Act and therefore was not subject to the DQA.

Enclosed for your information are copies of OSTP's administrative denial of CEI's petition and other related correspondence (Attachment 1). CEI has sought judicial review of our decision. *Competitive Enterprise Institute v. George Walker Bush and John Marburger,* United States District Court of the District of Columbia, (August 6, 2003). We are defending our position in court.

I hope to allay your concerns concerning the role of the Council on Environmental Quality's ("CEQ") Chief of Staff in this matter. CEQ's Chief of Staff participated actively in the process coordinating interagency review that led to OSTP's April 21, 2003 decision to deny the petition. The June 3, 2002 e-mail to him from a CEI staff member concerned the May 28, 2002 release of the 264-page *Climate Action Report*, not the DQA petition. In fact, the e-mail was transmitted before any Administration knowledge of or response to CEI's February 20, 2003 DQA petition on the *National Assessment*. The e-mail was an unsolicited response to a June 3, 2002 conversation that the CEQ Chief of Staff had with the CEI staff member seeking to defuse CEI's strong negative reaction to the *Climate Action Report* in light of certain mischaracterizations of its content in a news account that day.

That lone objective is confirmed by the content of the e-mail in which the CEI staff member first wrote "Thanks for calling and asking for our help. . . I want to help you cool things down," but then plainly indicated that he would do neither. The e-mail explicitly refused

support and demanded "an official statement from the Administration repudiating the report to the UNFCCC and disavowing large parts of it." The CEI staff member also stated that "our only leverage to push you in the right direction is to drive a wedge between the President and those in the Administration who think they are serving the President's best interest by pushing this rubbish." This e-mail reflects an active disagreement between the CEI staff member and CEQ's Chief of Staff. There is no evidence of a conspiratorial objective to seek CEI's initiation of litigation against the Administration fourteen months later, in August 2003.

The June 3, 2002 e-mail and CEI's June 7, 2002 letter to President Bush were provided over a year ago in response to a Freedom of Information Act request from Greenpeace, and are enclosed (Attachment 2). Additional e-mails from CEI to CEQ, which were also provided to Greenpeace in CEQ's final response on March 28, 2003, are also enclosed (Attachment 3). These documents were, of course, also recently provided to the Massachusetts, Connecticut and Maine Attorneys General under the Freedom of Information Act. The CEI staff member who sent the June 3, 2002 e-mail to the CEQ Chief of Staff has only sent one additional e-mail to him, on a topic not covered by any prior requests under the Freedom of Information Act. It is also enclosed (Attachment 4). CEQ's Chief of Staff has never sent CEI any e-mails or written communications.

People of goodwill can hold differing views regarding the optimal range of policies to address this complex issue. However, President Bush strongly shares the concerns voiced when you and 94 of your colleagues adopted Senate Resolution 98 in July 1997 to reject the conceptual framework of the Kyoto Protocol and particularly its exemption of 134 developing countries from any emissions reduction obligations. The framework would result in the export of American manufacturing capacity and jobs -- and the greenhouse gases associated with them -- to countries that Kyoto exempted. Neither the prior Administration, nor the Senate, has ever called for the ratification of the Kyoto Protocol. We can and are pursuing a more sensible strategy of domestic action and international partnerships that will produce the meaningful results that a growing American economy can provide, particularly in accelerating investments in advanced technology research and deployment.

Please call me if I can be of any further assistance in this matter.

Sincerely,

James L. Connaughton

Enclosures

Statement of the Honorable John H. Marburger, III
On Scientific Integrity in the Bush Administration
April 2, 2004

President Bush believes policies should be made with the best and most complete information possible, and expects his Administration to conduct its business with integrity and in a way that fulfills that belief. I can attest from my personal experience and direct knowledge that this Administration is implementing the President's policy of strongly supporting science and applying the highest scientific standards in decision-making.

The Administration's strong commitment to science is evidenced by impressive increases devoted to Federal research and development (R&D) budgets. With the President's FY 2005 budget request, total R&D investment during this Administration's first term will have increased 44 percent, to a record $132 billion in FY 2005, as compared to $91 billion in FY 2001. President Bush's FY 2005 budget request commits 13.5 percent of total discretionary outlays to R&D – the highest level in 37 years.

In addition to enabling a strong foundation of scientific research through unprecedented Federal funding, this Administration also believes in tapping the best scientific minds—both inside and outside the government—for policy input and advice. My office establishes interagency working groups under the aegis of the National Science and Technology Council for this purpose. In addition, this Administration has sought independent advice, most often through the National Academies, on many issues. Recent National Academies reviews of air pollution policy, fuel economy standards, the use of human tests for pesticide toxicity, and planned or ongoing reviews on dioxin and perchlorate in the environment are examples. The Administration's climate change program is based on a National Academies report that was requested by the Administration in the spring of 2001, and the National Academies continues to review our programs and strategic research planning in this field. The frequency of such referrals, and the high degree to which their advice has been incorporated into the policies of this Administration, is consistent with a desire to strengthen technical input into decision-making.

Climate change has proven to be a contentious science-related issue. President Bush clearly acknowledged the role of human activity in increased atmospheric concentrations of greenhouse gases in June 2001, stating "concentration of greenhouse gases, especially CO2, have increased substantially since the beginning of the industrial revolution. And the National Academy of Sciences indicates that the increase is due in large part to human activity." That speech launched programs to accelerate climate change science and technology to address remaining uncertainties in the science, develop adaptation and mitigation mechanisms, and invest in clean energy technologies to reduce the projected growth in global greenhouse gas emissions. In 2004, the U.S. will spend approximately $4 billion in climate change science and technology research.

The President created the new U.S. Climate Change Science Program (CCSP) to refocus a disorganized interagency activity into a cohesive program, oriented at resolving key uncertainties and enhancing decision making capabilities. The Strategy was heartily endorsed

by the National Academies in its recent review. Their report, *Implementing Climate and Global Change Research – A Review of the Final U.S. Climate Change Science Program Strategic Plan*, stated "In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs … Advancing science on all fronts identified by the program will be of vital importance to the Nation."

In this Administration, science strongly informs policy. It is important to remember, however, that even when the science is clear – and often it is not – it is but one input into the policy process.

Regulatory decisions provide the trigger for some of the most contentious policy debates. Science can play an important role in these policy decisions, and this Administration has sought to strengthen, not undermine, this role. In fact, the Office of Management and Budget (OMB) has for the first time hired toxicologists, environmental engineers, and public health scientists to review regulations and help agencies strengthen their scientific peer review processes. This increased attention to science in the regulatory process is providing a more solid foundation for regulatory decisions. As several recent examples demonstrate, emerging scientific data has prompted swift action by the Bush Administration to protect public health, strongly guided by advanced scientific knowledge:

- On May 23, 2003 the Environmental Protection Agency (EPA) proposed a new regulation to reduce by 90 percent the amount of pollution from off-road diesel engines used in mining, agriculture, and construction. This proposed rule stemmed from collaboration between EPA and OMB. Recent scientific data from the Harvard School of Public Health indicates that diesel engine exhaust is linked to the development of cardiopulmonary problems and also aggravates respiratory health problems in children and the elderly.

- On July 11, 2003 the Food and Drug Administration required that food labels for consumers contain new information on trans-fat content in addition to existing information on saturated fat content. This rule, requested by the White House via a public OMB letter, responded to emerging scientific data indicating that intake of trans-fats (found in margarine and other foods) is linked to coronary heart disease.

- On December 29, 2003, the Department of Transportation requested public comment on ideas for potential reform of the CAFE program. Several potential reform ideas contained in that request for comment come directly from a 2002 National Academies report on the effectiveness of the current CAFE program.

Regarding the document that was released on February 18, 2004 by the Union of Concerned Scientists (UCS), I believe the UCS accusations are wrong and misleading. The accusations in the document are inaccurate, and certainly do not justify the sweeping conclusions of either the document or the accompanying statement. I believe the document has methodological flaws that undermine its own conclusions, not the least of which is the failure to consider publicly available information or to seek and reflect responses or explanations from responsible

government officials. Unfortunately, these flaws are not necessarily obvious to those who are unfamiliar with the issues, and the misleading, incomplete, and even personal accusations made in the document concern me deeply. It is my hope that the detailed response I submit today will allay the concerns of the scientists who signed the UCS statement.

I can say from personal experience that the accusation of a litmus test that must be met before someone can serve on an advisory panel is preposterous. After all, President Bush sought me out to be his Science Advisor – the highest-ranking S&T official in the federal government – and I am a lifelong Democrat.

I have discussed the issue of advisory committees with the agencies mentioned in the UCS document and am satisfied with the processes they have in place to manage this important function. I can say that many of the cited instances involved panel members whose terms had expired and some were serving as much as five years past their termination dates. Some changes were associated with new issue areas for the panels or with an overall goal of achieving scientific diversity on the panels. Other candidates may have been rejected for any number of reasons – this is ordinary for any Administration.

My office is involved in recommending candidates for the President's Council of Advisors on Science and Technology, the President's Information Technology Advisory Committee, and the nominating panel for the President's Committee on the National Medal of Science. I have intimate knowledge of the selection process for these committees. This process results in the selection of qualified individuals who represent a wide range of expertise and experience – the right balance to yield quality advice for the President on critical S&T issues.

The UCS document also includes a highly unfortunate and totally unjustified personal attack on a Senate-confirmed official in my office. I strongly recommended the appointment of that individual after evaluating the needs of the office and deciding that it required talents and experience that differed from previous incumbents. The attack appears to be based on a lack of understanding of the function of my office and the qualities that are required to perform them properly. Given the ease with which this ignorance could have been rectified, it is inexcusable.

I hope this response will correct errors, distortions, and misunderstandings in the Union of Concerned Scientists' document. The bottom line is that we have a strong and healthy science enterprise in this country of which I am proud to be a part.

Response to the Union of Concerned Scientists' February 2004 Document

I. THE UCS' CLAIM OF "SUPPRESSION AND DISTORTION OF RESEARCH FINDINGS AT FEDERAL AGENCIES"

The UCS' claims on "Distorting and Suppressing Climate Change Research"

- The UCS document claims that "the Bush administration has consistently sought to undermine the public's understanding of the view held by the vast majority of climate scientists that human-caused emissions of carbon dioxide and other heat-trapping gases are making a discernible contribution to global warming."

This statement is not true. In his June 11, 2001, Rose Garden speech on climate change, the President stated that the "[c]oncentration of greenhouse gases, especially CO2, have increased substantially since the beginning of the Industrial Revolution. And the National Academy of Sciences indicate that the increase is due in large part to human activity ... While scientific uncertainties remain, we can now begin to address the factors that contribute to climate change." In this speech, the President cited the National Academy's Climate Change Science report that was initiated at the Administration's request, and launched a major, prioritized scientific effort to improve our understanding of global climate change.

Moreover, the President's Climate Change Science Program (CCSP) has developed its plans through an open and transparent process. In the development of its Strategic Plan, released in July 2003, the CCSP incorporated comments and advice from hundreds of scientists both from the U.S. and around the world. The CCSP Strategic Plan received a strong endorsement from the National Academy of Sciences in a February 2004 review, which commended the work of the CCSP.

- The UCS claims that the "Bush administration blatantly tampered with the integrity of scientific analysis at a Federal agency when, in June 2003, the White House tried to make a series of changes to the EPA's draft Report on the Environment."

This statement is false. In fact, the Administrator of the EPA decided not to include a short summary on climate change. An ordinary review process indicated that the complexity of climate change science was not adequately addressed in EPA's draft document. Instead, the final EPA report referred readers to the far more expansive and complete exposition of climate change knowledge, the Climate Change Science Program (CCSP) Strategic Plan.[1] The Administration chose, appropriately, to present information in a single, more expansive and far more complete format. This choice of presentation format did not influence the quality or integrity of the scientific analysis or its dissemination.

