THE WILDLIFE SOCIETY

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20 September 2010

Mr. Alan Thornhill
1849 C Street, N.W., MS 5428
Washington, DC 20240-0002
Via email to: DOI_Science_Integrity@ios.doi.gov

Dear Alan:

The Wildlife Society appreciates the opportunity to provide comments on the Department of Interior's Proposed Scientific Integrity Policy, in response to the Federal Register notice of 31 August 2010.

The Wildlife Society was founded in 1937 and is a non-profit scientific and educational association of over 9,100 professional wildlife biologists and managers, dedicated to excellence in wildlife stewardship through science and education. TWS's mission is to represent and serve the professional community of scientists, managers, educators, technicians, planners, and others who work actively to study, manage, and conserve wildlife and its habitats worldwide.

Science is the bedrock upon which natural resources management must stand to responsibly manage and sustain this nation's limited resources, including fish and wildlife. It must guide natural resource management and conservation decisions. The information supporting these policies should be available to the public, and the process used to make the decision transparent. The public deserves to be fully informed about resource decisions and to understand the role science plays in the decision-making process. While we understand that natural resource decisions must account for many other factors, we feel strongly that all options should be identified, potential consequences fully understood, and the final decision justifiable. In an open, democratic society, it is never appropriate to suppress or alter scientific findings to reach a predetermined decision.

The Wildlife Society welcomes your commitment to scientific integrity through this proposed policy and we stand ready to work with federal natural resource agencies to ensure that our nation's resources and fish and wildlife populations are managed openly and scientifically. This country's natural resource scientists and managers deserve to work in an environment where scientific findings are appreciated and valued, when concerns about misuse of science are openly expressed, they are not met with retribution, and where decision-makers apply them properly.

Recent activities relating to wildlife management have shown disregard for appropriate use of science in making policy decisions. Abuses of science are not new, however the prominence and frequency of recent abuses have focused attention on this issue.

Policy is about making decisions that consider different values. If a strong scientific foundation exists that indicates that a certain policy alternative will result in undesirable consequences to wildlife if implemented, it is not an abuse of science if that policy alternative is selected as long as the decision makers acknowledge the science but choose the alternative based on the importance of other values. We cannot expect that good science will always result in a minimization of impacts to wildlife in policy decisions. However, far too frequently, policy makers have abused science and masked the true reasons behind recent policy decisions.

We offer the following comments on the proposed policy:

1. Inadequate comment period

As a procedural matter, we note that a comment period of only 20 days is likely not sufficient time for interested individuals and organizations to review the proposed policy and develop thoughtful and useful comments.

2. Breadth of proposed policy compared with President's memo

The proposed policy purports to be a scientific integrity policy, but is more appropriately characterized as a scientist misconduct policy. In March 2009, President Obama issued a memorandum regarding scientific integrity in all federal agencies. However, DOI's proposed policy addresses only one of the issues posed in that directive and effectively fails to ensure "the highest level of integrity in all aspects of the executive branch's involvement with scientific and technological processes" as called for by that memo. Specifically, the President's memo covered (1) selection of candidates for science positions, (2) integrity of agency scientific processes, (3) ensuring peer review and other processes for science information, (4) public availability of scientific findings, (5) procedures to indentify and address the compromise of scientific integrity, and (6) whistleblower and other protections for employees. Only #2 is addressed in this proposed policy, and not comprehensively.

The proposed policy is focused on research misconduct by scientists; however, research misconduct is just one of many challenges included in addressing scientific integrity. The full array of issues in the President's memorandum needs to be addressed in the Department's policy. An effective scientific integrity policy will address potential abuses committed by any agency officials and all political appointees, not only scientists. As written, the proposed policy would apply only to employees who conduct scientific activities and their direct supervisors, and therefore explicitly exempts from coverage actions by those higher in the chain of command than direct supervisors and the political manipulation of technical work by top officials and political appointees. While we recognize that these decision makers and the scientists within the agency have different responsibilities and different roles within the organizations, all must be held to the highest standards when performing, publishing, or using science.

The proposal attempts to address the integrity of the scientific process solely through threatening punishment for scientists who engage in gross misconduct that is already grounds for discipline and does not match the threats to scientific integrity historically experienced by DOI. The final

policy must make it clear that political appointees and non-scientist managers cannot inappropriately change technical documents or scientific processes without consequence.

The policy does not address the selection of candidates for science-related positions. Such individuals, and their supervisors, should have advanced education or professional experience directly relevant to the majority of their anticipated work and that which they oversee. In addition, the education and experience of current and potential senior staff engaged in science and technology policy and management should be reviewed and adjustments in assignments or selection made accordingly.

The policy also does not require or encourage peer or other independent reviews of scientific or technical information used in departmental decision-making. We recommend that a Department-wide policy be developed that specifically addresses peer review. Currently, USGS does have a peer review policy, but it is important to ensure that *all* science that is performed at DOI is reliable and of the highest caliber. Submission of work to peer-reviewed journals may encourage collection and synthesis of higher quality data. The peer review process encourages careful study design, rigorous analysis of data, and reliability of the information published. This information could also become more readily available to the public and benefit the greater scientific community.

