

APPENDIX

Protecting Government Science from Political Interference

*A Blueprint for Defending Scientific Integrity
and Safeguarding the Public*

Anita Desikan

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Overview

The Union of Concerned Scientists (UCS) carried out an analysis to determine how well federal agencies are following requirements laid out in the president's 2021 scientific integrity memo (Office of the US President 2021). Based on information and data that can be verified through publicly available resources, we used the analysis to determine whether agencies met these three criteria:

Scientific Integrity Policy: Has the agency published an updated scientific integrity policy on its website, as required by Section (3)(b)(i-iv) and Section (3)(c)(ii) of the 2021 memorandum? The Office of Science and Technology Policy (OSTP) set a deadline of 270 days after the release of the framework for all agencies to submit to the office their final scientific integrity policies for public release. That deadline corresponded to October 2023 (Prabhakar 2023).

Scientific Integrity Official: Has the agency designated a senior career official to serve as its lead scientific integrity official, as required by Section (6)(b)? The memorandum specified that this action needed to be completed within 120 days, which corresponded to May 2021. The OSTP's scientific integrity framework additionally stated that such an official should serve as a neutral point of contact for receiving scientific integrity questions and concerns and that employees should be encouraged to report any knowledge of compromised scientific integrity to that official (SIF-IWG 2023). To follow these requirements, it should be easy for agency employees, members of the public, grantees, contractors, nongovernmental stakeholders, and other interested parties to find the name and contact information of an agency's scientific integrity official in a publicly accessible manner through a web search.

Scientific Integrity Investigations: Has the agency published on its website an annual report of the number of investigations or appeals involving alleged deviations from its scientific integrity policy, as required by Section (3)(c)(vi)? The OSTP's scientific integrity framework additionally required agencies to report publicly both the number and outcomes of these investigations.

Federal Agencies

The analysis examined 38 federal agencies:

- Agency for Toxic Substances and Disease Registry (ATSDR)
- Bureau of Land Management (BLM)
- Bureau of Safety and Environmental Enforcement (BSEE)
- Census Bureau
- Centers for Disease Control and Prevention (CDC)
- Centers for Medicare & Medicaid Services (CMS)
- Consumer Financial Protection Bureau (CFPB)
- Federal Emergency Management Agency (FEMA)
- National Aeronautics and Space Administration (NASA)
- National Highway Traffic Safety Administration (NHTSA)

- National Institute of Justice (NIJ)
- National Institutes of Health (NIH)
- National Oceanic and Atmospheric Administration (NOAA)
- National Park Service (NPS)
- Occupational Safety and Health Administration (OSHA)
- Transportation Security Administration (TSA)
- US Army Corp of Engineers (USACE)
- US Consumer Product Safety Commission (CPSC)
- US Department of Agriculture (USDA)
- US Department of Defense (DOD)
- US Department of Education (ED)
- US Department of Energy (DOE)
- US Department of Health and Human Services (HHS)
- US Department of Homeland Security (DHS)
- US Department of Justice (DOJ)
- US Department of Labor (DOL)
- US Department of State (DOS)
- US Department of the Interior (DOI)
- US Department of the Treasury (USDT)
- US Department of Transportation (DOT)
- US Election Assistance Commission (EAC)
- US Environmental Protection Agency (EPA)
- US Equal Employment Opportunity Commission (EEOC)
- US Fish and Wildlife Service (FWS)
- US Food and Drug Administration (FDA)
- US Forest Service (USFS)
- US Geological Survey (USGS)
- The White House (WH)

Each of these agencies has been associated with at least one entry in a database that UCS has maintained of attacks on science across the Bush, Obama, Trump, and Biden presidential administrations (UCS 2024). This long-running database has so far recorded 326 such attacks on science. For additional information on the methodology that UCS uses to define and track attacks on science, see Desikan et al. (2023).

Of the 38 agencies, 31 fit the Office of Personnel Management (OPM) definition of a large agency (1,000 or more employees). Five were medium-sized (100 to 999 employees). Two were small (fewer than 100 employees) (OPM n.d.). Agency size was determined by examining

employment data from November 2023, the latest data available on the OPM's FedScope database (OPM 2023). The FedScope database did not disaggregate the number of employees at the National Institute of Justice from other Office of Justice programs, so the number of employees was determined by counting the number of entries in the agency's staff directory.

If an agency website did not include information regarding a metric examined for this analysis, the parent agency's scientific integrity website was consulted to determine if the information was posted there. The agency received a score of 4 ("poor") if the parent agency had the required information and a score of 5 ("worst") if not. If an agency did not have a parent agency *and* failed to have the required information needed to fulfill the scientific integrity metric, it received a score of 5. Therefore, it was important to determine if an agency was considered independent or a "child" of another agency. Out of the 38 agencies, 17 had no parent agency. Of those 17, three were classified as independent, 12 were cabinet departments, and two had cabinet-level rank.