[1] The 205-page CCSP Strategic Plan was released by Secretaries Evans and Abraham on July 24, 2003. The EPA *Report on the Environment* was released on June 23, 2003. The draft EPA report had contained a four-page segment on climate change.

- The UCS quotes an unnamed EPA scientist as saying that the Administration "does not even invite the EPA into the discussion" on climate change issues, and cites a previous Clinton Administration OSTP official, Dr. Rosina Bierbaum, as claiming that the Administration excluded OSTP scientists from the climate change discussions.

These accusations are wrong. The EPA, in fact, is a key participant in the development and implementation of climate change policy in the Bush Administration. The EPA participates in the development of Administration policy on climate change through the cabinet-level Committee on Climate Science and Technology Integration, which was created in February 2002. The EPA is also a member of subsidiary bodies, such as the Interagency Working Group on Climate Change Science and Technology, the Climate Change Science Program and the Climate Change Technology Program. (A table illustrating the Bush Administration's climate change program's organization can be found on page 9 of the CCSP Strategic Plan (2003)). Moreover, the EPA is a co-chair of the National Science and Technology Council's Committee on Environment and Natural Resources (CENR). CENR has oversight of and responsibility for the Subcommittee on Global Change Research. (This subcommittee holds the same membership and is functionally the same entity as the Climate Change Science Program, noted above.)

Dr. Bierbaum's claim refers to cabinet-level discussions that led to the development of the Administration's climate change organization described above. The cabinet-level discussions referenced by Dr. Bierbaum included numerous, respected Federal career scientists including Dr. David Evans, former Assistant Administrator for Oceanic and Atmospheric Research at NOAA, Dr. Ari Patrinos, Associate Director of the Office of Biological and Environmental Research at the Department of Energy, and Dr. Dan Albritton, Director of the Aeronomy Laboratory of Oceanic and Atmospheric Research at NOAA. Starting with these early discussions, the Bush Administration's climate change organization has fully involved climate change experts from throughout the Federal government.

As already noted, subsequent to its initial internal discussions, the Administration submitted the draft CCSP Strategic Plan to some of the Nation's most qualified scientists at the National Academy of Sciences for review. The Academy made numerous recommendations, which the CCSP incorporated. The CCSP then resubmitted its plans to the Academy for further review, and just recently, the NAS returned a highly favorable review. The Administration developed the climate change science strategic plan through an open, back-and-forth process.

- The UCS claims that the Administration refused the request of the Natural Resources Conservation Service (NRCS) in USDA to reprint a brochure on carbon sequestration prepared several years ago and claims that this was censorship of government information.

This accusation is false. The USDA's NRCS decided not to republish the brochure for appropriate reasons. The brochure had received extensive comments from within the Department that the brochure was outdated and did not reflect significant recent decisions by USDA to address greenhouse gases. For example, in June 2003, Secretary Veneman announced that for the first time, USDA would give consideration to greenhouse gas reductions and carbon sequestration in setting priorities for conservation programs. In addition, USDA is developing new accounting rules and guidelines so that farmers and landowners can register greenhouse gas

reductions and carbon sequestration activities with the Department of Energy. The Department of Energy released its accounting guidelines for greenhouse gas reporting in December 2003, and it is expected to release technical guidelines in early summer 2004. USDA is working with DOE to develop the guidelines for agriculture. The technical guidelines should include more specific information as to how farmers and ranchers could report and register greenhouse gas reductions. Once the new guidelines are available, USDA will reprint this brochure including information on how farmers can use the new guidelines.

Furthermore, there are still approximately 37,000 existing brochures available for distribution. The document is posted on the Soil and Water Conservation Society web-site: http://www.swcs.org/docs/carbon_brochure.pdf. Links to the document are found on the NRCS website: http://www.nrcs.usda.gov/news/releases/2000/000424.html.

The UCS' claims on "Censoring Information on Air Quality"

- The UCS claims that the Administration was withholding the publication of an EPA report on children's health and the environment in order to avoid the issue of mercury emissions by coal-fired power plants. The UCS also claims that the Administration suppressed and sought to manipulate government information about mercury contained in the EPA report.

This is not true. The interagency review of the EPA report on children's health and the environment occurred independently of the Administration's deliberations on mercury emissions from power plants. The interagency review process is the standard operating procedure for reports that include areas of scientific and policy importance to multiple agencies. As such, the report was reviewed by a number of scientists and analysts across Federal agencies. During this review, other agencies expressed concerns about the report. OSTP worked collaboratively with EPA staff on addressing interagency comments to make certain that the proposed indicators had a robust scientific basis and were presented in an understandable manner.

The report contained a statement that 8% of women of child-bearing age had at least 5.8 ppb of mercury in their blood in 1999-2000 and therefore children born to these women are at some increased risk. This information was available well before the EPA report both in raw form through the CDC and in an interagency analysis (CDC's Morbidity and Mortality Weekly Review, 2001) that indicated that approximately 10% of women of child-bearing age had blood mercury levels above the EPA reference dose, as opposed to the 8% level noted in EPA's report. The updated analysis in EPA's report and later published in the scientific literature (Journal of the American Medical Association, 2003) included an additional year of data and found the level to be 8%. These updated risk levels were used by the Administration in the preparation of its two regulatory proposals to reduce mercury emissions from coal-fired power plants.[2]

The final report was released in February 2003, as soon as the interagency review process was completed.

[2] The proposed regulations include a Maximum Achievable Control Technology standard which would result in a 29% reduction by 2009, and a two-phase cap and trade program which will result in a 68% reduction when fully implemented.

- The UCS states that "the new rules the EPA has finally proposed for regulating power plants' mercury emissions were discovered to have no fewer than 12 paragraphs lifted, sometimes verbatim, from a legal document prepared by industry lawyers."

The UCS' implication that industry is writing government regulations is wrong. The reference here is to a preamble of a proposed EPA rule to control (for the first time) mercury emissions from power plants. The text in question is in the preamble, not the proposed rule itself. The preamble is intended to engage the public and encourage comments, including both assenting and dissenting viewpoints. All agencies, including EPA, openly seek public comment during rulemaking proceedings in order to obtain useful information and advice that is accepted or rejected or used in part.

Such direct use of submitted memoranda should not have occurred. However, the text at issue was taken from memoranda that were publicly presented to an advisory group made up of environmental activists, State officials, and industry representatives. These documents are openly available in the public docket. The UCS' allegations are based on text that had nothing to do with the integrity of the science used by EPA.[3]

- The UCS states that the EPA has suppressed research on air pollution; specifically that the EPA evaluated a proposed measure by Senators Carper, Gregg and Chafee to regulate carbon dioxide in addition to sulfur dioxide, nitrogen oxides, and mercury, but withheld most of the results.

This accusation is false. EPA did, in fact, provide full information to the Senators. S. 843 was introduced by Senators Carper, Gregg, and Chafee on April 9, 2003. EPA submitted a cost analysis of the legislation to the Senators in July 2003, and submitted a cost and benefits analysis in October 2003. The Energy Information Administration (EIA) has also analyzed and compared the costs of S. 843 and S. 485 (the Administration's Clear Skies proposal), and provided the analysis to Congress in September 2003.

The leaking of a draft EPA analysis was improper and unfortunate. The report underwent a standard interagency pre-release clearance process, and an intent to release always existed. Furthermore, these types of analyses have long been available and released by the Administration once completed. In fact, EPA had also analyzed a very similar bill Senator Carper introduced in 2002 and provided it to Congress in November 2002.

[3] The background of this rulemaking and the text in question is as follows. On January 30, 2004, the EPA published a notice of proposed rulemaking to regulate mercury emissions from power plants. The language at issue, which appears in two places in the proposal's preamble, was derived from two memoranda submitted by a law firm early in the rulemaking process (March and September, 2002). In the first instance, a section of one memorandum discusses the statutory framework of Section 112 of the Clean Air Act. Administration staff largely copied this discussion into portions of its own discussion, entitled "What is the Statutory Authority for the Proposed Section 112 Rule?" The law firm had used this discussion to argue for a regime of "system-wide compliance," but EPA rejected that argument and did not propose such a regime. In the second instance, another memorandum argued that EPA should allow "subcategorization" within existing coal-fired units under the Maximum Achievable Control Technology (MACT) regime. This discussion did not deal with any scientific issues but explained how different types of coal are typically classified. EPA largely copied several paragraphs from this document into the preamble's discussion of subcategorization.

The UCS' claims on "Distorting Scientific Knowledge on Reproductive Health Issues"

- The UCS claims that the Administration distorted the U.S. Centers for Disease Control and Prevention's (CDC's) science-based performance measures to test whether abstinence-only programs were proving effective, and attempted to obscure the lack of efficacy of such programs.

This accusation is false. The UCS mischaracterizes the program, its performance measures, and the reasons behind changes that were made to those performance measures. There were no CDC science-based performance measures associated with this program. Currently, the Federal government funds abstinence-only education programs through the Health Resources and Services Administration, not CDC. The program was never designed as a scientific study, and so even if the original performance measures had been kept, little or no scientifically useable data would be obtained. However, other independent evaluation efforts are underway that *are* intended to address questions of the effectiveness of abstinence only programs.

- The UCS claims that a CDC condom fact sheet posted on its web site was removed and replaced with a document that emphasizes condom failure rates and the effectiveness of abstinence.

This accusation is a distortion of the facts. The CDC routinely takes information off its website and replaces it with more up-to-date information. Recently updated topics include anthrax, West Nile Virus, and other health issues for which new information had become available. The condom fact sheet was removed from the website for scientific review and was subsequently updated to reflect the results of a condom effectiveness review conducted by the National Institutes of Health, as well as new research from other academic institutions. The condom information sheet was re-posted with the new information.

The "Programs That Work" website was also removed because the programs it listed were limited. CDC is exploring new and appropriate means to identify and characterize interventions that have scientifically credible evidence of effectiveness. In addition, CDC is currently working on a new initiative that is aimed at better addressing the needs of schools and communities by providing assistance in selecting health education curricula based on the best evidence available.

- The UCS alleges that information suggesting a link between abortion and breast cancer was posted on the National Cancer Institute (NCI) website despite substantial scientific study refuting the connection, and only revised after a public outcry.

This claim distorts the facts. The NCI fact sheet "Abortion and Breast Cancer" has been revised several times since it was first written in 1994. NCI temporarily removed the fact sheet from the website when it became clear that there was conflicting information in the published literature. In order to clarify the issue, in February 2003 a workshop of over 100 of the world's leading experts who study pregnancy and breast cancer risk was convened. Workshop participants reviewed existing population-based, clinical, and animal studies on the relationship between pregnancy and breast cancer risk, including studies of induced and spontaneous abortions. They concluded that having an abortion or miscarriage does not increase a woman's subsequent risk of developing breast cancer. A summary of their findings, titled *Summary Report: Early*

Reproductive Events and Breast Cancer Workshop, can be found at http://cancer.gov/cancerinfo/ere-workshop-report. A revised fact sheet was posted on the NCI website shortly after the workshop reflecting the findings.

The UCS' claims on "Suppressing Analysis on Airborne Bacteria"

- The UCS claims that a former Agricultural Research Service (ARS) scientist at Ames, Iowa, Dr. James Zahn, was prohibited on no fewer than 11 occasions from publicizing his research on the potential hazards to human health posed by airborne bacteria resulting from farm wastes.

This accusation is not true. Dr. Zahn did not have any scientific data or expertise in the scientific area in question. Dr. Zahn's assigned research project, as part of the Swine Odor and Manure Management Research Unit, dealt with the chemical constituency of volatiles from swine manure and ways to abate odors. In the course of this research, Dr. Zahn observed incidentally that when dust was collected from a hog feeding operation, some of the "dust" emitted from these facilities contained traces of antibiotic resistant bacteria. The recorded data were severely limited in scope and quantity, and did not represent a scientific study of human health threats.

