



## **Comments of the Government Accountability Project on the White House Office of Science and Technology Policy’s Request for Information to Improve Scientific Integrity Policies**

**July 28, 2021**

The Government Accountability Project respectfully submits these comments in response to the White House Office of Science and Technology Policy’s Request for Information to Improve Scientific Integrity Policies.<sup>1</sup>

### About Government Accountability Project

Government Accountability Project is a nonpartisan 501(c)(3) not-for-profit organization founded in 1977 that serves the public interest by leading the nation and the world in whistleblower protection. Our staff attorneys provide legal representation to whistleblowers in both the public and private sectors, present whistleblowers’ verified disclosures to public officials, advocacy groups, and journalists to prompt reform, and advocate for whistleblower protection laws in the United States and internationally. Government Accountability Project has drafted, spearheaded the campaigns to pass, or helped defend all of the federal whistleblower protection laws that exist today.

Government Accountability Project, along with its Climate Science & Policy Watch program and Food Integrity Campaign, has for more than 40 years confronted the government and some of the world’s most powerful corporations by working with government employees and contractors of the Environmental Protection Agency, the Department of Energy, the Nuclear Regulatory Commission, the Food and Drug Administration, the Forest Service, the Department of Homeland Security, the Department of Interior, the U.S. Global Change Research Program, and other agencies whose missions depend on accurate data and evidence-based policymaking. Science experts working with Government Accountability Project have exposed such serious concerns as inappropriate censorship of climate science documents intended for Congress and the public; unsafe practices that threatened worker safety and the environment at Hanford, Rocky Flats, and other nuclear weapons sites; and dangerous health risks of pharmaceuticals like Vioxx.

These comments reflect our own thinking about threats to, and how to protect, scientific integrity, as well as insights we’ve gained through collaboration with other NGOs including the Climate Science Legal Defense Fund (CSLDF), Public Employees for Environmental Responsibility (PEER), the Union of Concerned Scientists (UCS), the Jacobs Institute, March for Science, the Environmental Data and Governance Initiative (EDGI), and others. We generally endorse the policy positions on scientific

---

<sup>1</sup> Request for Information to Improve Scientific Integrity Policies, White House Office of Science and Technology Policy [hereinafter “Request for Information to Improve Scientific Integrity Policies”], June 28, 2021, 86 Fed. Reg. 34064, <https://www.federalregister.gov/documents/2021/06/28/2021-13640/request-for-information-to-improve-federal-scientific-integrity-policies>.

integrity put forth by these organizations,<sup>2</sup> including comments submitted by these groups in response to this RFI.

We have recently partnered with the Climate Science Legal Defense Fund (CSLDF) in an endeavor to gather direct information, securely and confidentially, from federal employees who have experienced and/or observed scientific integrity violations in the workplace. Together we are encouraging government scientists via a [secure webpage](#) to share their detailed stories as part of our Scientific Integrity Reporting Project and are broadcasting the project through social media and other means, such as our joint July 13 [opinion piece](#) in *Scientific American*. We intend to share insights gleaned from this project with public policymakers in the Executive Branch and in the US Congress.

## **Our Expertise and Experience Base Comes Largely from Our Clients**

Many of our clients, past and present, are government scientists who have suffered retaliatory measures in the federal workplace simply for defending science and scientific integrity against nefarious political interference and ideologically based attacks. Such clients have included, for example, James Hansen (NASA), David Graham (FDA), William Sanjour (EPA), and Rick Piltz (USGCRP); we have also assisted in whistleblower cases for climate scientists Joel Clement (DOI) and George Luber (CDC). Our comments stem largely from our collective experiences with these courageous whistleblowers in the scientific community and the issues and problems they have identified.

