U.S. EPA Scientific Integrity Program
Determination regarding Allegations of a Loss of Scientific Integrity concerning Remarks by Administrator Pruitt

May 9, 2017
DRAFT

Background on Scientific Integrity

The U.S. Environmental Protection Agency (EPA) is dedicated to preserving the integrity of the scientific and scholarly activities it conducts and that are conducted on its behalf. The EPA Scientific Integrity Policy[1], dated February 2012, provides principles and standards to ensure scientific integrity in the use, conduct, and communication of science. When this policy is not adhered to, or is circumvented, the robustness of EPA science and the trust in the results of our scientific work can be impacted, causing loss of scientific integrity. Loss of scientific integrity is the result of a deliberate action by an employee that compromises the conduct, production, or use of scientific and scholarly activities and assessments. EPA does not tolerate loss of integrity in the performance of scientific and scholarly activities or in the application of science in its decision making.

Procedures for Resolving Allegations of a Loss of Scientific Integrity

Allegations of the loss of scientific or scholarly integrity are submitted to the EPA's Scientific Integrity Official (ScIO). Three criteria are considered when establishing a loss of scientific integrity:

1) There is a significant departure from accepted practices of the relevant scientific or scholarly community;
2) The actions causing the loss of integrity are committed intentionally, knowingly, or recklessly; and
3) The allegation is proven by a preponderance of evidence.

If there is a reasonable basis to believe that the allegation may have merit, a Scientific Integrity Review Panel, comprised of the relevant Deputy Scientific Integrity Official (DScIO) and two or more impartial DScIOs, provides a review of the science and other relevant information and reach a majority consensus.

Background and Summary of the Allegation

- On March 9, 2017, during a CNBC interview, Administrator Pruitt was asked, "Do you believe that it's been proven that carbon dioxide is the primary control knob for climate?" He responded:

> "No. I think that measuring with precision human activity on the climate is something very challenging to do, and there's tremendous disagreement about

[1] https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf (last visited April 4, 2017)

the degree of impact. So no, I would not agree that it's a primary contributor to the global warming that we see. But we don't know that yet . . . We need to continue the debate and continue the review and the analysis."[2]

- On March 14, 2017, The Sierra Club submitted an allegation[3] to the EPA Office of Inspector General asserting that Administrator Pruitt's response contradicted the international scientific consensus on climate change, and alleging this was a violation of the U.S. Environmental Protection Agency's Scientific Integrity Policy.[4]

- On March 29, 2017, the Office of Inspector General (OIG) referred this allegation to the EPA Scientific Integrity Official, Francesca Grifo, and informed the Sierra Club of this referral.
  - The referral from the OIG indicated that if, after the Scientific Integrity Official reviewed this case, "there is some aspect of the letter itself, or your findings or conclusions that you believe are appropriate for further consideration by the OIG, please notify [the OIG]."

- During the inquiry regarding this allegation, the ScIO evaluated the original letter submitted by the Sierra Club, the content of the Scientific Integrity Policy under her purview, and the Coordination Procedures between the Scientific Integrity Official and the Office of Inspector General regarding Research Misconduct Allegations[5].

- To assist in the review of this allegation, on April 24, 2017, the SCiO convened a Scientific Integrity Review Panel (SIRP). The panel members were John Reeder (the DScIO for the Office of the Administrator), Bruce Rodan, MBBS, MEnvS, MPH (the DScIO for the Office of Research and Development (ORD)), Betsy Shaw (the DScIO for the Office of Air and Radiation), Carol Ann Siciliano, J.D. (DScIO for the Office of General Counsel (OGC)), and Kevin Teichman, Ph.D., (ORD Senior Science Advisor and chair of the committee that wrote the Scientific Integrity Policy).

Allegation

- Administrator Pruitt's statement contradicts the international scientific consensus on climate change, and thereby violates the U.S. Environmental Protection Agency's Scientific Integrity Policy.

Analysis

The Scientific Integrity team, together with the Scientific Integrity Review Panel named above,

[2] Video clip of the interview: http://www.businessinsider.com/scott-pruitt-climatechange-2017-3 (last visited 3/13/17).
[3] https://www.docdroid.net/HvDdJZs/sierra-club-scientific-integrity-complaint-3-14-17.pdf.html (last visited 4/4/17)

[4] https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf (last visited 4/4/17)

[5] https://intranet.ord.epa.gov/sites/default/files/media/oig-scio_coordination_procedures_final.pdf (last visited 4/4/17)

focused its review on the following text included in the EPA Scientific Integrity Policy[6]:

> *When an Agency employee substantively engaged in the science informing an Agency policy decision disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon for said Agency decision, the employee is encouraged to express that opinion…*

The Scientific Integrity Policy applies to all EPA employees, contractors, grantees, collaborators, and student volunteers, including political appointees. The freedom to express one's scientific opinion is fundamental to EPA's Scientific Integrity Policy, even (and especially) when that point of view might be controversial..

The Scientific Integrity Policy explicitly protects differing opinions. This protection is afforded to any employee "substantively engaged in the science," including the Administrator when he or she speaks on matters of science "informing an Agency policy decision." The protection is forward-looking and is designed to encourage the employee to express his or her opinion if he or she "disagrees with the scientific data, scientific interpretations, or scientific conclusions that will be relied upon for said Agency decision."

In this case, the Administrator was asked a science-related question during a television interview, "Do you believe that it's been proven that carbon dioxide is the primary control knob for climate?"

The Administrator responded, "No. I think that measuring with precision human activity on the climate is something very challenging to do, and there's tremendous disagreement about the degree of impact. So no, I would not agree that it's a primary contributor to the global warming that we see. But we don't know that yet . . . We need to continue the debate and continue the review and the analysis."

In his response, the Administrator expressed his opinion regarding contributors to global warming and called for more debate, review, and analysis as a precursor to any future EPA policy decision on the matter. This expression of opinion, which was not made in a decisional context, is fully within the protections of EPA's Scientific Integrity Policy and does not violate that Policy. We also note that, in his remarks, the Administrator did not suppress or alter Agency scientific findings.

Expressing an opinion about science is not a violation of the EPA Scientific Integrity Policy. Indeed, the Scientific Integrity Policy – in the spirit of promoting vigorous debate and inquiry – specifically encourages employees to express disagreement with scientific data, scientific interpretations, or scientific conclusions.

Findings

Criteria to Establish a Loss	Findings by the Scientific Integrity Review Panel

[6] https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf (last visited April 4, 2017)

of Scientific Integrity	
A significant departure from accepted practices of the relevant scientific or scholarly community	No, the Scientific Integrity Policy encourages all EPA employees to express differing opinions.
The actions causing the loss of integrity were committed intentionally, knowingly, or recklessly	This criterion is not relevant here, since there was no violation of the Scientific Integrity Policy.
The allegation is proven by a preponderance of evidence.	The allegation is not supported by evidence that expressing an opinion (especially if controversial) is a violation of the Scientific Integrity Policy.

Decision

Expressing an opinion is not a violation of the EPA Scientific Integrity Policy and, as such, the Administrator's response does not violate the Agency's Scientific Integrity Policy.