In February 2002, Dr. Zahn was invited to speak at the Adair (Iowa) County Board of Health meeting in Greenfield, Iowa. Permission was initially granted by ARS management for Dr. Zahn to speak because it was thought that he was being invited to speak on his primary area of scientific expertise and government work, management of odors from hog operations. Permission for Dr. Zahn to speak representing the ARS at the meeting was withdrawn when it was learned that Dr. Zahn was expected to speak on health risks of hog confinement operations, an area in which Dr. Zahn did not have any scientific data or expertise.

The accusation of "no fewer than 11 occasions" of ARS denials to Dr. Zahn for him to present or publicize his research is not accurate. He was approved to report on his preliminary observations of dust borne antibiotic resistant bacteria at the 2001 meeting of the American Society of Animal Science and at a 2001 National Pork Board Symposium. He also was approved on numerous occasions to present and publish his research on volatiles and odors from swine manure. However, on five occasions he was not authorized to discuss the public health ramifications of his observations on the spread of resistant bacteria, because he had no data or expertise with respect to public health. Three of these occasions were local Iowa public community meetings; two others were professional scientific meetings.

- The UCS also claims that the USDA has issued a directive to staff scientists to seek prior approval before publishing any research or speaking publicly on "sensitive issues."

This is not true. USDA-ARS headquarters has had a long-standing, routine practice (at least 20 years) that has spanned several Administrations to require review of research reports of high-visibility topics (called the "List of Sensitive Issues"). ARS headquarters review, when required, do not censor, or otherwise deny publication of, the research findings, but may aid in the interpretation and communication of the results, including providing advance alert to others. The purpose of this review is to keep ARS Headquarters officials informed before publication and in an otherwise timely way of new developments on cutting-edge research, controversial subjects,

or other matters of potential special interest to the Secretary's Office, Office of Communications, USDA agency heads (particularly those other agencies in USDA that depend on ARS for the scientific basis for policy development and program operations), scientific collaborators, the news media, and/or the general public. This practice deals with research reporting only and does not relate to the initial research priority setting process or to determining which studies will be undertaken. To the contrary, the "special issues" are mostly high-priority items and receive considerable research attention.

The UCS' claims on "Misrepresenting Evidence on Iraq's Aluminum Tubes"

- The UCS claims that the Administration was aware of disagreement among experts on the purpose of aluminum tubes that Iraq attempted to acquire and that the Administration knowingly disregarded scientific analysis of intelligence data.

Director of Central Intelligence George Tenet addressed this issue directly in his February 5, 2004, speech at Georgetown University:

"Regarding prohibited aluminum tubes -- a debate laid out extensively in the [National Intelligence] Estimate, and one that experts still argue over -- were they for uranium enrichment or conventional weapons? We have additional data to collect and more sources to question. Moreover, none of the tubes found in Iraq so far match the high-specification tubes Baghdad sought and may never have received the amounts needed. Our aggressive interdiction efforts may have prevented Iraq from receiving all but a few of these prohibited items.

"My provisional bottom line today: Saddam did not have a nuclear weapon; he still wanted one; and Iraq intended to reconstitute a nuclear program at some point. But we have not yet found clear evidence that the dual-use items Iraq sought were for nuclear reconstitution. We do not yet know if any reconstitution efforts had begun, but we may have overestimated the progress Saddam was making."

The UCS' claims on "Manipulation of Science Regarding the Endangered Species Act"

- The UCS claims that the Administration is attempting to weaken the Endangered Species Act.

This accusation is false. The current listing situation results from Fish and Wildlife Service (FWS) practices in place *before the Bush Administration took office.* The FWS listing budget is currently consumed by court-ordered listings and critical habitat designations. These court orders result from pre-2001 FWS decisions to list endangered species but not to designate associated critical habitat as required by the Act as well as to ignore pending petitions to list species. This practice resulted in a flood of litigation forcing FWS to act on petitions that had been languishing for years as well as to designate critical habitat for already listed species. Fulfilling the resulting court mandates expends all of FWS's listing budget (the Administration has taken steps to redirect additional funds to this budget account, and the President's FY05 Budget requests an increase of more than 50 percent). With respect to the critical habitat designations, officials from both the current and prior administrations have said that these

lawsuits prevent FWS from taking higher priority actions such as listing new species.[4] Moreover, without regard to the current court-driven budgetary situation, the number of new species listed as endangered during a particular time period varies over time for numerous reasons, and as such is not an appropriate measure of the success of the Act.

This Administration is committed to working in partnership with States, local governments, tribes, landowners, conservation groups, and others to conserve species through voluntary agreements and grant programs in addition to ESA procedures. For FY 2005, the President's proposed budget includes more than $260 million in the Interior Department budget alone for cooperative conservation programs for endangered species and other wildlife. The President created the new Landowner Incentive Program and the Private Stewardship Initiative grant programs to help private landowners conserve endangered species habitat on their property. In early March 2004, for example, Secretary Norton announced $25.8 million in cost-share grants to help private landowners conserve and restore the habitat of endangered species and other at-risk plants and animals. These grants are going to support projects in 40 states and the Virgin Islands.

Because the large majority of threatened and endangered species depend on habitat on private lands, this Administration believes it is vitally important that the Federal government provide incentives for landowners to engage in conservation efforts. The incentive programs implemented during this Administration have shown returns in the form of voluntary contributions of time and effort by landowners. These contributions provide far more to species conservation than the government could ever compel through regulatory action. This Administration is focusing on enhancing and restoring habitats of threatened and candidate species populations – thus keeping them off the list by preventing these species from becoming threatened in the first place.

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[4] "In 25 years of implementing the ESA, we have found that designation of official critical habitat provides little additional protection to most listed species, while it consumes significant amounts of scarce conservation resources," Jamie Rappaport Clark, Director, U.S. Fish and Wildlife Service during the Clinton Administration, before the Senate Environment and Public Works Subcommittee on Fisheries, Wildlife, and Drinking Water. May 27, 1999.

"These lawsuits [forcing the Service to designate critical habitat] necessitate the diversion of scare Federal resources from imperiled but unlisted species which do not yet benefit from the protections of the ESA." Jamie Rappaport Clark, Senate Testimony, May 27, 1999.

"Struggling to keep up with these court orders, the Fish and Wildlife Service has diverted its best scientists and much of its budget for the Endangered Species Act away from more important tasks like evaluating candidates for listing and providing other protections for species on the brink of extinction." former Interior Secretary Bruce Babbitt, *New York Times* op-ed, April 15, 2001.

"The best alternative is to amend the Endangered Species Act, giving biologists the unequivocal discretion to prepare maps when the scientific surveys are complete. Only then can we make meaningful judgments about what habitat should receive protection." Bruce Babbitt, *New York Times*, April 15, 2001.

- The UCS claims that the FWS inappropriately established a new "SWAT" team to swiftly revise an earlier 2000 Biological Opinion on the Missouri River rather than allow that opinion to take effect in 2003.

The UCS distorted the facts. The UCS failed to mention several vital facts and mischaracterized subsequent events. First, after its issuance, the terms and conditions of the 2000 Biological Opinion were in effect already. Pursuant to that Biological Opinion, a spring rise in water levels was to occur every three years if reservoir levels were sufficiently high. Due to the prevailing and serious drought conditions, a 2003 water rise would not have occurred under the 2000 Biological Opinion.

Second, the development of an amended Biological Opinion was triggered by the Corps noting new information[5] and submitting new proposed updates to its Master Water Control Manual for the Missouri River. As such, the subsequent consultation process with FWS was mandatory, not discretionary.

Third, FWS's swift action derived from court mandates imposed on the Corps. Due to various court orders the Corps had an obligation to ensure finalization of its Master Manual and compliance with the Endangered Species Act by Spring 2004. To meet that requirement, the Corp requested consultations with FWS under Section 7 of the ESA in Fall 2003 regarding its proposed management of the river system. In order to allow the Corps time to implement FWS's recommendations by Spring 2004, the FWS had to accelerate the consultations. This resulted in the FWS having 45 days, rather than the usual 135 days, to complete the 2003 amended Biological Opinion. To meet this accelerated timeframe, a team of 15 Fish and Wildlife Service experts (including 7 from the 2000 team) with a collective 300 years of experience was assembled.

Fourth, the 2003 amended Biological Opinion on the Corps' new management proposal determined that jeopardy still existed for one of the three species that were in jeopardy under the 2000 Biological Opinion (the pallid sturgeon), and included specific biological and habitat development targets that must be met to protect all three species. The 2003 amended Biological Opinion thus presented a new reasonable and prudent alternative that includes a number of steps the Corps must take, which not only built on measures recommended in a National Academy of Sciences' review of the 2000 Biological Opinion, but also included the vast majority of the measures included in the 2000 Biological Opinion.

Finally, it is important to note that this team operated independently and reached a consensus biological opinion based upon the best and latest scientific information available. In fact, in an unsolicited and unprecedented action, the two career Federal officials leading the process noted in their cover memorandum transmitting the 2003 amended Biological Opinion, that the 2003 amended Biological Opinion process followed a mandate to go "where the science leads us."

[5] Among this new information was that, since the 2000 Biological Opinion, two of the endangered species population levels had improved significantly: Piping plover numbers had increase 460 percent within the Missouri River basin since 1997, with pair counts now exceeding recovery goals; and the least terns' estimated population of 12,000 exceeded the recovery goal by 5,000 terns, although the goal of 2,100 terns for the Missouri River itself had not been met.

They noted they had not been contacted by their superiors, and that they were unhindered in pursuing a project with "only one focus: the pursuit of science and the well-being of the species."[6]

The UCS' claims on "Manipulating the Scientific Process on Forest Management"

- The UCS claims that the USDA manipulated the scientific process on forest management, and used a "Review Team" made up primarily of non-scientists to "overrule" an existing forest management plan.

This claim is false. This case actually highlights how aggressive the Administration has been in using input from the scientific community to inform its forest management decisions. The UCS claim demonstrates a lack of understanding of the NEPA processes used to update the Sierra Nevada Forest Plan Amendment (SNFPA) Record of Decision. In fact, the Forest Service received over 200 appeals of the SNFPA and had to review and respond to them. To address these appeals, the Regional Forester (Region Five – California) established the five-person Review Team to evaluate any needed changes to the SNFPA Record of Decision. One scientist provided scientific support to this team. Once the Review Team completed its work, a Draft Supplemental EIS (DSEIS) was completed. This was developed using an interdisciplinary team of 31 people, which included four individuals with PhDs and nine additional individuals with master's degrees in scientific fields.

A Science Consistency Review (SCR) was conducted to assess the DSEIS from a scientific perspective. The Forest Service uses the SCR process infrequently and only when the additional level of thoroughness is judged necessary to ensure that decisions are consistent with the best available science. Controversy is not a consideration in the SCR process. The SCR is accomplished by judging whether scientific information of appropriate content, rigor, and applicability has been considered, evaluated, and synthesized in the draft documents that underlie and implement land management decisions. This SCR included 13 members, with 11 being scientists, nine external to the Forest Service and seven of these external to the government, including those from universities, the Nature Conservancy, and an independent firm. The results of the SCR were provided to a group of Forest Service professionals (including those experienced in NEPA, science, writing, and resource management) who prepared the final NEPA documents.

It would be highly unusual for all SCR comments to be reflected in the final NEPA documents, since these are prepared in the face of significant scientific uncertainty and a diversity of values. Nevertheless, the draft documents, the science consistency review, the response to the science consistency review, the responses to public comments, and the final SEIS are all available on the web so that scientific information used and the process that utilized this information is transparent. How uncertainty and risk are handled in the decision have both scientific and policy elements. In addition, a paper discussing the risk and uncertainty issues around the decision was developed by four additional university scientists. These documents are all available at http://www.fs.fed.us/r5/snfpa/.