This analysis assumed that the 2021 memorandum applies to *all* federal agencies, coupled with the understanding that, in practice, some child agencies (particularly if small or medium-sized) might request that its employees reference the scientific integrity policies and procedures on their parent agencies' websites. We came to that conclusion because the Biden administration has been consistent in messaging that *all federal agencies* are bound by the requirements of the 2021 memorandum. For instance, the 2023 OSTP framework states that it applies to "agencies across the Federal Government," while the 2021 memorandum requires the "head of each agency" to submit a new or updated scientific integrity policy (SIF-IWG 2023; Office of the US President 2021).

Section 6(ii)(b) of the 2021 memorandum is even more explicit: "Because science, facts, and evidence are vital to addressing policy and programmatic issues across the Federal Government, the *heads of all agencies (not only those that fund, conduct, or oversee scientific research)* [emphasis added] shall designate expeditiously a senior career employee as the agency's lead scientific-integrity official ("Scientific Integrity Official") to oversee implementation and iterative improvement of scientific-integrity policies and processes consistent with the provisions of this memorandum, including implementation of the administrative and dispute resolution processes" (Office of the US President 2021).

In other words, no official document issued under the Biden administration would exempt any federal agency from the requirements of the 2021 memorandum. Therefore, its requirements should bind all agencies.

This analysis was designed to examine each agency regarding three requirements: the update of its scientific integrity policy, the designation of a scientific integrity officer, and the annual reporting of scientific integrity violations.

Scoring Across Three Metrics

The first searches of agencies' scientific integrity websites were conducted in mid-May 2024, with a check in July 2024 to determine if recent changes might change any scores.

Scores on each of the three metrics were based on a scale of 1 ("best") to 5 ("worst"). For the specifics of how each metric was judged, see Figure 2 in the main report. In general, the following criteria were used:

- **Best:** The agency exceeded expectations.
- **Good:** The agency met the memorandum’s requirements and the information was easily accessible.
- **Neutral:** The agency followed both good and bad practices.
- **Poor:** The agency did not seem to be implementing the memorandum’s requirements fully; almost all information was located on the parent agency’s website.
- **Worst:** Neither the agency nor its parent agency were compliant with the memorandum’s requirements.

Each of the three metrics was scored individually. In addition, if an agency followed the “best practice” of opening up its draft policy for public comment, its score was improved (i.e., lowered) by one point on the scientific integrity policy metric. This bonus was applied to scores for the EPA, the HHS, and the NIH. A final score for each agency was determined by averaging the scores obtained across the three metrics.

The first metric was designed to determine if the agency had created or updated its scientific integrity policy using the criteria laid out in the 2021 memorandum. Out of the 38 agencies examined, 28 had not yet published a new or updated policy. Of these noncompliant agencies, only the BSEE had provided a weblink to the updated policy of its parent agency. Of the 10 agencies that had updated their scientific integrity policies, nine had published finalized versions on their websites. The NIH posted a draft of its updated policy online. Due to issuing a public comment process for their draft scientific integrity policies, it was also known that the EPA and the HHS had drafted policies, but the finalized versions had yet to appear online. The DOE’s scientific integrity policy was not posted on its main website; instead, it was posted on a repository of DOE directives, making it much harder to find.

The second metric was designed to determine if the agency had publicly named a scientific integrity official, if there was a way to contact that official, and if the method of contact was easily accessible. Of the 38 agencies examined, 24 agencies had not publicly designated a scientific integrity official; 16 agencies did not provide a way to contact the official. Some agencies (e.g., USFS, the BLM, and the BSEE) had scientific integrity officials but, oddly, did not post their names or contact information on the agency websites; rather, only the parent agencies’ websites provided that information.

The third metric was designed to determine if the agency was publishing an annual report of the number and outcomes of investigations into potential scientific integrity violations. Of the 38 agencies examined, 26 agencies had not published this information. Six agencies did not list the information on their websites: OSHA and five DOI subagencies (the BLM, the BSEE, the FWS, the NPS, and the USGS). Instead, this information appeared on the parent agencies’ websites. Six agencies (the DOI, the DOL, the EPA, the NOAA, the USDA, and the USFS) reported this information on their agency websites; however, only the DOI and the DOL had published information in an annual report for the prior year (2023).

The president’s 2021 memorandum and the 2023 OSTP framework included other requirements, but it was unclear if information regarding those requirements needed to be publicly disclosed or when those metrics had to be implemented. For instance, the OSTP framework stated that each agency needed to survey its employees to assess the agency’s state

of scientific integrity. The EPA and the USGS have taken a lead in following that requirement. The EPA conducted surveys in 2016, 2018, and 2021; the USGS did so in 2020 and 2022. However, it was difficult to determine when the OSTP would check for compliance on administering a survey and whether the results needed to be reported publicly or were for internal use only.

Anita Desikan, MS, MPH, is a former senior analyst in the Center of Science and Democracy at UCS.

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