



Pacific PEER

Public Employees for Environmental Responsibility

September 17, 2019

Director
U.S. Geological Survey
12201 Sunrise Valley Drive,
MS 101 National Center
Reston, VA 20192

Email: InfoQual@usgs.gov

Subject: Appeal to the USGS Response to a Request for Correction of Information submitted under USGS Information Quality Guidelines

Dear Director:

On behalf of Public Employees for Environmental Responsibility (PEER), I am submitting this appeal of a U.S. Geological Survey (USGS) decision on a previously submitted information correction request. The original PEER Information Quality Act complaint was filed on January 1, 2018¹ seeking correction of certain official USGS statements. The USGS acknowledged the receipt of the PEER complaint that same day.² That receipt triggered the 90-day clock for USGS to accept or deny the PEER demand for correction.

Over the next several months, USGS extended to itself extensions six times (on 4/17/18; 7/11/18; 10/11/18/1/29/19; 4/11/19; and 7/11/19), each time declaring:

“...we will need additional time beyond what was indicated...to complete the evaluation and review of your requests.”³

Finally, in a letter dated September 3, 2019 and emailed to me on September 5, 2019, Kevin T. Gallagher, USGS Associate Director of Core Science Systems indicated that the bureau had adopted a “new scientific collections policy” and therefore was declining to rescind its 2017 statement that was the subject of the PEER complaint.⁴

For reasons detailed below, PEER appeals this declination because the USGS statement continues to violate the Information Quality Act and must be corrected or rescinded.

¹ https://www.peer.org/assets/docs/usgs/1_11_18_PEER_complaint.pdf

² <https://www.usgs.gov/atom/76701>

³ <https://www.usgs.gov/about/organization/science-support/office-science-quality-and-integrity/information-quality-6>

⁴ https://prd-wret.s3-us-west-2.amazonaws.com/assets/palladium/production/atoms/files/Final_USGS_Response_090319.pdf



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Introduction

On June 24, 2015, PEER submitted a request for a performance review and an investigation⁵ to the Interior Office of Inspector General (OIG) charging that the USGS has mishandled its vast biological collections by failing to acknowledge them as scientific collections and, instead, categorizing the majority of them as “working collections” which are considered expendable and carry no obligation to manage or preserve. Our request pointed out that the USGS –

- Had no policies for archiving biological collections after a study is complete and no guidelines for preserving and tracking specimens;
- Lacked a complete or accurate inventory of its biological collections. As a result, few of these research archives are accessible to other researchers, let alone the public; and
- Had in 2014 adopted a Museum Management policy declaring that one of its priorities is to control growth of its natural history collections by not accessioning further additions, thus making space and budgetary considerations rather than a collection’s scientific value the controlling factor of whether it is preserved.

The OIG acted on the PEER request. In a September 2017 report, entitled “Evaluation of USGS Scientific Collection Management”, the OIG validated the concerns PEER had raised, finding that 1) USGS has no policies governing archival of biological collections; 2) still lacks an inventory of them; and 3) was in violation of U.S. Department of Interior policies.⁶ As a result, few of these research archives are accessible to other researchers, let alone the public.

In its August 20, 2017 response to the OIG report, USGS dismissed these conclusions and inaccurately asserted that it was following Interior Department requirements. USGS further falsely claimed that an 1879 statute, called the Sundry Civil Act, tied its hands. It also represented to the OIG that USGS was developing a new policy to address “all scientific collections including biological collections” with a scheduled completion date of September 2018.⁷

In our Information Quality Act complaint challenging these USGS statements, PEER detailed how every one of the USGS assertions to the OIG was materially false.

Unfortunately, the USGS Final Response of September 3, 2019 does not cure any of these inaccuracies. The new policy that USGS has belatedly adopted both fails to address all scientific collections, as promised, and does not conform to DOI policy. Specifically, we challenge the USGS assertions that:

⁵ https://www.peer.org/assets/docs/usgs/6_4_15_DOI_IG_eval_request.pdf

⁶ https://www.peer.org/assets/docs/usgs/1_11_18_IG_report.pdf

⁷ https://www.peer.org/assets/docs/usgs/1_11_18_USGS_response.pdf



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1. Its policy is “in alignment” with Departmental Manual requirements for working scientific collections;
2. Its policy applies to the management of scientific collections, in contrast to the National Park Service (NPS) and U.S. Fish and Wildlife Service (FWS) policies which apply to the management of museum collections;
3. The language used to describe USGS scientific collections is “well aligned” with that of other science agencies and bureaus;
4. Its policy employs terminology promulgated by the White House Office of Science and Technology Policy (OSTP) and the Interagency Working Group on Scientific Collections (IWGSC); and
5. The Sundry Civil Act of 1879 “explicitly separated” the scientific investigation functions of the USGS from museum functions.