[6] Memorandum to the Assistant Secretary for Fish, Wildlife and Parks, from the Directors of the Great Lakes-Big Rivers Region and the Southwest Region (December 17, 2003).

The UCS' claims on "OMB Rulemaking on 'Peer Review'"

- The UCS claims that OMB has proposed a "rulemaking" on peer review that would centralize control of review of scientific information within the Administration, prohibit most scientists who receive funding from government agencies from serving as peer reviewers and "have dramatic effects" upon the promulgation of new government regulations, "even though OMB fails to identify any inherent flaws in the review processes now being used at these agencies."

This UCS claim is wrong on many levels. First, OMB did not propose a new government-wide rule, but rather proposed a new Bulletin or guidance document under the Information Quality Act (IQA) and other authorities. To improve its proposed peer review Bulletin, OMB established a 90-day public comment period, which ended December 15, 2003. OMB received 187 public comments, all of which are available on OMB's web site. OMB also sought broad input on its proposal by commissioning an open workshop at the National Academy of Sciences to discuss its draft. OMB is now in the process of revising the Bulletin based on the comments received. It should be noted that while such entities as the National Academy of Sciences, the American Association for the Advancement of Science, the Association of American Medical Colleges, the Federation of American Scientists, the American Chemistry Council, the Center for Regulatory Effectiveness, and the National Resources Defense Council all submitted comments, the Union of Concerned Scientists did not.

Second, the proposed Bulletin did not prohibit most scientists who receive funding from government agencies from serving as peer reviewers, nor would it exclude those who are most qualified. While the draft Bulletin cites government research funds as one factor that agencies should consider when determining which scientists should be selected, the listed factors are those "relevant to" the decision, not criteria that automatically exclude participation. Moreover, the proposed Bulletin noted in a variety of places that concerns also exist about potential conflicts of interest for those affiliated with the regulated community. OMB specifically asked for comments on how members of peer review panels should be selected, and will address these comments in crafting the final bulletin.

Third, OMB explained the reasons for its proposal: OMB was (1) responding to a new statutory requirement (the IQA) to improve the quality of information produced by agencies; (2) seeking to improve the Federal government's practice of peer review so that it is applied consistently across the Executive Branch to ensure the highest quality scientific information possible; and (3) seeking greater transparency of the peer review process.

Fourth, the proposed OMB Bulletin's peer review requirements should not slow down agency regulatory proceedings. A well-conducted peer review process can accelerate the rulemaking process by reducing controversy and protecting any resultant rules against legal and political attack. When done in an open, transparent manner, independent peer review improves both the quality of science disseminated and the public's confidence in the integrity of science.

Finally, the UCS description of the proposed Bulletin concludes with a quote from the Pharmaceutical Research Manufacturers of America (PhRMA) that implies that PhRMA thinks the Bulletin would contribute little value and lead to obstruction and delay. This quote is taken

completely out of context. The PhRMA letter *applauds* OMB for its proposed Bulletin, and discusses how OMB's proposed procedures are already being effectively incorporated into many of FDA's regulatory activities. It concludes that the terms of OMB's proposed Bulletin, especially its exemption for adjudications, is good policy. The quoted sentence is used to articulate why OMB should not change the proposed Bulletin's exemption for adjudications.

II. THE UCS' CLAIM OF "UNDERMINING THE QUALITY AND INTEGRITY OF THE APPOINTMENT PROCESS"

Suggestions of a political litmus test for membership on technical advisory panels are contradicted by numerous cases of Democrats appointed to panels at all levels, including Presidentially appointed panels such as the President's Information Technology Advisory Council, the National Science Board, and the nominating panel for the President's Committee on the National Medal of Science.

It is unfortunate that the Union of Concerned Scientists would attack specific individuals who have agreed to serve their country. Every individual who serves on one of these committees undergoes extensive review, background checks, and is recognized by peers for their contributions and expertise. Panels are viewed from a broad perspective to ensure diversity; this may include gender, ethnicity, professional affiliations, geographical location, and perspectives.

To put this issue in perspective, note that this Administration has over 600 scientific advisory committees. HHS alone has 258 advisory committees. The UCS accusations involve instances explained below, representing rare events among a large number of panels.

The UCS' claims on "Industry Influence on Lead Poisoning Prevention Panel"

- The UCS claims that industry influence on the lead poisoning prevention panel led to interference with an action to toughen the lead poisoning standard. The UCS also takes issue with the HHS Office of the Secretary appointing individuals for the Advisory Committee, rather than making the appointments at a lower level.

This claim distorts deliberations on the complex issue of lead poisoning. First, there was no link between appointments and consideration of toughening the guidelines. The appointments were made in October 2002 and the subcommittee workgroup was not considering the lead poisoning guidelines at that time. In October 2003, a subcommittee workgroup of the Childhood Lead Advisory Committee reported its review of scientific evidence to determine whether there was sufficient evidence of adverse health effects on children with blood lead levels less than 10 micrograms per deciliter of blood.[7] The workgroup had ongoing discussions with CDC about its work, which indicated that while there are adverse health effects in children at blood lead levels less than 10 micrograms, the possibility of confounding by other factors leaves some uncertainty as to the size of the effect. These discussions led to the conclusion that more emphasis needed to be placed on primary prevention. This conclusion was reached for a variety of reasons, including: (1) there are no clinical interventions (treatments) to reduce blood lead levels that are

[7] In 1991, the federal standard for lead poisoning was set at 10 micrograms per deciliter of blood.

in the range of 1-10 micrograms;[8] (2) it is extremely hard to classify sources of exposure for lead poisoning at blood lead levels below 10 micrograms;[9] (3) error rates in lab testing make it extremely difficult to classify a blood lead level below 10 micrograms;[10] and (4) there is no evidence of a threshold below which adverse effects are not experienced. Thus, there was a renewed emphasis on preventing children's exposure to lead in the first place while continuing the critical work of identifying and intervening on behalf of children with higher blood lead levels.

For all of these reasons CDC concluded that it did not make sense to change the guidelines. CDC advised that studies provide a strong rationale to emphasize preventing exposure of children to lead. The two essential elements are focusing on systematic reduction of lead paint in housing and restricting or eliminating non-essential uses of lead paint in toys, eating and drinking utensils, cosmetics, etc. Eleven of the twelve Advisory Committee members were receptive to CDC's recommended approach.

Regarding the suggestion that two appointees had ties to the industry, every candidate is put through a rigorous ethics process that includes a conflicts of interest analysis. All of the appointments on the Childhood Lead Advisory Committee were cleared through this process.

Regarding the issue of appointment of advisory committee members, the members in question replaced outgoing members who had served several terms and others had permissibly served beyond the expiration of their present terms. Therefore, it was part of the normal advisory committee process to identify new members.

Under the HHS General Administration Manual, the Secretary of HHS is required to approve the appointment of Federal Advisory Committee members except those members who are appointed by the President. CDC and the Office of the Secretary worked to find a balanced slate of individuals to serve on the Childhood Lead Advisory Committee who would reflect a diverse set of opinions, including those from industry, and produce a comprehensive and thoughtful discussion in service of the public's health.

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[8] There are no clinical interventions to reduce blood lead levels that are in the range of 1-10 micrograms. No drugs or other methods have been identified that either lower the blood lead levels for children to the levels in the range under discussion (1-10 micrograms) or reduce the risk for adverse developmental effects. Should a child have an elevated blood lead level, a lead inspection would be conducted to determine the source of lead including looking at paint, soil, and house dust. Should these sources result in negative readings, other sources would then be reviewed with the ultimate goal of removing as much of the source as possible. For a blood lead level of 45 micrograms or higher, chelation therapy would be used to reduce, as much as possible, the lead level in the blood and tissue. At a level of 15-45 micrograms, the course of action would be to remove external sources of lead such as lead paint. At a level below 15 micrograms, the course of action would be to educate parents or caregivers about hazards and how to reduce access to hazards. But there are no good methods to intervene and bring a blood lead level of, for example, 8 micrograms down to 4 micrograms.

[9] Sources of exposure for lead poisoning are very difficult to determine at a blood lead level below 10 micrograms. The higher the blood lead level, the easier it is to find the source or sources during a lead inspection. But at blood lead levels below 10 micrograms, the source or sources can be virtually impossible to determine because multiple sources can contribute and each source is additive.

[10] As with all lab tests, there is a certain amount of random error that is unavoidable. In blood lead testing, the typical error rate is + or – 2 micrograms. At a very high blood lead level, this error rate is not of great consequence but at a low blood lead level, the error rate is too great to ensure that children are properly classified.

The UCS' claims on "Political Litmus Tests on Workplace Safety"

- The UCS claims that "circumstances strongly indicate a politically motivated intervention" for dismissing 3 experts on ergonomics from a narrowly focused peer review panel at the National Institute for Occupational Safety and Health (NIOSH), implying that at least 2 were removed because of their support for a workplace ergonomics standard. Another prospective member of the study section charged publicly that someone from Secretary Thompson's staff, while vetting her nomination, had asked politically motivated questions such as whether she would be an advocate on ergonomic issues.

The claim of politically motivated intervention is not true. In contrast to the NIH, where emphasis panels, peer review groups, and study sections do not come under the purview of Secretarial oversight, CDC's study sections are appropriately under the review of the Office of the Secretary. Agencies typically review many individuals to serve on advisory panels and they may be rejected for a variety of reasons. In this instance, one of the scientists that the UCS mentions was actually selected to be appointed to the committee.

The UCS' claims on "Non-Scientist in Senior Advisory Role to the President"

- The UCS asserts that Richard M. Russell is not qualified by his experience to serve in a senior scientific capacity as a Deputy Director of OSTP.

The notion that Richard Russell's policy experience is insufficient for him to lead the Technology Policy division at OSTP is one of the most offensive statements contained in the UCS document. Mr. Russell's policy experience is as strong, if not stronger, than many of his predecessors. He has worked in both the U.S. House of Representatives and in the United States Senate and for two Committees of the House of Representatives. Most recently, Richard Russell served on the House Science Committee. He not only was a professional staff member, as the report states, but was also Staff Director of the Technology Subcommittee and then Deputy Chief of Staff for the full Committee.

Senior positions within OSTP are defined by the Director, who, in this Administration, has significantly reorganized the office to strengthen coordination with other relevant policy offices and congressional committees. Mr. Russell possesses superior qualifications for the functions he performs in this organization.

The American Association of Engineering Societies (AAES), the umbrella organization for Engineering Societies which represents over one million engineers, endorsed Mr. Russell's candidacy. In a letter to the Chairman and Ranking Member of the Senate Committee on Commerce, Science, and Transportation's Subcommittee on Science, Technology, and Space the Chairman of AAES wrote: "Mr. Russell's experience on Capitol Hill and his strong understanding of Federal science and technology policy make him well suited to lead the Technology Division of OSTP…We are very pleased with Mr. Russell's nomination, because his professional accomplishments indicate that he appreciates the important role Federal research policy can play in the economic and national security of our Nation." The Senate concurred with AAES' assessment and confirmed Mr. Russell by unanimous consent.

The UCS' claims on "Underqualified Candidates in Health Advisory Roles"

- The UCS claims that the Administration's candidates for health advisory roles "have so lacked qualifications or held such extreme views that they have caused a public outcry." Two cases cited are the appointment of Dr. W. David Hager to the U.S. Food and Drug Administration's (FDA) Reproductive Health Advisory Committee, and the appointment of Dr. Joseph McIlhaney to the Presidential Advisory Council on HIV/AIDS.

This accusation is offensive and wrong. Both the individuals cited by the UCS are in fact well qualified. Their CV's are widely available and it is not necessary to repeat them here.