Likewise, the proposal does not attempt to increase the transparency of the agencies' decision making or improve the public's access to scientific information. Without a transparent and ethical process for dealing with scientific issues, the science that is performed and relied on at DOI may continue to be called into question. We recommend that DOI use a transparent process to inform the public when there are disagreements between science and preferred natural resource policies. Further, DOI should make draft documents and scientific reports available for public review, and allow scientists to publicly comment on any final version to which they contributed. Short of classified or proprietary information, scientists should be able to offer their scientific opinions as private citizens without fear of retaliation.

The docket for an agency decision should include:

- The scientific rationale for the decision.
- All scientific documents and data used to support the final decision.
- An indexed summary of all materials received from outside parties, including other federal agencies. If all communication was oral, a memo should be prepared and entered into the docket summarizing the information discussed.
- If applicable, a minority report voicing any significant dissenting scientific views and the evidence on which they are based, and an explanation of how the agency resolved such differences.
- The names and roles of each official and employee who participated in the decisions.

Furthermore, contrary to the President's guidance, the proposed policy does not even attempt to identify where the Department's scientific process breaks down or make any effort to address those breakdowns. As noted above, the proposed policy is more a tool to punish misconduct as opposed to supplying proactive processes to prevent scientific information from being compromised.

Finally, the draft does not address legal protections for its employees. When abuses occur, scientists should have recourse. The policy should ensure that those accused of misconduct are not deprived of due process. The establishment of a "Scientific Protection Board" that could serve as a whistle blower protection group for government employees that expose abuses of science has been proposed, perhaps within the National Science Foundation (NSF). In addition, DOI should prohibit adverse personnel actions or other discrimination in retaliation for voicing a reasonable scientific or technical finding, disagreement, or distinction. In addition, DOI should extend coverage of the Whistleblower Protection Act to scientists by ensuring that rules promoting scientific integrity and disclosures of deviations are official policies. The Whistleblower Protection Act protects reports of any violation of agency policy – thus, policies which cover scientists and specialists who are doing their jobs of generating or ensuring accurate scientific and technical information must be codified as a rule, regulation or, optimally, law.

Finally, efforts by a supervisor to require or encourage their employees to deviate from the code of conduct should be addressed under a comprehensive scientific integrity policy.

3. Other issues

Memberships, attendance, and participation in professional conferences, continuing professional education, and subscriptions to journals by their employees should be encouraged strongly by the agencies, to retain and build employees' skills and networks. The free flow of information is one of the bedrock principles supporting the entire discipline of science, and federal scientists must be allowed to engage openly in this community. To maintain the highest caliber of scientists, the federal agencies must endorse scientific collaboration with the public and private sector and actively support the professional advancement of government scientists.

We are also concerned that those of our members who are federal employees are being denied the opportunity to fully participate in professional and scientific organizations, based on inconsistent and possibly incorrect interpretations of federal conflict of interest rules.

Scientific and professional organizations play many important roles in our society, including information sharing through scientific and popular publications, facilitation of expert networks, independent and science-based perspectives on relevant government policies, and professional development and certification programs. Full participation in professional societies is a critical part of a scientist's or natural resource manager's career and professional development. Curtailing this involvement is detrimental to the federal agencies that employ scientists, in part because it will prevent the employee from achieving professional stature, thus dissuading the best scientists from entering federal service. It may distance the scientist or natural resource manager from the full interchange of information and ideas that are so vital to keeping current in the field and providing the best scientific or professional advice to the agency. These restrictions are particularly problematic for the "research-grade" or "four-factor" scientists, whose retention and promotion evaluations depend in part on recognition of stature by one's scientific colleagues.

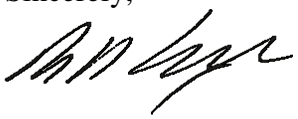
While we understand that there are valid reasons for the government to limit in some ways the participation of federal employees in outside organizations, service on the board of an individual's professional society should not be subject to the same restrictions as other types of

service. Indeed, leadership in professional societies is crucial to many natural resource professionals' careers and should be encouraged rather than hindered by the federal government. In addition, many scientific and professional societies have their own code of ethics and conflict of interest policies, which govern the activities of their board members. However, most agency policies do not recognize this. In recent years, some federal agencies seem to have decided that federal employees may not serve on the boards of outside organizations under any circumstances, or are creating conditions that make it virtually impossible to serve. Participation in scientific and professional societies should also be addressed in a comprehensive scientific integrity policy.

Thank you for your support of scientific integrity in the federal government. We hope those comments will help the Department of Interior to expand and improve its scientific integrity policy. Preventing the abuse of science in policy-making and protecting scientific integrity will only benefit the conservation and management of our nation's valuable resources. Allowing natural resource professionals to fully participate in their professional and scientific societies will also contribute to strong resource management, as these professionals network, learn, and engage in scientific debate.

Thank you for considering the views of wildlife professionals.

Sincerely,



Bruce D. Leopold, Ph.D.
President