

"External Links from the EPA Public Access Web Site"

1. Purpose: To establish a policy regarding external links from pages on the EPA Public Access Web site (www.epa.gov) to other Web sites. "External links" are defined as those that connect to any Web site which is not part of www.epa.gov.

2. Audience: Office Directors and Regional equivalents, Web managers, Web developers and contractor employees who produce EPA Web pages

3. Background: Linking to external sources is an integral function of the World Wide Web. Linking can add significant value to the functionality and service provided by the EPA Public Access Web site by expanding available resources. It facilitates access to freely available Web tools as well as specific information not on EPA's site, and provides bibliographic references for users. Linking is more cost effective than duplicating and maintaining the desired information on EPA's site or developing similar information internally. Links can also be used to foster an electronic environmental community in support of the Agency's mission and programs, and to recognize partners and participants in voluntary programs. Therefore, linking to external sources of relevant or supportive information provides a useful and very important service for EPA customers. Linking also encourages other organizations with related missions and content to link to EPA's Web site, which increases and broadens readership of the Agency's Web site. However, it is essential that EPA have standards to guide this significant activity. EPA offices must use links within a consistent and reasonable policy framework. Without a clear policy for creating links, the Agency cannot guarantee that its Web site links are appropriate to its mission and program objectives (see Attachment C, summary of the case of *The Putnam Pit, Inc., v. City of Cookeville, Tennessee*. The city did not have a policy on creating links.). Aside from legal challenges, establishing inappropriate links or failure to ensure the continued integrity, usefulness and reliability of linked materials can undermine the value of EPA's site. Agency offices can manage links responsibly through a judicious choice of links; by clearly letting users know when they are exiting the EPA Public Access Web site, along with appropriate disclaimers; and by active maintenance and oversight of linkages.

4. Policy: Links will be made from the EPA Public Access Web site to other Web sites only when the information is appropriate and relevant to the mission of the Agency and its programs. a. Care must be taken regarding the types of Web sites to which EPA links in order to avoid misrepresenting EPA's policies, positions, or data, or giving the appearance of an Agency endorsement of a commercial product, service or partisan political position (see Attachment A, Guidelines for Selecting and Maintaining Links to External Web Sites). Links to .gov (government) and .mil (military) sites are generally acceptable. The following rules apply to external links:

- a. Links must be to information that is directly related to EPA's mission and programs.
- b. Links will be made directly to the page(s) containing the relevant information.
- c. When linking to a source or service provided by multiple vendors, avoid the appearance of favoritism -- e.g., by linking to several vendors or providing disclaimers.
- d. Pages containing solicitations for funds will be avoided.
- e. Where appropriate, links will reflect a balance of views, i.e., reflect a variety of views on issues.
- f. There will be no links to pages expressing partisan political views.
- g. Each external link will employ an "EXIT Disclaimer" icon. The EXIT Disclaimer icon will link to a page, maintained by the Office of Information Analysis and Access, containing EPA's standard disclaimer language. Those who go to the disclaimer will have to click the "Back" button on their browser screen to return to the EPA page before clicking on the external link.
- h. On pages which consist mainly of external links, it is not required to place the icon at each link, provided the icon and the standard disclaimer language are prominently displayed at the beginning of the page.
- i. Program offices which choose to utilize other than the standard disclaimer must comply with the disclaimer criteria in Attachment B, have the language reviewed and approved by the Office of Information Analysis and Access (OIAA) of the Office of Environmental Information (OEI), and design the Web page so that the reader must pass through the disclaimer text page before automatically accessing the linked page.
- j. Each office is encouraged to develop a rationale for establishing links from each of its Web sites. Before selecting links, the Web manager should consider an appropriate range of views to which the site might refer, and alternative links that might be considered. The Web manager's considerations should include how the selected link(s) supports EPA's, and the office's or program's mission, why this particular link or set of links was selected, and the purpose and objective of that Web page in the context of the office's entire Web site.
- k. The burden of monitoring links on the site should also be considered before links are made. Office Directors are responsible for ensuring the integrity and continuing appropriateness of the linked-to sites through frequent checks, performed at least quarterly (see Attachment A, Guidelines for Selecting and Maintaining Links to External Web Sites). The Office of Information Analysis and Access and the National Technology Services Division (NTSD) of OEI's Office of Technology Operations and Planning will provide assistance in reviewing links.

