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EPA Response to Sierra Club Letter to the Office of Inspector General

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On July XX, 2017, the U.S. Environmental Protection Agency (EPA) responded to a letter from Sierra Club dated March 14, 2017, to EPA's Office of Inspector General. In its letter, Sierra Club requested an inquiry into public statements regarding climate change made by Administrator Pruitt and said that his statements violated the EPA Scientific Integrity Policy. A Scientific Integrity Review Panel made up of Deputy Scientific Integrity Officials from across the Agency was convened to review the Administrator's comments. EPA's response to the Sierra Club explains that the Panel found that the Administrator's expression of his opinion was not made in a decisional context and did not violate the Policy. The Panel stated that an agency employee is free to express one's opinion on the science. This is a fundamental principle to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial. This protection is afforded to any employee including the Administrator.

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Background:

EPA's Scientific Integrity Policy, which was issued in February 2012, provides a framework to ensure scientific integrity throughout EPA and to promote scientific and ethical standards, communications with the public, the use of peer review and advisory committees, and professional development.

To assist in the review of this allegation, the Scientific Integrity Official (ScIO) convened a panel of Deputy Scientific Integrity Officials from across the Agency. The panel's analysis concluded that the Scientific Integrity Policy applies to all EPA employees, including political appointees, as well as contractors, grantees, collaborators, and student volunteers. In addition, the Scientific Integrity Policy explicitly protects differing opinions, stating that:

> *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...*[1]

[1] EPA's Scientific Integrity Policy: https://www.epa.gov/sites/production/files/2014-02/documents/scientific_integrity_policy_2012.pdf

The freedom to express one's opinion on the science is fundamental to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial. This protection is afforded to any employee "substantively engaged in the science," including the Administrator when he 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 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.

Questions and Answers:

1. **What were the findings of the Scientific Integrity Official?**

   The Scientific Integrity Review Panel stated that an agency employee is free to express one's opinion on the science. This is a fundamental principle to EPA's Scientific Integrity Policy even (and especially) when that point of view might be controversial. This protection is afforded to any employee including the Administrator.

2. **Do you believe that the overwhelming evidence implicating carbon as the cause of climate change is insufficient and requires additional study?**

   The question is whether the Administrator violated the Scientific Integrity Policy when he expressed his opinion. Everyone has the right to form their own opinion, including the Administrator of the EPA.

3. **Who conducted the evaluation of this allegation of a violation of the Scientific Integrity Policy?**

   The evaluation of this allegation of a violation of the Scientific Integrity Policy was made by a Scientific Integrity Review Panel consisting of Deputy Scientific Integrity Officials from across the Agency.

4. **What criteria did EPA use to evaluate this allegation of a loss of scientific integrity?**

   The Scientific Integrity Review Panel focused its review on the following text in the Scientific Integrity Policy:

   > *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 panel concluded that expressing an opinion about science is not a violation of EPA's Scientific Integrity Policy.

5. **Did the Administrator or anyone else in the new administration play a role in the evaluation of this allegation?**

   No.

6. **Has the new administration tried to influence or diminish the importance of scientific integrity at EPA?**

   No.

7. **Why didn't Francesca Grifo, EPA's Scientific Integrity Official, respond to the letter?**

   Dr. Grifo was an integral part of this process. She organized the review panel, led them through their deliberations and recommendations, and drafted the report and letter. She was unavailable to finalize or sign the final response letter for health reasons.

8. **Why is scientific integrity important?**

   EPA's ability to pursue its mission to protect human health and the environment depends upon the integrity of the science on which it relies. When dealing with science, it is the responsibility of every EPA employee to conduct, utilize, and communicate science with honesty, integrity, and transparency, both within and outside the Agency.

9. **Will policy decisions at EPA continue to be based on sound science?**

   Yes, sound science should always provide a basis for policy decisions. At the same time, policy decisions may also consider regulatory authority, gaps in the underlying science, practicality, economics, and societal impact. The factors considered depend upon the statute under which the policy decision is made.

