

U.S. HOUSE OF REPRESENTATIVES
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March 15, 2007

Administrator Stephen L. Johnson
Environmental Protection Agency
Room 3000 Ariel Rios Building
1200 Pennsylvania Avenue NW
Washington DC, 20460

Dear Administrator Johnson,

In March of 2006, after several allegations of agency interference with conclusions and statements made by federal scientists in their reports, particularly in the area of climate change, Dr. John H. Marburger, III, head of the Office of Science and Technology Policy, met with all of the principal science officials from all of the federal agencies and departments. In that meeting, in a follow-up letter and in a subsequent meeting, Dr. Marburger urged them to adopt media contact policies similar to those issued by the National Aeronautics and Space Administration (NASA) on March 31, 2006.

The NASA policy on the release of information to news and information media was promulgated after a series of media reports that NASA officials had restricted media access to its scientists, particularly if they were addressing global warming issues. Other agencies, such as the Environmental Protection Agency and the National Oceanic and Atmospheric Administration, also had taken steps to restrict their scientists or rewrite or eliminate their scientific conclusions about global warming, sometimes by including statements that were not scientifically supported.

The NASA policy is not without its shortcomings, but it does attempt to encourage "the free exchange of ideas, data and information as part of scientific and technical inquiry. Scientific and technical information from or about Agency programs and projects will be accurate and unfiltered." It also prohibits any changes in scientific or technical data or in the meaning of programmatic content by public affairs officers and establishes the right of scientists to talk to the media. "NASA scientists may draw conclusions and may, consistent with this policy, communicate those conclusions to the media." NASA employees may also present personal views so long as they identify them as such. "NASA Policy on the Release of Information to News and Information Media," pp. 1-2, and 5.

In a November 16, 2006, letter to the Senate Committee on Homeland Security and Governmental Affairs, Dr. Marburger stated that these incidents resulted from "lower level employees not effectively articulating the Administration's position on matters of scientific openness," and that "high-level" policy officials in all of the agencies were very disturbed by these actions. Letter from Dr. Marburger to Senator Joseph Lieberman, Nov. 16, 2006, p. 2.

It appears, however, that Dr. Marburger may not have accurately read the reaction of all high-level policy officials. Just last week, the media reported on directives and memoranda from the U.S. Fish and Wildlife Service (FWS) that forbade FWS scientists from discussing "climate change, polar bears and

sea ice” in international meetings, even when the topic of the meeting was preserving Arctic flora and fauna, which obviously includes polar bears and plants being affected by climate change. Our staff has been informed that the directive came from FWS Director H. Dale Hall, obviously a high-level government official.

Therefore, pursuant to Rules X and XI of the United States House of Representatives and Rule 3 (a) (5) of the Committee on Science and Technology, the Committee is requesting that the Environmental Protection Agency provide a copy of its current policy on the editing and release of scientific reports or publications containing scientific information and include the date of the last revision of that policy. Please also provide your policy on contacts between science staff of your agency and the media. We also ask that you provide to the Committee records as defined in the Appendix regarding the following:

1. Receipt and distribution of Dr. Marburger’s letter forwarding the NASA media policy, and;
2. All internal communications surrounding consideration of Dr. Marburger’s requests that agencies consider adopting similar guidelines.

Please also provide the name of your “principal scientific official” and indicate to the Committee when your media policy regarding scientific information and communications was adopted and last modified. Please also indicate if the policy is currently under review.

If your staff has any questions or needs additional information, please have them contact Edith Holleman, Investigations and Oversight Subcommittee counsel, at (202) 225-8459.

Thank you for your assistance in this matter.

Sincerely,



BART GORDON
Chairman



BRAD MILLER
Chairman
Subcommittee on Investigations and Oversight

cc: Rep. Ralph Hall
Ranking Member

Rep. James Sensenbrenner, Jr.
Ranking Member
Investigation and Oversight Subcommittee

ATTACHMENT

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2. The terms "relating," "relate," or "regarding" as to any given subject means anything that constitutes, contains, embodies, identifies, deals with, or is in any manner whatsoever pertinent to that subject, including but not limited to records concerning the preparation of other records.