5. Roles and Responsibilities: The Chief Information Officer is responsible for monitoring compliance with this policy. a. Office Directors (or equivalent direct report to the RA in the regions) have responsibility for all content on their Web sites, including links. They may, however, delegate the authority to approve and monitor links to subordinates of their choosing, while remaining accountable for the choices made. b. Web managers, web page developers, and contractor employees are responsible for ensuring that all Web sites developed for the Agency comply with this policy.

6. Related Documents: a. Paperwork Reduction Act (PRA) of 1980, as amended in 1995, requires agencies to provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology. b. OMB Circular No. A-130, Management of Federal Information Resources, revised February 2, 1996, states that every agency has a responsibility to inform the public within the context of its mission. This responsibility requires that agencies distribute information at the agency's initiative, rather than merely responding when the public requests information. c. EPA Web guide (<http://www.epa.gov/webguide/>)

7. Recertification Date: Three years from date issued.

8. Additional Information: For further information about this Order, please contact Chief, Policy and Program Management Branch, Office of Information Analysis and Access, 202-566-0668. Attachments A. Guidelines for Selecting and Maintaining Links to External Web Sites B. Guidelines for Non-Standard Disclaimers for External Links C. The Putnam Pit, Inc. v. City of Cookeville, Tennessee

Attachment A **"Guidelines for Selecting and Maintaining Links to External Web Sites"**

Please refer to the EPA Webguide (epa.gov/webguide) for an understanding of terms used in this guidance.

“DO” Use Candidate Links, When the Link:

- § Is relevant to or generally supportive of EPA's mission, and
- § Clearly provides a benefit to or otherwise enhances the value of the information that EPA is providing, and
- § Helps the reader understand the information on EPA's page, and
- § Is well maintained and current, and
- § Is a reliable site with regard to quality, site operations and maintenance, and
- § Has a clear value for EPA's site, as demonstrated by the Office Director's concurrence

Examples of external links that can support EPA's mission include information or tools that will:

- § Assist regulated entities in complying with EPA regulations (e.g., links to reporting software, compliance services)
- § Assist state and local entities with their delegated responsibilities or other activities that support EPA's mission ! Assist entities in coordinating with one another toward accomplishing EPA's mission (e.g., information exchange for local government entities)
- § Help citizens better understand issues or find more information on a topic (e.g., point out an award-winning environmental program).

- § Help citizens connect and become involved with entities which help to advance EPA's mission.

Related Considerations

- a. EPA offices cannot guarantee the quality and integrity of sites to which they link (and therefore we post a disclaimer), but Web site managers have a duty to judge the quality and presentation of data on a candidate site before establishing a link to it. EPA should make every effort to link to information sources that are reputable and contain accurate data and information. Care should be taken to ensure that individual links do not, combined with EPA information, collectively provide sensitive information that might be misused.
- b. Web site managers should link to sites that are well maintained and contain current information. However, be careful that linked-to sites are stable. Determine whether the quality and focus of the linked information will remain consistent and reliable. If a site does not appear to be stable, or changes so frequently that the usefulness of the link seems questionable and the link will require considerable monitoring, it is not advisable to link to that site.
- c. It can be very useful to provide users with links to a variety of views on a given subject. But clearly it is not necessary to link to all views or reference all sites. It is important to seek a balance. And when the Agency has made a clear policy or rule decision, consider whether it is appropriate to link to sites that specifically contradict that decision. Such links might be counterproductive in explaining the Agency's information and position.
- d. Review EPA's standard disclaimer text, and decide whether it is sufficient and relevant to your Web page as you have designed it. If not, see Attachment B, Guidelines for Non-Standard Disclaimers for External Links.

“DON'T” Link to Web sites that:

- § advocate a specific political party position or membership in an organization, advise people to contact an elected representative,
- § have solicitations to buy products or services,
- § make requests for contributions, ! contradict positions or information with regard to emergency directives issued by the Agency, or
- § charge a fee (see discussion in Attachment B, item “c.”)
- § utilize technology which unreasonably inconveniences the user (such as multiple pop-up advertisements, inability to exit the site, etc.)