We've learned first-hand of some of the devastating consequences to scientists who suffer both insult and injury: insult when the scientific research they work so hard to conduct and report is distorted, diminished, censored, or suppressed; and injury when they face retaliatory measures such as termination or demotion simply for pushing back, for protecting scientific integrity. Retaliation can be as severe as termination or demotion of the whistleblower, can result in significant financial loss and psychological trauma, and can mar career legacies and professional reputations even for some of our nation's most talented and skillful scientists. We have observed that retaliation occurs regardless of whether the attempts to erode scientific integrity are successful or not. This means that there are instances when dedicated public servants who have had the courage to push back against those who would compromise science and have been successful in defeating attempts to distort, censor, suppress, or otherwise meddle in scientific research and reporting – have been successful in protecting scientific integrity all on their own – are not only unrewarded for doing so but instead are made to suffer punishing workplace circumstances. Alerting an agency's Scientific Integrity Officer of such defeated attempts results in no action taken because scientific integrity was preserved and, technically, no violation of SI policy took place, and the perpetrators are not held to account. Even in cases where the attempted meddling is successful and SI policy violations are reported and pursued, the ultimate negative consequences to the perpetrators are generally too mild to serve as a deterrent to future attacks

---

<sup>2</sup> Examples include PEER's May 27, 2010 Memo to OSTP, *Examples of Scientific Integrity Policy Failures –Lessons Unlearned* at URL [www.peer.org/wp-content/uploads/2021/05/5\\_27\\_21-Memo-to-Scientific-Integrity-Task-Force.pdf](http://www.peer.org/wp-content/uploads/2021/05/5_27_21-Memo-to-Scientific-Integrity-Task-Force.pdf); CSLDF's *Model Scientific Integrity Policy for Agencies, Universities, and Other Research Institutions* at URL <https://www.csldf.org/resource/model-scientific-integrity-policy/>; and a report by UCS issued August 25, 2020: *A Roadmap for Science in Decisionmaking* at URL <https://ucsusa.org/resources/roadmap-science-decisionmaking>

on science and scientists. Either outcome is both unfair to and demoralizing for those public servants who have acted with integrity and courage and have provided a valuable public service by acting as the first line of defense in the protection of science against nefarious political interference.

### **Other Observations and Concerns**

We are also troubled by the so-called “chilling effect” on scientists that tends to take hold when an anti-science political environment is marked by sustained attacks on science and scientists. Self-censorship exercised broadly as a protective measure by scientists fearful of speaking out and risking their jobs and livelihoods places a proverbial blanket of silence over the free and open communication of crucial scientific findings to policymakers and the public – and thus erodes evidence-based policymaking so crucial for good governance.

We are also deeply concerned about the so-called “brain drain” that occurred all throughout the last administration when hundreds of career scientists – especially those working in the highly politicized area of climate change – quit their government jobs out of disgust and/or protest. Some did so noisily by notifying the press or otherwise making public their departure and the reasons behind it, but many more left quietly and invisibly to the public. We encourage the OSTP to conduct an analysis that quantifies these departures and assesses the damage done to our nation’s scientific prowess.

### **Recommendations for Strengthening Government-wide Scientific Integrity Policies**

One of the best ways to combat these serious problems and to grow and strengthen the federal workforce engaged in science and technology research and development is to bring about the strengthening of government-wide SI policies.

We can make the following recommendations for improving the overall effectiveness of government-wide Scientific Integrity Policies. To the extent is permitted by law, the President through the OSTP should require that each agency or department’s SI policy, at a minimum:

- Ensures the free and unfettered communication of federal scientists with the media and Congress
  - Prohibits political interference in communication with the public, media, or Congress by making it a punishable SI violation
  - Allows federal scientists to publicly express their professional and personal opinions regarding their scientific expertise as private citizens and making interference in such communications a punishable SI violation
- Ensures clear and transparent reporting mechanisms for observed SI violations and attempted violations
  - All federal employees who experience or observe attempts to interfere in the scientific process or in scientific reporting should be encouraged to make an immediate report to the SI Officer – the rule should be “if you see something, say something”