The UCS' claims on Litmus Tests for Scientific Appointees

- The UCS asserts that a political litmus test was the reason why Dr. William Miller was denied an appointment on the National Institute for Drug Abuse (NIDA) advisory panel.

This claim is false. The HHS Office of the Secretary recommended that Dr. Miller be considered for this panel and NIDA did not concur. The decision by NIDA/NIH was not based on any conversations with any members of the Secretary's Office.

- The UCS document suggests that a nominee to the Army Science Board was rejected because he had contributed to the presidential campaign of Senator John McCain.

This contention is without support. Nominees for standing membership are approved at several levels within the Army and the Office of the Secretary of Defense, and some may be turned down during this process for various reasons. Some may later be reevaluated and included, depending on the current composition of the Board (with a goal to achieve a wide variety of expertise and balance between experienced Board members and new voices). Mr. Howard, the individual identified by the UCS, has expertise relevant to defense issues, and his technical advice has been sought on Army Science Board, Air Force Science Advisory Board, and Defense Science Board studies as a consultant during the current Administration.

The UCS' claims on Dismissal of Nuclear Weapons and Arms Control Panels

- The UCS document suggests that the Nuclear Weapons and Arms Control Panels of the National Nuclear Security Administration (NNSA) were "summarily abolished."

This contention distorts the facts. The NNSA Advisory Committee was established in June 2001, not by Congress, but by the Department of Energy to advise the NNSA Administrator on a wide range of issues affecting the newly established NNSA, including technology, policy, and operations, not just science. As is the case with most advisory committees, the NNSA committee was established for a period not to exceed two years. The charter expired in June of 2003 and was not renewed. The committee had fulfilled its mission. The expiration of the Advisory Committee's charter does not preclude the NNSA Administrator from initiating other advisory groups when warranted. NNSA gets input from the U.S. Strategic Command Strategic Advisory Group, the Defense Science Board, the Secretary of Energy Advisory Board, and the National

Academy of Sciences. The NNSA has always had ample independent oversight and analysis requested by DOE or Congress. The Advisory Committee had no oversight responsibilities.

- The UCS document claims that the arms control panel that advised the State Department on technical matters was dismissed, and that a promised new committee to take its place has not been formed.

The Arms Control and Nonproliferation Advisory Group had reached the end of its two-year charter (as set forth in the Federal Advisory Committee Act (5 U.S.C. Appendix 2)), as is the case with most advisory committees. In order to be reconstituted, the charter and composition was examined for any required revision (cf. Section 14 of FACA).

The Arms Control and Nonproliferation Advisory Group has been reauthorized by Under Secretary of State for Management Grant Green as of November 2003. The specific membership is currently under consideration.

III. THE UCS' CLAIMS OF "AN UNPRECEDENTED PATTERN OF BEHAVIOR"

The UCS' claims on "Disseminating Research from Federal Agencies"

Part III closes the UCS "investigation" and contains two sections – one on "Disseminating Research from Federal Agencies" and one on "Irregularities in Appointments to Scientific Advisory Panels." Here, the UCS does not provide a single instance of an actual suppression of agency research or an appointment irregularity occurring. Both sections consist entirely of quotations from various individuals and one organization.

Individual opinions are not actual events with facts that can be determined. With no context, one must assume these opinions are based upon the type of misinformation presented throughout the UCS document.

The stated opinions do not reflect the views of many outstanding scientists who have worked with this Administration. In particular, the National Academy of Sciences has been closely involved in various aspects of the Bush Administration's science policies. The Academy of Sciences has graciously accepted numerous requests to conduct research program reviews, and have gained first-hand knowledge of the Administration's commitment to independent scientific advice, a commitment that extends to all areas of science under Federal support. The most prominent example is the National Academy's review of the Climate Change Science Program's recently released Strategic Plan. If there has ever been an area of contention about this Administration's commitment to science, climate change science is it. Yet the Academy says about the Strategic Plan that:

> "The *Strategic Plan for the U.S. Climate Change Science Program* articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of long-standing importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National

Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decades … Advancing science on all fronts identified by the program will be of vital importance to the nation."

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JUL 14 2005

The Honorable Frank R. Lautenberg
United States Senate
SH-324 Hart Senate Office Building
Washington, DC 20510

The Honorable Harry Reid
United States Senate
SH-528 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid and Senator Lautenberg:

I am writing in response to your letter of June 29, in which you request that we retract two reports of the Climate Change Science Program (CCSP), the *2003 Strategic Plan for the U.S. Climate Change Science Program*, and *Our Changing Planet: The Fiscal Year 2003 U.S. Global Change Research Program*, as well as any other climate change reports to Congress that may have incorporated editorial suggestions by Philip A. Cooney, the former Chief of Staff of the White House Council on Environmental Quality.

Respectfully, we believe that it is our responsibility to decline your request, for the reasons outlined below.

The process of reviewing and proposing editorial revisions to the draft documents is well established, and was followed in the preparation of these reports. All CCSP planning and program report documents undergo a well established review process that involves all thirteen of the federal agencies participating in CCSP (DOC/NOAA, EPA, DOE, NSF, NASA, USDA, DOI, State, AID, DOD, Smithsonian, DOT AND HHS), as well as three or more elements within the Executive Office of the President (OSTP, CEQ and OMB, and occasionally other elements).[1] Each CCSP document begins as a draft that is circulated to the sixteen (or more) agencies or offices mentioned above. Representatives of all sixteen entities – both scientific and non-scientific personnel – are invited to comment on the draft document by means of individual responses to the CCSP Office. The CCSP *Office* Director (coordinates the day-to-day operations of the interagency CCSP Office) and his immediate technical staff (Ph.D. – level scientists), as well as the CCSP Director (Senate-confirmed appointee who supervises the entire CCSP program and products) and his immediate technical staff (also Ph.D. – level scientists) are

[1] Please note that the principal scientific findings products (the *Scientific Synthesis and Assessment Products*) being produced by CCSP under the *Strategic Plan* mentioned above employ a specific, elaborate and transparent process to assure the scientific integrity of the reported findings. This process is described later in this letter.

responsible for considering all suggested editorial comments, and for final decisions about the text contained in the published document. It is common that many of the proposed editorial comments are not adopted, or are only partially adopted, by the CCSP senior technical management. In the end, the CCSP Director is responsible for the scientific integrity of these CCSP planning and program report documents.

The *CCSP Strategic Plan* is the centerpiece document guiding the overall conduct of the CCSP activities. It received unusually intensive scientific review – and was praised by the National Research Council. The comments in your letter of June 29 pertain to the editorial process used in the development of the *Discussion Draft* version of the *Strategic Plan*, published in November 2002. Subsequent to the dissemination of the *Discussion Draft*, CCSP:

1. Conducted a major international workshop in December 2002 with approximately 1,300 climate scientist participants whose inputs were used to revise the *Discussion Draft*.
2. Invited written comments from experts and interested public stakeholders, resulting in more than 900 pages of useful comments.
3. Requested and received detailed critique by a special committee of scientific experts convened by the National Academies' National Research Council (NRC).
4. Prepared the final version of the *Strategic Plan*, published in July 2003. This is the document-of-record for the *CCSP Strategic Plan*, and is one of the most widely reviewed government science planning documents to appear in many years.
5. CCSP also requested that the NRC review the final version of the Strategic Plan, and the NRC's final report, issued in February 2004, praised the scope and scientific integrity of the plan:

> ***The Strategic Plan for the U.S. Climate Change Science Program articulates a guiding vision, is appropriately ambitious, and is broad in scope. It encompasses activities related to areas of long-standing importance, together with new or enhanced cross-disciplinary efforts. It appropriately plans for close integration with the complementary Climate Change Technology Program. The CCSP has responded constructively to the National Academies review and other community input in revising the strategic plan. In fact, the approaches taken by the CCSP to receive and respond to comments from a large and broad group of scientists and stakeholders, including a two-stage independent review of the plan, set a high standard for government research programs. As a result, the revised strategic plan is much improved over its November 2002 draft, and now includes the elements of a strategic management framework that could permit it to effectively guide research on climate and associated global changes over the next decades. Advancing science on all fronts identified by the program will be of vital importance to the nation.***[2]

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[2] NRC 2004 – *Implementing Climate and Global Change Research: A Review of the Final U.S. Climate Change Science Program Strategic Plan.* (Washington, DC, The National Academies Press). http://www.nap.edu

In view of the importance of the final version of the Strategic Plan (as published in July 2003), and in view of the intensive and positive pre- and post-publication scientific review that it received, it would be very disruptive and inappropriate to retract this document, thereby restricting its use as the guiding document for the major science and assessment updates that CCSP is currently producing.

The *Our Changing Planet* documents are an annual series of program report documents required by the Global Change Research Act of 1990. As program updates conveying budget information for the entire program as well as budget details for each of the thirteen participating agencies, it is appropriate to have both scientific and non-scientific personnel review these documents. CCSP certainly has an obligation to assure that these documents are accurate, and we believe that this obligation is consistently met by all the recent documents in this series. We believe that it would be inappropriate and counterproductive to retract these documents also, thereby removing from the public record the most significant primary source of annual updates about program direction, priorities and budgets.

In accordance with its Strategic Plan, CCSP is producing a series of Scientific Synthesis and Assessment Products, which are all being produced with an intensive commitment to scientific peer review, transparency and public involvement. This series of twenty-one documents, to be published at various dates between late 2005 and 2007, will convey a highly important series of key findings about climate change. We commend these documents to your attention. Information about their areas of coverage, the guidelines for their production, and the schedule for their publication can be found in *CCSP Strategic Plan* (including any updates that may be published) and on the CCSP web site; *www.climatescience.gov/Library/sap/default.htm*. The following important steps are being followed in the process of completing these products:

1. Each product is identified and described in the July 2003 *CCSP Strategic Plan* and tracked on the CCSP web site as stated above.
2. Detailed guidelines for the preparation of these products were developed with extensive public input. The final version of the guidelines appears on the CCSP website.
3. All of the products will be prepared consistent with the requirements of the Information Quality Act.
4. All of the products will be drafted by expert groups in conformance with the provisions of the Federal Advisory Committee Act.
5. Each product will receive intensive scientific peer review, as well as general public review.
6. CCSP has initiated a new contract with the NRC that provides for the NRC to provide continuing analysis and advice on the conduct of the CCSP program including the preparation of the CCSP scientific products. The NRC advisory reports will all be public documents, and will provide the Congress and all interested stakeholders with independent reviews of CCSP performance.

We welcome continuing dialogue with you and your staff regarding progress with the CCSP program. We are pleased to provide you and/or your staff with ongoing information and updates on the progress and status of the CCSP activities, or responses to questions you may have.

With best regards,

James R Mahoney

James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science
Program

UNITED STATES DEPARTMENT OF COMMERCE
The Assistant Secretary of Commerce
for Oceans and Atmosphere
Washington, D.C. 20230

JUL 29 2005

The Honorable James M. Inhofe
United States Senate
722 Hart Senate Office Building
Washington, D.C. 20510

Dear Senator Inhofe,

I am writing in response to your letter of July 19, 2005, regarding the questions surrounding Mr. Rick Piltz and his involvement with the U.S. Climate Change Science Program (CCSP). As you know, CCSP was announced by President Bush in 2002 to integrate federal research on global change and climate change, as sponsored by 13 federal departments and agencies (the National Science Foundation, the Department of Commerce, the Department of Energy, the Environmental Protection Agency, the National Aeronautics and Space Administration, the Department of State, the Department of Interior, the Department of Agriculture, the Department of Health and Human Services, the Department of Transportation, the Department of Defense, U.S. Agency for International Development, and the Smithsonian Institution) in liaison with the Council on Environmental Quality (CEQ), the Office of Science and Technology Policy (OSTP), and the Office of Management and Budget (OMB). The goal of the program is to develop the best and most useful climate science information to support decision making through an open and transparent process.