Establishing and Maintaining Links

- § Every link to a non-EPA site must clearly indicate to users that they are leaving the EPA Public Access Web site (www.epa.gov). If the Uniform Resource Link does not

obviously reflect the ownership of the link, associate a name or label with the link that makes it clear where users will be going.

- § The required “Exit Disclaimer” icon, which links to the standard disclaimer text, provides a quick visual clue to users that they are leaving the EPA site. ! When possible, links should be made directly to the information, rather than to an intermediary.
- § Go as deep onto the non-EPA site as possible and appropriate. Not only should this reduce the appearance of endorsing an entire organization, but it will aid users in more easily finding the information since they will not have to figure out where the information is located on the external site.
- § If the link cannot be made directly to the information of interest, directions on how to get to the information from the linked location should be provided on the EPA page.*
- § In any case, links should not be made directly to the home page of the organization unless that is the page with the relevant information (such as providing the viewer with a link to a supplier of environmental education resources or their local watershed council).
- § Links must be checked regularly, not only to make sure they are still active, but also to ensure the page being linked to has not been replaced with something inappropriate under EPA's guidelines. Software is available from the Office of Information Analysis and Access to assist in performing this task. The EPA Surf Shop (<http://intranet.epa.gov/surfshop/>), through the Working Capital Fund, can also provide assistance. * Database-driven Web sites are becoming more common. Web pages from such pages are produced “on-the-fly” as requested. Consequently, a link to a specific document will not work. If the information can only be found through a site's search engine, the EPA page should include instructions on how to retrieve the relevant information. For example, the National Library of Medicine's Internet Grateful Med (IGM) consists of a gateway to many databases. If an EPA page is referring customers to one of those databases, it should indicate which database the person should select, and the topic for which to search, rather than just pointing to the IGM page without explanation.

Attachment B

"Guidelines for Non-Standard Disclaimers for External Links"

EPA requires use of the standard disclaimer. However, in some cases it may be appropriate for a program office to develop a different version. Program offices should consider the points below in preparing a non-standard disclaimer. Disclaimers should use neutral, factual language and avoid opinions, and should address:

- a. Liability The quality of the information being linked to is important. Since this can be difficult to judge, a statement that EPA is not responsible for the quality of the information should be included in all non-standard disclaimers for links, though these statements might be less stringent for government (.gov), military (.mil) or partnership sites.

b. Endorsement Links should not give the appearance of endorsing the views of other organizations or commercial products or services. Disclaimers should note that recognition of one product or activity of a company does not indicate EPA approval or acceptance of all activities conducted by the company or organization.

c. Notice about fees Links to sites that charge people for access, or through which the information desired must be purchased, should include a notice warning the user of that fact. Examples of such sites include commercial sites and government sites. The National Institute of Environmental Health Sciences (NIEHS) charges a fee for users to be able to access its Environmental Health Information Service. Likewise, many EPA reports are only available through the National Technical Information Service for a fee. In general, it is not advisable to link to commercial sites that charge fees. You might link to a commercial site with a fee in some limited cases, e.g., if there is a unique service or data set that some users could find particularly valuable.

**Attachment C,
"The Putnam Pit, Inc. v. City of Cookeville, Tennessee"
(221 F.3d 834) United States Court of Appeals, Sixth Circuit Decided July 19, 2000**

Plaintiff, Geoffrey Davidian, appeals the district court's grant of summary judgment on his claims that the City of Cookeville, Tennessee, and its city manager, Jim Shipley, violated his First Amendment rights by: 1) failing to provide him copies of or access to electronic information held by the city, and 2) refusing to establish a hypertext link from the city's Web site to the Web site of his publication, The Putman Pit. The Court affirmed the grant of summary judgment with regard to the records challenge, but reversed and remanded for trial on the hypertext link claim. Facts The Putman Pit is a small, free tabloid and Web page published and edited by Davidian. Davidian, as editor of The Putman Pit, has made extensive requests for public information from the city. In July 1997, Davidian requested a copy of the computer files of the outstanding parking tickets issued by the city. The city did not provide these files in electronic form, but gave Davidian a hard copy. In October 1997, Davidian requested that the city allow a hypertext from the city's Web site to The Putman Pit site, but the city denied that request as well. In September 1997, the city passed an ordinance regarding public access to records, including a specification that the city is not obliged to provide electronic copies of information when it is not kept in that format in the normal course of business. In October 1997, Davidian filed suit in state court against the City of Cookeville and City Manager Jim Shipley, in his official capacity, for violations of his First Amendment, due process and equal protection rights, and a variety of state law claims. The Court determined that Davidian has no First Amendment right to government information in a particular form, as long as the information sought is made available as required by the First Amendment. On the hyperlink issue, Davidian alleged that the City of Cookeville violated his First Amendment rights when it refused to establish a hyperlink from the city's Web site to The Putman Pit Web site. At the time Davidian requested the link, several for-profit and non-profit entities were linked from the city's Web site. Cookeville did not have a stated policy on who could be linked from the city's Web page prior to Davidian's request. The decision to link was controlled by the computer operations

