

November 10, 2010

Secretary Ken Salazar
Department of Interior
1849 C Street, NW
Washington, DC 20240

Dear Secretary Salazar:

On September 29, 2010, you issued a far-reaching order that may significantly improve the transparency, reliability and verifiability of scientific and technical work within the Department of Interior. A key provision of your order provides:

, "...DOI [Department of Interior] employees, political and career, must never suppress or alter, without new scientific or technological evidence, scientific or technological findings or conclusions. Further, employees will not be coerced to alter or censure scientific findings..."

My organization, Public Employees for Environmental Responsibility (PEER), had been quite critical of the draft order your office issued on August 31, 2010 but we applauded the final order in large part because it came with your pledge that DOI "will not tolerate" interference with agency scientists for political purposes.

In that connection I am writing to you about disturbing actions within the Bureau of Ocean Energy Management, Regulation & Enforcement (BOEMRE) which appear to violate the letter and certainly the spirit of your order.

The most recent action is evidenced by a November 2, 2010 e-mail (enclosed) from John Goll, BOEMRE Alaska Regional Director, which reads:

"From this morning's Director's Weekly Managers Videcon: All outside/public presentations, be they speeches, Powerpoints [sic], technical or other, etc., must be forwarded to HQ Office of Public Affairs for approval...Please submit requests with sufficient time for approval."

Agency scientists must fill out an "Approval of Official Expression by Oral Presentation" form but it is not explained by what standards Public Affairs approves or blocks technical papers. However, it seems quite certain that the Public Affairs office is not making their decisions based upon "new scientific or technological evidence", as your order requires.

Undoubtedly, there is a chilling effect on agency scientists from the requirement of Headquarters “approval” for every single PowerPoint or other technical presentation they intend to share with scientists from federal and state agencies, academic institutions and the private sector. This chilling effect is heightened by the absence of any explanation of why this additional layer of review is needed or how it will be applied.

This Election Day directive is reminiscent of the type of controls infamously imposed during the administration of President George W. Bush on climate scientists, such as Dr. James Hansen, to make sure that scientific statement about climate change comported with then-official policy.

It is difficult to envision what legitimate management purpose this directive serves. One of its hallmarks is that it is all-inclusive, expanding previous reviews that had been limited to “papers related to policy, sensitive topics, or national in scope”, according to the e-mail. Why would BOEMRE headquarters need to spend time reviewing each technical presentation to a specialized scientific society or a speech to a local Kiwanis Club? What qualifications do Public Affairs staff members have to vet technical scientific papers?

In contrast to the tightened reins on agency science by BOEMRE, another Interior agency, the U.S. Fish & Wildlife Service, has completely eliminated any “policy review” prior to the dissemination or publication of scientific work by its specialists. Why does the Fish & Wildlife Service feel that it can dispense with all policy review on technical work while its sister agency BOEMRE insists on policy review for every scrap of technical work going out its doors?

With respect to free flow of scientific information, your September 29th order stated:

“DOI scientists have, as all employees do, rights as citizens and responsibilities as government employees. Their rights and responsibilities with regard to communication with the public will be clearly delineated.”

This blanket review policy by BOEMRE can be read as consistent with your order only if is acceptable for BOEMRE to have “clearly delineated” that its scientists have *no* rights to communicate with the public.

Another perhaps more serious restriction has been imposed on the BOEMRE Alaska Office staff through an August 19, 2010 “Directive for Records” (excerpt enclosed) which contains the following disturbing stipulation:

“All forwarding (sharing) of e-mail records outside of the Bureau must include a ‘cc’ to first and second line supervisors.”

This is again one more all-inclusive directive that sweeps in all internal e-mails and all third parties. The purported rationale of this extraordinary order is to prevent unspecified

“sensitive information” from being “released to unauthorized individuals, agencies, or organizations.” The directive goes on to warn that: “unauthorized release of sensitive and administratively controlled information...will not be tolerated.”

The unambiguous signal sent to agency scientists is that all of their external communications need to be monitored by management in order to ensure that inconvenient facts are not shared with unnamed “unauthorized” individuals and groups (Presumably, PEER is never an authorized organization for the receipt of any information that might be deemed sensitive).

Under these conditions, scientific transparency is anathema within BOEMRE. Unless explicit authorization is obtained, scientists must assume that they may not share any data if they are to avoid the threat of disciplinary action contained in this Records Directive.

Contrast this BOEMRE Records Directive with the words of President Obama in his March 9, 2009 Executive Memorandum to all federal departments and agencies declaring his intent to adopt policies that protect scientific integrity:

“If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public.”