The agencies participating in CCSP, fund and supervise an interagency office – the Climate Change Science Program Office (CCSPO) – that fosters program development and coordination by coordinating research and observation, implementing communications activities, and providing Secretariat support for the CCSP Director and the CCSP Principals (an interagency governing body for CCSP incorporating a senior representative from each of the 13 CCSP agencies, CEQ, OSTP, and OMB).

My responses to your questions appear in bold below.

1. Please provide a thorough description of Mr. Piltz's academic and professional background including formal education, degrees held, scientific credentials, awards, and previous positions held both in and outside of government service.

Mr. Piltz worked as a contract employee, referred to as a "term" employee, for a number of years for the University Corporation for Atmospheric Research (UCAR). This organization provided the staff services of Mr. Piltz, and others, to CCSPO by means of an agreement between NASA and UCAR. Mr. Piltz's functional title was Senior Associate. While we desire to comply fully with your requests, we believe it would be more appropriate to contact Mr. Piltz's former employer, UCAR, for his

academic and professional information. (UCAR Point of Contact: R. Gene Martin, Director, Joint Office for Scientific Support, UCAR; Phone: 303 497-8682; Email: gmartin@ucar.edu)

2. Please describe the circumstances surrounding Mr. Piltz's departure including, but not limited to, whether Mr. Piltz was asked to resign from his position or whether he stepped down of his own accord.

As a result of information that had reached me regarding a number of complaints Mr. Piltz had been expressing to his colleagues at CCSPO, I scheduled a meeting with him and requested that the CCSPO Director and the CCSP principal representative of DOE attend the meeting as well. This meeting took place on February 22, 2005. During this meeting, I suggested he consider resigning or we might decide to terminate him if his pattern of complaints could not be resolved. I also suggested, at the end of the meeting, he consider his options and get back to me in the next few days. On February 28, 2005, Mr. Piltz submitted a letter of resignation from his position.

3. Please describe the nature of the documents Mr. Piltz accuses the White House Counsel on Environmental Quality (CEQ), and specifically Mr. Philip Cooney, of having altered. Were these public policy reports, summaries of research findings, budget documents, policy-oriented documents, or scientific studies?

Mr. Piltz has commented about two reports: a draft of the 10-year Strategic Plan for the Climate Change Science Program, and a draft of the Program's annual report to Congress, *Our Changing Planet*. Both final reports, by law, must be submitted to Congress. The Strategic Plan describes priority scientific questions to be addressed by the CCSP over the coming years. *Our Changing Planet* is a program report describing highlights of recent research activities and plans for future research to be conducted with funds included in the President's annual budget request.

4. Please describe the process by which these documents are reviewed. Is it customary or extraordinary for other executive branch agencies and/or CEQ to review and edit documents of the type in question?

The referenced reports were produced through a customary interagency review process. The thirteen CCSP agencies, CEQ, OMB, and OSTP reviewed the drafts, provided comments, and suggested editorial revisions. The comments and suggested revisions were considered by CCSPO scientific staff working under my supervision or by me, and revised drafts were prepared. These drafts were again circulated for final clearance and release. As Director of the CCSP, I have had final authority over the editorial process and the approved content of all CCSP reports disseminated since 2002.

5. Approximately how many edits were made by Mr. Cooney? To the best of your knowledge, did any specific edits made by CEQ misrepresent or misstate scientific facts of data? If any edits contained specific errors, were these errors contained in the final document, or corrected as part of the inter-agency process?

Mr. Cooney proposed many specific edits, as did others involved in the interagency review process for the two reports. These proposed edits ranged from corrections of grammatical errors to suggestions for insertions or deletions of text. To the best of my knowledge, the edits proposed by CEQ did not misstate any specific scientific fact, but some of the proposed edits challenged the degree of confidence to be attached to various scientific statements. As is the case for all reports produced through the CCSP interagency process, some of the proposed edits were accepted and others were modified or rejected. In my capacity as CCSP Director, I approved the final versions of the drafts. To the best of my knowledge, no errors were contained in the two reports.

6. Did Mr. Piltz undergo an exit review at the Department of Commerce or CCSP prior to his departure? If so, please describe the Department's exit procedure, who conducted this review, and the questions asked. To the best of your knowledge, did Mr. Piltz remove any internal documents, drafts of documents, computers, computer disks, related computer equipment, or other departmental materials from CCSP?

Mr. Piltz did not have an exit interview through CCSPO, but we understand he completed a form at the request of UCAR upon the termination of his employment with that organization. During his tenure as a member of the professional staff of the office for the program, Mr. Piltz had access to many program documents. I have no direct knowledge as to whether Mr. Piltz removed internal documents, drafts, computer disks, or other related materials. However, I note that subsequent to his departure from the office, he provided samples of confidential documents to the public.

If you need further clarification on these issues or have any other questions concerning the Climate Change Science Program, I would be happy to meet with your or your staff.

With best regards,

James R. Mahoney, Ph.D.
Assistant Secretary of Commerce for
Oceans and Atmosphere, and
Director, Climate Change Science Program

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF SCIENCE AND TECHNOLOGY POLICY
WASHINGTON, D.C. 20502

November 16, 2006

The Honorable Joseph I. Lieberman
Committee on Homeland Security and Governmental Affairs
706 Hart Senate Office Building
Washington, DC 20510

Dear Senator Lieberman:

This letter responds to your June 13, 2006, letter to me expressing your concerns with media reports regarding scientific openness in Federal departments and agencies.

Your letter cited four reported instances, from 2002-2006, of scientific censorship on climate change issues at four agencies, and stated that such allegations across four agencies "raises the possibility that negative signals regarding scientific openness, particularly on climate change, might be traveling from a central source of authority to multiple Executive Branch departments." Accordingly, you asked me to determine whether any official or unofficial guidance on scientific openness has been issued from the Executive Office of the President, and to investigate (if no such guidance has been issued) why suppression of climate scientist findings seems to be occurring simultaneously across more than one government agency.

I agree with you fully that the "ability to communicate freely is integral to the process of scientific discovery that has helped build our great nation." I have not found any evidence to support your concerns regarding "negative signals" from a "central source." In fact, numerous positive signals have been sent from my office and others, clarifying the Administration's view that the communication of scientific findings should be timely, complete, and accurate.

The President's actions in the area of scientific research and development (R&D) speak directly to the value this Administration places on scientific discovery. In the current fiscal year, President Bush is requesting a record $137 billion in federal funding for R&D, a 50 percent increase since he took office in 2001.

Support for climate change research and technology has also been strong. The latest Federal Climate Change Expenditures Report to Congress documents that the President's FY 2007 Budget proposes over $6.5 billion for climate change programs and activities, both domestic and international. That is a 12 percent increase over this year's $5.8 billion ongoing effort and 24 percent over the FY 2005 total of $5.3 billion.

Moreover, the recent American Competitiveness Initiative, announced by the President in his State of the Union Address, proposes a comprehensive approach to strengthening America's scientific and technological enterprise, including a commitment to double the funding of key

agencies that fund basic R&D in the physical and engineering sciences. The President's budget decisions signal unprecedented support for science, and the President expects results from this taxpayer investment—results that are communicated clearly and accurately.

I can assure you that no "central source" has issued official or unofficial guidance, or any other "negative signals," to Federal departments and agencies to suppress scientific results on climate change or any other scientific matter. Upon investigation, such allegations are generally found to derive from lower level employees not effectively articulating the Administration's position on matters of scientific openness. The high level policy officials in these agencies are as disturbed as I am when such stories appear, and, when an actual problem is found to exist, have been quick to apply appropriate remedies. Government scientists conduct thousands of scientific experiments and freely discuss their results with their scientific colleagues and with the media. The four instances over five years that you cite reveal neither a trend nor a submission to a central command.

These conclusions are supported by my review of the specific incidents cited in your letter, as follows:

First, the 2002 allegation that the Administration altered the scientific analysis of an EPA Report on the Environment is false. I communicated this publicly in 2004, stating that:

> "[T]he Administrator of the EPA decided not to include a short summary on climate change. An ordinary review process indicated that the complexity of climate change science was not adequately addressed in EPA's draft document. Instead, the final EPA report referred readers to the far more expansive and complete exposition of climate change knowledge, the Climate Change Science Program (CCSP) Strategic Plan. The Administration chose, appropriately, to present information in a single, more expansive and far more complete format. This choice of presentation format did not influence the quality or integrity of the scientific analysis or its dissemination."

Second, in the NASA case, miscommunication by lower level public affairs employees led to misunderstanding. Administrator Griffin responded swiftly and appropriately to clarify NASA policies regarding scientific openness and communication with the press. Indeed, the scientist at issue has since publicly commented frequently and freely, appearing prominently in a recent Discovery Channel documentary and expressing his scientific opinions without any hesitation or adverse consequences.

Third, with regard to NOAA, at the time of your letter several allegations had been cited in the media. NOAA Administrator Admiral Lautenbacher investigated the allegations with no significant findings. Admiral Lautenbacher also issued a clarification to all NOAA employees

similar to Dr. Griffins' (enclosed), and the Department of Commerce is developing a Department-wide policy similar to the NASA policy. Since the time of your letter, another story has appeared in *Nature*, and in an Associated Press story based on the *Nature* article, alleging suppression of a NOAA report on the relationship between climate change and hurricanes. This instance actually involved a draft two-page Frequently Asked Questions document that was attempting to explain the state of science to the public. It had not yet been published for a variety of reasons, none of which included suppression of science. The draft document has now been posted on the NOAA website, and Admiral Lautenbacher has circulated another email to all NOAA employees (also enclosed). Moreover, while the AP headline noted White House involvement, both the *Nature* article and the AP's own story made clear the matter was wholly internal to NOAA. AP subsequently corrected the mistaken and misleading headline. Stories have also since appeared regarding documents obtained and released by Representative Waxman, but the email records in those documents do not represent an attempt by NOAA employees to suppress science. OSTP was mentioned in one email – affirming that a media request for an interview be granted. Science agencies do occasionally notify our press office of media requests, and my office may help coordinate the most helpful media response.

Lastly, my office has contacted the U.S. Forest Service and, while aware of a media story, the Service is not aware of any actual employee complaints. In this instance it appears the media story is incorrect or that the person making such remarks to the reporter was incorrect or misquoted.

Despite the limited substance to the allegations you cited, I believe that even the perception that there is a more serious problem merits action aimed at clarifying the Administration's position that scientific findings should be communicated clearly, accurately, and completely. As noted above, to the extent a pattern exists, federal scientist complaints seem to result from a lack of clear and complete communication throughout an entire agency on the principles of scientific openness. Therefore, soon after the initial NOAA and NASA stories appeared, I urged Administrators Lautenbacher and Griffin to issue clear policy guidance throughout NOAA and NASA. Both agencies responded favorably as described above.

Subsequently, on March 10, 2006, I called all the principal science officials of the Federal government's departments and agencies together. At this meeting, I referred to the NASA policy, which was in development at the time, and we discussed the issues involved. I urged all in attendance to ensure that similar policies are issued within their respective agencies. After the release of the NASA policy, I re-stated my call to develop these policies in a subsequent letter to these same officials, to which the NASA policy was attached. I also raised this issue with the departments and agencies' deputy-secretary level policy officials at the June 7, 2006, Committee on Science meeting of the interagency National Science and Technology Council. To date, in addition to NASA, the Department of Defense has issued a clarifying policy, and more are

expected in the coming months as departments and agencies, including NSF, HHS, and EPA, review existing policies or consider establishing new ones.