- OSTP should issue guidelines for agencies to adopt regarding when and how to file complaints regarding SI violations with the Inspector General Office
- In no case should any entity for submitting complaints (such as an agency harassment office) be required to notify the complainant's superior officers when one or more of those superiors are the target of the complaint
- Explicitly acknowledges the essential role of whistleblowing in enforcing SI policies and incorporating the full range of existing whistleblower protections in law
  - According to a 2019 Government Accountability Office report, *Scientific Integrity Policies: Additional Actions Could Strengthen Integrity of Federal Research* at URL <https://www.gao.gov/products/gao-19-265>, each of nine federal agencies selected for examination by GAO were following OSTP'S guidance to adopt appropriate whistleblower protections. However, we strongly encourage the OSTP to more closely examine each agency's SI policy to determine the extent to which existing whistleblower protection provisions are acknowledged and incorporated
- Establishes meaningful deterrence by raising the stakes for violating SI policy through the mandatory application of negative consequences for both successful SI violations and attempts at SI violations that are ultimately unsuccessful.
  - OSTP should consider attaching specific means of discipline commensurate with varying levels of SI violations; means of discipline could include mandatory program transfer, temporary suspension, demotion, and employment termination
  - OSTP should consider publishing the identities of SI violators and the nature of the violations (whether successful or attempted and unsuccessful).
- Sets mandatory training requirements for all federal employees regarding scientific integrity; according to the GAO<sup>3</sup>, not all federal scientists in agencies with science programs receive adequate training and this must be remedied so that training is uniform across all relevant agencies and departments.

### **SI Policy Provisions for Interagency Science Programs**

In addition, the OSTP SI Task Force and Fast-Track Action Committee must take action to address and remedy a serious loophole in federal SI policy: the complete lack of applicable SI policies or provisions for federal interagency science programs. Our recommendations are focused on the interagency science program with which we have the most familiarity: the US Global Change Research Program (USGCRP) as codified by the Global Change Research Act of 1990 and governed by the Subcommittee on Global Change Research within the OSTP apparatus.

---

<sup>3</sup> US Government Accountability Office, 2019: *Scientific Integrity Policies: Additional Actions Could Strengthen Integrity of Federal Research* at URL <https://www.gao.gov/assets/700/698231.pdf>.

- Even though the USGCRP has 13 participating agencies and departments, each with its own SI policy in place, none are applicable to the activities and products of the USGCRP itself. This must be remedied during this administration to protect the body of crucial research and reporting that this interagency program has been conducting for over three decades.
  - The USGCRP produces and publishes a variety of reports that are crucial to our collective understanding of basic scientific findings regarding climate change and the full range of climate change impacts on regions and economic sectors as part of the National Climate Assessments required by the GCRA.
  - Under both the George W. Bush and Donald J. Trump administrations, for example, climate change was highly politicized and federal climate science and scientists fell under sustained attack from the White House. Thus, the USGCRP became a vulnerable target. For example, the first National Climate Assessment published in early 2000 was suppressed by the Bush White House to the extent that federal officials were prohibited from referencing the set of reports or discussing them in meetings. The incentive to tamper with the Fourth National Climate Assessment issued in 2018, so as to diminish or call into question its scientific messaging, was widespread and strong among political appointees under the Trump administration – fortunately, the set of peer-reviewed reports were issued intact. The lack of any applicable set of standards and rules around protecting scientific integrity for the USGCRP and other interagency science programs is an oversight that must be corrected.

Our staff contacts for these comments are Dana Gold, Senior Counsel and Director of Education (DanaG@whistleblower.org) and Anne Polansky, Senior Scientist (AnneP@whistleblower.org) who also serves as our Climate Policy Analyst for our watchdog operation Climate Science and Policy Watch, founded in 2005 by federal climate science whistleblower Rick Piltz, found at URL <https://whistleblower.org/climate-science-watch/>. Thank you for the opportunity to express our views and recommendations regarding this most important and crucial public policy matter.