manager, who added links as they were requested. When Davidian asked for a link to be established to The Putman Pit, the computer operations manager notified the city manager of the request because, “Mr. Davidian and The Putman Pit are a very controversial topic and I did not feel it would be in my own personal best interest to make the decision to or not to link The Putman Pit to our Web site.” After learning of Davidian’s request, the city manager decided to limit links from the city’s Web page to nonprofit organizations only. He stated that even if The Putman Pit were a non-profit organization, he would not have allowed the link. The City determined that links would be allowed from the Cookeville Web site to other sites which would promote the economic welfare, tourism, and industry of the city. Pursuant to this policy, The Putman Pit was denied a link and several links to other Web sites were removed from the city’s Web page. The Court found that Cookeville, regardless of the access policy in place, has continually established links from the city’s Web site to other Web sites on an individualized basis. Its initial process, in which users requested a link from the computer operations manager, did not open up access to any specified group of users. Under the proposed “non-profit only” standard, or the final standard adopted, the city continued to review, on a case-by-case basis, whether or not the proposed linked site met the standard. Pursuant to the implementation of the final policy, the city took away several existing links to sites because the sites were incompatible with the policy. The primary purpose of the city’s Web site is to convey information about benefits and opportunities within the city. The Court concluded that the city’s Web site, which established links to other Web sites, is a non-public forum under the First Amendment. Legal Reasoning In both designated public fora and nonpublic fora, the government may not discriminate based upon the viewpoint of the speaker. “[T]he government violates the First Amendment when it denies access to a speaker solely to suppress the point of view he espouses on an otherwise includible subject.” *Cornelius v. NAACP Legal Defense & Educ. Fund, Inc.*, 473 U.S. 788, 806 (1985). (In this case, the Court established the forum analysis “as a means of determining when the Government’s interest in limiting the use of its property to its intended purpose outweighs the interest of those wishing to use the property for other purposes.”). “When the government targets not subject matter, but particular views taken by speakers on a subject, the violation of the First Amendment is all the more blatant. Viewpoint discrimination is thus an egregious form of content discrimination.” *Rosenberger v. Rector and Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995). The Court held that Davidian has no entitlement to a link from the city’s Web site, but he may not be denied one solely based on the controversial views he espouses, without regard for the forum’s purpose and structure. The city’s establishment of a policy to limit the pool of persons who might be linked from the city’s Web page is reasonable. The city also has legitimate interests in keeping links that are consistent with the purpose of the site – providing information about city services, attractions, and officials. Nevertheless, the requirement that Web sites eligible to be linked from the city’s site promote the city’s tourism, industry, and economic welfare gives broad discretion to city officials, raising the possibility of discriminatory application of the policy based on viewpoint. In fact, the city’s implementation of these policies suggests viewpoint discrimination. The implementation of the city’s new policy to limit links to non-profits, which was at least stimulated by Davidian’s request, was then used to deny Davidian’s Putman Pit site a link from the city’s Web page. The city’s actions, some of which appear to be tied to the

city's interests, and others which appear less clearly relevant to the purpose of the city's Web site, led the Court to reverse the district court's grant of summary judgment because Davidian raised an issue of material fact regarding whether the city discriminated against him and his Web site based upon viewpoint. The case was remanded to the district court, for further proceedings consistent with this opinion, on Davidian's claim that his First Amendment rights were violated by denial of a hyperlink from the city's Web site.