In addition, each year the Director of the Office of Management and Budget and I submit to the heads of all Federal departments and agencies a memorandum on the Administration's R&D priorities for the coming fiscal year. This memo is widely circulated and posted on OSTP's web site. This year's memo (also enclosed) includes a statement on scientific openness:

> "This Administration values science as a basis for effective action in its service to the public, and regards the timely, complete and accurate communication of scientific information an important part of that service. It is also essential for agencies to be aware of and coordinate within their organizations, and with other appropriate offices, the disclosure of information likely to have high public interest or impact on markets, regulatory affairs, or public health and safety. Accordingly, agencies have already been asked to develop, revise or re-emphasize policies related to scientific openness and to ensure that employees and management understand their rights and obligations under these policies. All federal employees, including scientists, are obliged to distinguish their personal views from the official positions of their agencies, and procedures should be in place to ensure that such distinctions are clearly drawn."

In all these efforts, I have received nothing but whole-hearted and enthusiastic support and encouragement from all offices within the Executive Office of the President. I can find no evidence of "negative signals." The White House has, on the contrary, sent positive guidance to ensure that government scientists do not face inappropriate censorship on any scientific matter, including climate change issues. I will continue to act vigorously to effectuate the Administration's principles of scientific openness.

Finally, it has recently come to my attention that the Inspector General Offices of the Department of Commerce and NASA have opened investigations into scientific openness at NOAA and NASA. I look forward to the results of these inquiries.

Sincerely,

John H. Marburger, III
Director

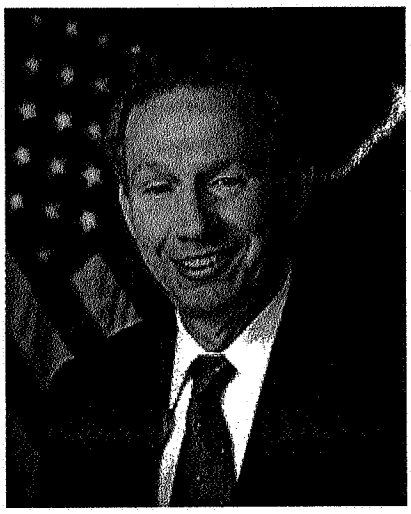
Enclosures

National Aeronautics and Space Administration

PEOPLE

Print This Close Window

Statement on Scientific Openness **02.04.06**



I want to make sure that NASA employees hear directly from me on how I view the issue of scientific openness and the role of public affairs within the agency.

Image left: Administrator Michael Griffin. Photo credit: NASA/Renee Bouchard.

First, NASA has always been, is, and will continue to be committed to open scientific and technical inquiry and dialogue with the public. The basis for this principle is codified in the Space Act of 1958, which requires NASA to "provide for the widest practicable and appropriate dissemination of information concerning its activities and the results thereof."

Second, the job of the Office of Public Affairs, at every level in NASA, is to convey the work done at NASA to our stakeholders in an intelligible way. It is not the job of public affairs officers to alter, filter or adjust engineering or scientific material produced by NASA's technical staff. To ensure timely release of information, there must be cooperation and coordination between our scientific and engineering community and our public affairs officers.

Third, we have identified a number of areas in which clarification and improvements to the standard operating procedures of the Office of Public Affairs can and will be made. The revised policy, when complete, will be disseminated throughout the agency.

I want to encourage employees to discuss this issue and bring their concerns to management so we can work together to ensure that NASA's policies and procedures appropriately support our commitment to openness.

Mike Griffin
NASA Administrator

Find this article at:
http://www.nasa.gov/about/highlights/griffin_science.html

Message From the Under Secretary

October 3, 2006

Dear Colleagues,

Many of you have probably seen the latest reports concerning a document on Atlantic hurricanes and climate. I do not make it a practice to comment on every mischaracterization and falsehood in media reports. However, reports that deal with the agency's scientific integrity strike directly at NOAA's mission and everything the agency does. Therefore, I believe strongly that we must confront them directly and correct them quickly.

Without the foundation of sound science, every decision, policy, and action at the agency can be called into question. Unfortunately, the mere perception of scientific stifling has the same damaging effect. As someone who believes wholeheartedly in NOAA's mission, its people and its work, I will continue to do everything in my power to ensure that NOAA stands for scientific integrity. As I've stated previously, peer-reviewed science speaks for itself and doesn't need me or anyone else to interpret or modify the results. For those of you who know me personally, you realize that I encourage and actively pursue vigorous debate on all topics, particularly including science related to NOAA's mission.

The latest round of news reports focus on an information sheet that was being prepared for this year's hurricane season rollout. The information sheet detailed the current state of the science on the recent increase in hurricane activity. There is currently a healthy debate in the scientific community inside and outside NOAA about whether recent increases are the result of natural cycles, climate change, or other circumstances. The information sheet was prepared and reviewed in a highly collaborative fashion by nearly 50 scientists across the entire spectrum of the debate and aimed to highlight this debate in an easy-to-understand public document.

Media reports have alleged that the document was blocked because it made a reference to work by NOAA scientists that found climate change may have an impact on increased hurricane activity. This charge is inaccurate. The information sheet summarized existing scientific research and findings and contained no new science. In fact, all the studies cited for the information sheet are publicly available on the NOAA website, making the charge that they would somehow now be suppressed all the more unfounded.

The information sheet in question has been posted on our website (PDF document: http://hurricanes.noaa.gov/pdf/hurricanes-and-climate-change-09-2006.pdf). I urge you to read the document so you can judge for yourself. As I tried to make clear to the media, my hope was that this process would be an exercise in scientists with different views coming together to answer important questions. While I fear an official science policy issued by the agency might have the effect of stifling this important debate, I completely support making the public aware of the state of the science. We have established a process for encouraging further scientific debate and developing similar information sheets and we look forward to others coming out in the near future.

I reiterate my call to you to let me know personally if you ever feel like NOAA or DOC processes are not supporting the free flow of your or your colleagues' scientific research. Scientific integrity is critical to NOAA's credibility.

Sincerely,

Conrad C. Lautenbacher, Jr.
Vice Admiral, U.S. Navy (Ret.)
Under Secretary of Commerce for Oceans and Atmosphere and NOAA Administrator

Executive Office of the President
Office of Management and Budget

Executive Office of the President
Office of Science and Technology Policy

June 23, 2006

M-06-17

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: JOHN H. MARBURGER, III
DIRECTOR, OFFICE OF SCIENCE AND TECHNOLOGY POLICY

ROB PORTMAN
DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: FY 2008 Administration Research and Development Budget Priorities

This memo highlights the Administration's research and development (R&D) priorities and emphasizes improving management and performance to maintain excellence and leadership in science and technology. The memo highlights the President's American Competitiveness Initiative, provides general guidance for setting priorities among R&D programs, identifies interagency R&D efforts that should receive special focus in agency budget requests, and reiterates the R&D Investment Criteria that agencies should use to improve investment decisions for and management of their R&D programs. These updated R&D budget priorities reflect an extensive, continuous process of consultation with the President's Council of Advisors on Science and Technology (PCAST) and collaboration within the interagency National Science and Technology Council (NSTC).

Presidential Priority: The American Competitiveness Initiative

To build on America's unparalleled economic success and to remain a leader in science and technology, President Bush has proposed the American Competitiveness Initiative. The centerpiece of the American Competitiveness Initiative is the President's strong commitment to double investment over ten years in key Federal agencies that support basic research in the physical sciences and engineering that has potentially high impact on economic competitiveness. President Bush plans to double investment by the National Science Foundation, the Department of Energy's Office of Science, and the Department of Commerce's National Institute of Standards and Technology core activities. To achieve this doubling within ten years, overall annual increases for these three agencies will average roughly seven percent. Specific allocations will be based on research priorities and opportunities. In addition to the doubling effort at these three agencies, similarly high-impact basic and applied research of the Department of Defense should be a significant priority.

General R&D Program Guidance

The combination of finite resources, the commitment to the American Competitiveness Initiative, and a multitude of new research opportunities requires careful attention to funding priorities and wise choices by agency managers. As has been reiterated previously in these annual memos, agencies must rigorously evaluate existing programs and, wherever possible, consider them for modification, redirection, reduction or termination, in keeping with national needs and priorities. They must justify new programs with rigorous analysis demonstrating their merit, quality, importance and consistency with national priorities. Agencies may propose new, high-priority activities, but these requests should identify potential offsets by elimination or reductions in less effective or lower priority programs or programs where Federal involvement is no longer needed or appropriate.

In general, the Administration favors Federal R&D investments that:

- advance fundamental scientific discovery to improve future quality of life;
- support high-leverage basic research to spur technological innovation, economic competitiveness and new job growth;
- align with the efforts of the Academic Competitiveness Council and the National Math Panel to enable superior performance in science, mathematics and engineering education;
- enable potentially high-payoff activities that require a Federal presence to attain long-term national goals, including national security, energy security, and a next generation air transportation system;
- sustain specifically authorized agency missions and support the missions of other agencies through stewardship of user facilities;
- enhance the health of our Nation's people to reduce the burden of illness and increase productivity;
- ensure a scientifically literate population and a supply of qualified technical personnel commensurate with national need;
- strengthen our ability to understand and respond to global environmental issues and natural disasters through better observation, data, analysis, models, and basic and social science research;
- maximize the efficiency and effectiveness of the science and technology (S&T) enterprise through expansion of competitive, merit-based peer-review processes and phase-out of programs that are only marginally productive or are not important to an agency's mission; and
- encourage interdisciplinary research efforts that foster advancement, collaboration and innovation on complex scientific frontiers and strengthen international partnerships that accelerate the progress of science across borders.

Agencies are expected to conduct programs in accordance with the highest standards of ethical and scientific integrity, and to have clear guidelines on issues such as scientific misconduct, conflict of interest, protection of privacy, and the treatment of human subjects. Agency participation in coordination of relevant standards through NSTC is expected, following the example of the U.S. Federal Policy for the Protection of Human Subjects, known as the Common Rule.

This Administration values science as a basis for effective action in its service to the public, and regards the timely, complete and accurate communication of scientific information an important part of that service. It is also essential for agencies to be aware of and coordinate within their organizations, and with other appropriate offices, the disclosure of information likely to have

high public interest or impact on markets, regulatory affairs, or public health and safety. Accordingly, agencies have already been asked to develop, revise or re-emphasize policies related to scientific openness and to ensure that employees and management understand their rights and obligations under these policies. All federal employees, including scientists, are obliged to distinguish their personal views from the official positions of their agencies, and procedures should be in place to ensure that such distinctions are clearly drawn.

Agencies should maximize the coordination and planning of their R&D programs through the NSTC. Two areas requiring special agency attention and focus through the NSTC are Federal scientific collections and R&D assessment.

- Agencies should assess the priorities for and stewardship of Federal scientific collections, which play an important role in public health and safety, homeland security, trade and economic development, medical research, and environmental monitoring. Agencies should develop a coordinated strategic plan to identify, maintain and use Federal collections and to further collections research.

- Determining the effectiveness of Federal science policy requires an understanding of the complex linkages between R&D investments and economic and other variables that lead to innovation, competitiveness, and societal benefits. An interagency process has been established and is now encouraged to promote and coordinate individual agency and collaborative actions needed to develop "new science of science policy" for better assessing the impact of R&D investments, defining appropriate metrics for measuring this impact, understanding the effect of the globalization of science and technology, and improving the basis for national science policy decisions.

Interagency R&D Priorities

While some priority R&D areas fall mainly within the purview of a single agency, such as the President's space exploration vision at the National Aeronautics and Space Administration, other areas require strong interagency coordination. The following interagency R&D priorities should receive special focus in agency budget requests. Agencies that receive funding for these activities should be prepared to participate in applicable interagency coordination groups to produce: 1) a clear and concise definition of program activities and priorities within the overall priority area; 2) an inventory of the programs in the baseline budget; 3) agency trade-offs that will provide the resources to help produce a coordinated, cross-agency program with greater impact than that of the individual activities; and 4) an interagency implementation plan.