10. **What can you tell me about other allegations of a loss of scientific integrity that the Agency is evaluating?**

    Allegations of a loss of scientific integrity are treated confidentially. We do not provide any information about active allegations. Once our assessment is complete, we provide summary information to the interested parties and post summaries in our annual reports on scientific integrity.

11. **What authority does the EPA ScIO have to conduct an investigation of the EPA Administrator?**

    The EPA Scientific Integrity Policy is applicable to all EPA employees including scientists, managers, and political appointees.

12. **Shouldn't the ScIO be concerned when the denial of scientific facts is used to undo environmental regulations and support special interests?**

    The scientific process and interpretation of the science depends upon objectivity and transparency. All high quality scientific findings should be considered; not just those supporting

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one position or another. The Scientific Integrity Policy supports the use of independent peer review by those without a conflict of interest.

13. **The EPA Scientific Integrity Policy states that … *political appointees … are required to follow this policy when … communicating information in an official capacity about Agency scientific activities*. Didn't the EPA Administrator intentionally communicate misinformation about scientific facts and isn't that a lack of scientific integrity?**

In this instance, the Administrator was asked his personal opinion, which he provided. The policy endorses differing opinions about science.

14. **Can you provide an example of a scenario that would be a loss of scientific integrity?**

Here are three examples:

- Taking credit for the intellectual work of another.
- Preventing the release of a scientific document, because you did not like its findings or the scientists involved.
- Intentionally misrepresenting the scientific findings of a study to support a preferred position.

15. **What role does the Scientific Integrity Official have in preventing the denial of scientific facts?**

The Scientific Integrity Policy promotes timely release of scientific findings, high quality scientific research free from political interference and personal motivations, and the appropriate use of independent peer review.

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16. **The Administrator has said that he is creating a Red Team-Blue Team process to debate climate science. How would the Scientific Integrity Policy apply to that exercise?**

The Scientific Integrity Policy encourages the expression of differences in scientific opinions.

17. **What efforts are being made by the Administrator to honor and promote the Policy at the agency among the political appointees?**

Starting in January 2017, all new EPA employees, including career employees and political appointees, are required to take on-line scientific integrity training. Showing this training to new employees will help them to establish a personal commitment to scientific integrity, which will contribute to the overall culture of scientific integrity at EPA.

18. **Is the panel's report available?**

Allegations of a loss of scientific integrity are treated confidentially. Once our assessment is complete, we provide summary information to the interested parties and post summaries in our annual reports.

19. **How many allegations of a loss of scientific integrity have been investigated?**

Since 2012, the ScIO has received 128 allegations, 82 informal (does not want name revealed or is anonymous) and 46 formal (not anonymous). There have been 95 internal and 33 external

allegations.

20. Has the ScIO ever agreed with an allegation of a loss of scientific integrity?

Of the 40 allegations resolved, 8 were dismissed as not being a loss of scientific integrity and 32 were confirmed as a loss of scientific integrity. [As an FYI, 37 are active (evaluation, inquiry, or review stage); 11 unable to proceed, 16 withdrawn, 7 on-hold, 6 reassigned, 10 not a scientific integrity issue, and 1 incident happened prior to policy.]

21. How has EPA punished people who violate the principles of Scientific Integrity?

The ScIO and review panel agree to a set of recommendations that are provided to the DScIO of the involved program to act upon.

22. What actions does EPA take to promote a culture of scientific integrity and thereby minimize allegations of a loss of scientific integrity?

EPA provides annual training on scientific integrity to its employees. The Agency also develops guidance to address specific scientific integrity issues. For example, in 2016, "Scientific Integrity: Best Practices for Designating Authorship" was published. The purpose of this document is to provide a common understanding across the Agency for attributing credit and accountability to individuals and groups who contribute to EPA work products that designate authorship.

The Agency also produces an Annual Report on Scientific Integrity at EPA to inform employees of new initiatives and guidance on scientific integrity issues.

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EPA also hosts annual meetings on scientific integrity with employees and stakeholders.