It is hard to reconcile the President’s declaration of a presumption of openness with the BOEMRE presumption of secrecy.

These tightened restrictions on scientific information within BOEMRE come in the context of a history of serious scientific misconduct by the management (which remains largely in place) of its predecessor agency, the Alaska Office of the Minerals Management Service (MMS). As documented by a March 2010 Government Accountability Office report entitled *Additional Guidance Would Help Strengthen the Minerals Management Service’s Assessment of Environmental Impacts in the North Aleutian Basin* (GAO 10-276) agency scientists were (and, we believe, still are) subjected to management practices that “hindered their ability to complete sound environmental analyses” in reviewing Alaskan offshore drilling projects. The GAO report made several critical findings, including:

- Management pressure resulted in scientific reviews of the environmental impacts of Alaskan offshore oil drilling that were so incomplete that they have been largely invalidated in court rulings in lawsuits brought by environmentalists;
- Scientists were under pressure to churn out reviews that omitted important environmental concerns. In reaction, many scientists fled the Alaska OCS Office – “From 2003 to 2008, 11 to 50 percent of the analysts in that section left each year”; and
- Scientists were allowed access to project data only on a “need to know” basis in order to protect what they believed to be the proprietary nature of oil industry information.

Significantly, BOEMRE has yet to formulate or institute any reforms that address these damning GAO findings yet BOEMRE management has found the time to develop the new information restrictions that are the subject of this letter. Indeed, these new restrictions actually seem designed to aggravate the dismaying conditions detailed by the GAO.

Disturbingly, these restrictions stem from the decisions of your own appointee – BOEMRE Director Michael Bromwich. From our experience, Mr. Bromwich has exhibited a surprisingly thin-skinned management style, such as repeatedly invoking the need to hunt down “leakers” in meetings with employees. If Mr. Bromwich is obsessed with stamping out “leakers”, he hardly seems equipped or disposed to implement your policies on scientific integrity and transparency.

Our concern about your September 29th scientific integrity policy is that it will remain an empty rhetorical commitment with no teeth. Your policy vowed that DOI “will not tolerate” political appointees obstructing, suppressing or skewing scientific findings and conclusions – yet this is precisely what Mr. Bromwich appears to be doing.

In short, if your scientific integrity policy is to be taken seriously, it must be vigorously enforced. PEER urges you to start here by 1) rescinding the communication restrictions imposed by BOEMRE on scientific presentations and external e-mails; 2) ensuring that BOEMRE immediately institute specific, enforceable rules that implement your September 29th order and retract all previous inconsistent directives; and 3) that Mr. Bromwich be appropriately and publicly disciplined in order to send a message to all DOI political appointees and senior managers that your order on scientific integrity and transparency is a serious reform that will be robustly implemented rather than well-meaning window dressing which can be willfully ignored.

To the extent that Mr. Bromwich cannot change his management direction, PEER would urge you to immediately remove him and replace him with someone who is willing and able to transform this agency. You previously removed an MMS Director when it was apparent to you that insufficient reform had been achieved. But other than an organizational restructuring, very little has changed in what was the MMS. BOEMRE, one of its successor agencies, still retains much of the old culture and almost all of its senior managers.

For the specialists working within the regional and field offices of DOI agencies, especially BOEMRE, it often seems that little has changed since the Inauguration. The information and communication restrictions being imposed today within BOEMRE signal that the agency is headed backwards in the wrong direction and contrary to your clear instructions. It is far too early to declare that reform in this troubled agency is a mission accomplished.

As this year’s event in the Gulf amply demonstrated, BOEMRE has a job that is of paramount importance to protecting our environment and public health. Under MMS, the

oil industry controlled the flow of critical information and, unfortunately, that remains the case under BOMRE. Industry control of key regulatory information is only reinforced by the restrictions highlighted in this letter.

The public has a vital role in oversight in this area but the public can only be empowered to help protect the public interest if it is informed. It can be informed only if it is allowed to communicate directly and candidly with the experts who work for them within agencies such as BOEMRE.

As you well know, the failure of BOEMRE to rigorously review and enforce safety and environmental safeguards can have disastrous consequences. The best way to ensure that BOEMRE is fulfilling its mission is through informed public and independent scientific review. This outside scrutiny requires a genuine transparency that is still sorely lacking – and that is undermined by the actions of its current leadership.

In order to bring about the changed agency culture you have repeatedly invoked, it is vital that you give this matter timely attention. If PEER can provide you with any additional information or assistance in this regard, we are at your service.

Sincerely,

Jeff Ruch
Executive Director

Enclosures

Cc. Director Michael Bromwich, BOEMRE