Homeland Security

Almost four years have passed since the publication of the President's *National Strategy for Homeland Security* which identified the Nation's S&T enterprise as a key asset in our efforts to secure the homeland. All parts of that S&T enterprise, both public and private, have answered the call for the development of "new technologies for analysis, information sharing, detection of attacks, and countering chemical, biological, radiological, and nuclear weapons." Despite the significant achievements over the past four years, many challenges remain to mitigate vulnerabilities.

Agencies should place increased emphasis on R&D efforts that support:

- quick and cost-effective sampling and decontamination methodologies and tools for remediation of biological and chemical incidents;
- the development of integrated predictive modeling capability for emerging and/or intentionally released infectious diseases of plants, animals and humans, as well as for chemical, radiological or nuclear incidents, and the collection of data to support these models;
- the exploitation of recent advances in biotechnology to develop novel detection systems and broad spectrum treatments to counter the threat of engineered biological weapons;
- the development of novel countermeasures against the natural or intentional introduction of agricultural threats, including R&D on new methods for detection, prevention, and characterization of high-consequence agents in the food and water supply;
- transformational capabilities for stand-off detection of special nuclear material and conventional explosives;
- biometric recognition of individuals for border security, homeland security, and law enforcement purposes in a rapid, interoperable, and privacy-protective manner; and
- recognizing and expediting safe cargo entering the country legally, while securing the borders against other entries.

Energy Security

In his 2006 State of the Union address, President Bush launched the Advanced Energy Initiative (AEI) to take new, bold steps toward the goal of reliable, affordable and clean energy for all Americans. Agencies should seek ways to support the AEI through fundamental research targeting scientific and technical breakthroughs in two vital areas: diversifying energy sources for American homes and businesses; and increased vehicle efficiency and acceleration of the development of domestic, renewable alternatives to gasoline and diesel fuels. Power diversification possibilities include advanced clean coal and carbon sequestration processes, new semiconducting materials that more efficiently convert sunlight directly to electricity, wind energy dynamics, and clean and safe nuclear energy. Numerous opportunities for alternative fuels range from bio-based transportation fuels such as ethanol, to advanced battery technologies to extend the range of hybrid vehicles and make possible "plug-in" hybrids and electric cars, to hydrogen as promoted through the President's Hydrogen Fuel Initiative.

Advanced Networking and High-End Computing

Under the Networking and Information Technology R&D (NITRD) program, agencies should continue to emphasize their investments in high-end computing. In addition, agencies should give priority to R&D in advanced networking technologies and cyber security. Advanced networking activities should target research on hardware, software, and tools (including large-scale testbeds) for the design of secure, reliable, and scalable data communication networks for high-speed transmission of extremely large data sets. Advanced networking research conducted by agencies with large investments in high-end computing facilities should emphasize enhancing the utility and the scientific impact of such facilities. In the area of cyber security, agency plans must be consistent with the 2006 *Federal Plan for Cyber Security and Information Assurance R&D;* should address any mission-relevant gaps identified in the Federal Plan; and should emphasize coordination, leveraging the efforts of all agencies and, where appropriate, use of coordinated multi-agency investments. Agencies supporting R&D in these and other on-going components of the NITRD program are expected to participate in interagency planning through the NSTC to help prioritize future investments.

National Nanotechnology Initiative

Continued Federal investment in the agency programs that make up the National Nanotechnology Initiative (NNI) facilitates breakthroughs and maintains U.S. competitiveness in this field. The NNI should support both basic and applied research in nanoscience, develop instrumentation and methods for nanoscale characterization and metrology, and disseminate new technical capabilities, including those to help industry advance nanofabrication and nanomanufacturing. Because research at the nanoscale offers natural bridges to interdisciplinary collaboration, especially at the intersection of the life and physical sciences, the Administration encourages novel approaches to accelerating interdisciplinary and interagency collaborations. Activities such as joint programs utilizing shared resources or leveraging complementary assets, as well as support for interdisciplinary activities at centers and user facilities should receive higher relative priority. To ensure that nanoscience research leads to the responsible development of beneficial applications, high priority should be given to research on societal implications, human health, and environmental issues related to nanotechnology and agencies should develop, where applicable, cross-agency approaches to the funding and execution of this research.

Understanding Complex Biological Systems

Agencies should target investments toward the development of a deeper understanding of complex biological systems, which will require collaborations among physical, computational, behavioral, social, and biological scientists and engineers who will, among other things, need to develop the data management tools and platforms necessary to facilitate this research. Access to new biotechnological tools and increasing amounts of genetic sequence data will open new avenues for research into the functional implications of gene expression. At the same time, rapidly developing methods and capabilities within the behavioral and social sciences are enhancing our knowledge of organisms and larger systems and providing greater insight into the relationship between biological, physiological and cultural influences on human behavior and decision-making. Continued research at both the cellular/sub-cellular and the organism/ community levels has the potential to have significant impact on national security and homeland security, health, environmental management, and education. In particular, this research is relevant to the prevention and treatment of infectious disease, and to inherently complex issues such as obesity, which should remain a priority area for interagency research coordination.

Environment

The Administration's environmental research initiatives are critical for achieving sustained economic growth while ensuring a healthy environment.

Global earth observations support research in a wide range of sciences important for society. The *U.S. Strategic Plan for an Integrated Earth Observations System* provides guidance for agencies contributing to these efforts and establishes six Near Term Opportunities that serve as the focal point of U.S. R&D activities. Agencies are encouraged to align their R&D programs in this area with the recommendations in the U.S Group on Earth Observations' annual report, *Development of the U.S. Integrated Earth Observations System: Progress and Recommendations for the Way Forward.*

Investments in global climate change science and technology continue to improve our understanding of climate variability and change, provide the basis for sound long-term climate policy decision-making by helping to reduce uncertainty in climate projections, and enable the development of new technologies. Agencies should continue to support the goals of the 2003 *Strategic Plan for the U.S. Climate Change Science Program* and continue to work together to develop the Synthesis and Assessment Reports called for in that report.

Agencies are encouraged to continue implementing activities outlined in the Administration's 2004 U.S. Ocean Action Plan, to continue to participate in the development of an Ocean Research Priorities Plan and Implementation Strategy and to begin aligning their budgets to match the emerging priorities that will be finalized this year, and to integrate U.S. ocean observing efforts into the Global Earth Observation System of Systems.

U.S. and global supplies of fresh water continue to be critical to human health and economic prosperity. Agencies, through the NSTC process, are developing a coordinated, multi-year plan to improve research aimed at understanding the processes that control water availability and quality, and to improve collection and availability of the data needed to ensure an adequate water supply for the future. Agencies should participate in the finalization of this plan and in its subsequent implementation.

Research and Development Investment Criteria

The President's Management Agenda directs agencies to use the R&D investment criteria to improve investment decisions for and management of their R&D programs. Under this initiative, three primary criteria apply to all R&D programs: relevance; quality; and performance.

Industry-relevant applied R&D must meet additional criteria. The specific activities that programs should undertake to demonstrate fulfillment of the R&D investment criteria are described in a previous year's memorandum, which is available at:
http://www.whitehouse.gov/omb/memoranda/m03-15.pdf

Many of these specific activities have been incorporated into the Program Assessment Rating Tool (PART) that has been tailored for R&D programs. Agencies should use the criteria as broad guidelines that apply at all levels of Federally funded R&D efforts, and they should use the PART as the instrument to periodically evaluate fulfillment of the criteria at the program level.

The R&D criteria have benefited from years of working with agencies, other stakeholders, and experts in assessment, to build on the best of existing R&D planning and assessment practices. The R&D investment criteria continue to:

- Provide tools for programs, agencies, and policy makers to select, plan, and manage R&D programs effectively, to increase the productivity of the Federal R&D portfolio and the return on taxpayer investment;
- Help convey the Administration's expectations for proper program management;
- Set standards for information to be monitored and provided in program plans and budget justifications; and
- Ultimately improve public understanding of the potential benefits and effectiveness of the Federal investment in R&D.

Council on Environmental Quality Office of Science & Technology Policy

February 7, 2007

An Open Letter on the President's Position on Climate Change

Following last Friday's release of a new report by the U.N. Intergovernmental Panel on Climate Change, a number of media reports perpetuated inaccuracies that the President's concern about climate change is new. In fact, climate change has been a top priority since the President's first year in office.

Beginning in June 2001, President Bush has consistently acknowledged climate change is occurring and humans are contributing to the problem. Consider the following statements by the President:

- "First, we know the surface temperature of the earth is warming…There is a natural greenhouse effect that contributes to warming…And the National Academy of Sciences indicates that the increase is due in large part to human activity." – June 11, 2001

- "My Administration is committed to cutting our Nation's greenhouse gas intensity…by 18 percent over the next 10 years. This will set America on a path to slow the growth of our greenhouse gas emissions and, as science justifies, stop and then reverse the growth of emissions." – February 14, 2002

- "America is on the verge of technological breakthroughs that will enable us to live our lives less dependent on oil….they will help us to confront the serious challenge of global climate change." – January 23, 2007

President Bush committed the United States to continued leadership on the issue and since 2001 has dedicated nearly $29 billion to advance climate-related science, technology, international assistance, and incentive programs. This is far more than any other nation. Since 2002, the Administration has spent more than $9 billion of this amount on climate change research and, under his direction, agencies developed a 10-year strategic research plan for climate science that was endorsed by the National Academy of Sciences. Further, federally funded scientists have conducted an abundance of research, published their findings in peer reviewed papers and journals and talked with colleagues, policymakers, and media around the world about their findings.

The President is firmly committed to taking sensible action on climate change that will, as the President said in 2002, "harness the power of markets, the creativity of entrepreneurs, and draw

upon the best scientific research." He also has set ambitious goals. In 2002, he announced plans to cut our Nation's greenhouse gas intensity -- how much we emit per unit of economic activity -- by 18 percent by 2012.

Between 2003 and 2006, the President committed nearly $3 billion annually–more than any other country in the world – to climate change technology research and deployment programs. His administration is carrying out dozens of federal programs, including partnerships, consumer information campaigns, incentives, and mandatory regulations. These programs are directed at developing and deploying cleaner, more efficient energy technologies, conservation, biological sequestration, geological sequestration and adaptation. The U.S. is also the global leader in promoting the production and use of biofuels – consuming more than any other nation last year – and commercial deployment of highly efficient advanced coal technology – moving forward with a multi-billion dollar private sector commitment to build nine projects in nine states, qualifying for a billion dollars in new tax incentives, with more on the way this year.

Our unparalleled financial commitment and responsible policies are working, and we are on track to meet the President's goal. Our emissions performance since 2000 is among the best in the world. According to the International Energy Agency, from 2000-2004, as our population increased and our economy grew by nearly 10%, U.S. carbon dioxide emissions increased by only 1.7%. During the same period, European Union carbon dioxide emissions grew by 5%, with lower economic growth.

Internationally, the President is working closely with his G-8 counterparts and other key world leaders to address the serious, long-term challenge of global climate change, recognizing that energy security, clean energy, and climate change go hand in hand and must be tackled in an integrated manner. Since 2001, the U.S. has established 15 bilateral climate partnerships with countries and regional organizations. In addition, there are multiple multilateral climate change initiatives. Among the most notable efforts is the recently established Asia-Pacific Partnership on Clean Development and Climate, which is a proactive approach to engage developing countries like India and China, which do not have targets under the Kyoto protocol.

This year the President once again made clear in his State of the Union Address his commitment to confronting climate change. The policies he has in place, coupled with his bold energy initiative to cut gasoline consumption by 20% in 10 years, will continue to yield results. The President has been, and will continue to be, an international leader on climate change by, in his words, "advancing new technologies that will enable us to do two things – strengthen our economy, and at the same time, be better stewards of the environment."

Sincerely,

James L. Connaughton
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John H. Marburger, III
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