All our contentions remain valid and the challenged statements should be rescinded or corrected.

Basis for Appeal

The USGS statements violate the requirements of the Information Quality Act of 2000 (IQA)⁸, the Office of Management and Budget (OMB) Guidelines for Ensuring and Maximizing the Quality, Utility, and Integrity of Information Disseminated by Federal Agencies (OMB Guidelines)⁹, the U.S. Department of Interior Information Quality Guidelines¹⁰ as well as the U.S. Geological Survey (USGS) Information Quality Guidelines¹¹ because the cited statements from USGS were, and are still, inaccurate, incomplete, misleading, and duplicitous. They each violate the DQA mandate that agencies, including its bureaus, ensure the “quality,” “integrity,” and “objectivity” of data in public policy.

1. USGS Is Still Not in Alignment with DOI Policy

As a policy that was developed to “adjust its scientific collection policies to be consistent with the Departmental Manual”, the new USGS policy could not have strayed further or been less consistent with Departmental policy.

⁸ Section 515 of the Fiscal Year 2001 Treasury and General Government Appropriations Act, Pub. L. 106-554, Appendix C, 114 Stat. 2763-153 (Dec. 21, 2000)

⁹ Office of Mgmt. & Budget Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 67 Fed. Reg. 8452 (Feb. 22, 2002).

¹⁰ U.S. Department of the Interior; Information Quality Guidelines Pursuant To Section 515 Of The Treasury And General Government Appropriations Act For Fiscal Year 2001; <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/515Guides.pdf>

¹¹ U.S. Geological Survey Information Quality Guidelines; http://www2.usgs.gov/info_qual/



DOI Museum Property Directive 1 defines both museum collections and working collections.¹² By contrast, the USGS inappropriately categorizes the majority of its collections as working collections and does not address what it would consider as museum property. For example, the USGS considers all fossil and biological collections as working collections, a term that denotes that the collections are expendable and not intended for long-term preservation. As such, the bureau has no obligation to preserve or manage them.

There is a fine line between DOI museum property that is accessioned, cataloged, preserved, and made available for public use, including research, and those USGS scientific working collections that are to be kept and cataloged to facilitate use by researchers. USGS does not clearly acknowledge that the goal of curating museum property is to ensure its long-term preservation for active use by others over time.

Therefore, USGS is not aligning its policy with that of the DOI Departmental Manual: “The Department acquires and manages museum property to . . . promote research, preservation, public education, and science-based decision making about resource management; and serves as a steward of these cultural and natural resources for present and future generations.”¹³

The USGS “Scientific Working Collections Management” policy also fails to align itself with DOI requirements for managing scientific collections (DOI museum property). Whereas other bureaus use Departmental policy as a starting point for developing their policy, DOI policy is a merely footnote for the USGS.

By focusing on working collections and continuing to use language inconsistent with the Departmental Manual naming conventions for its collections, the USGS policy continues to represent an intentional departure from the Departmental Manual. Notably, the sole recommendation made by the OIG was for USGS to develop and align its scientific collections policy with the requirements of the Departmental Manual. By developing a policy for scientific working collections, the USGS is either intentionally misrepresenting the terminology or experiencing a lapse in comprehension.

2. The New USGS Policy Still Does Not Address Vast Majority of Scientific Collections

Under the new USGS policy, the majority of USGS collections are still classified as “working collections”, defined as collections not intended for long-term preservation due to their expendable nature. This stance ignores the scientific value of biological and other specimens collected and published on by USGS scientists. By refusing to categorize them as museum property that is curated for long term preservation and use, the USGS is failing its obligation to the scientific community.

¹² <https://www.doi.gov/sites/doi.gov/files/migrated/museum/policy/upload/Dir-1-Introduction-Managing-MuseumCollections.pdf>

¹³ Section 1.4



We are unaware of a single case where USGS has reclassified a working collection as museum property, including its vast holdings of fossil collections that are, to the museum community, considered scientific collections to be preserved in a museum and the equivalent of DOI museum property. We are aware, however, of a case where USGS re-categorized two natural history collections as “working scientific collections” because they had not yet been accessioned as museum property by the time the 2014 USGS Museum Management Plan was written.

Thus, the basic shortcoming is that the USGS developed a policy for scientific working collections and not scientific collections which is what the OIG requested.

3. The USGS Policy Violates Property Rights and Federal Policy

The new USGS policy fails to fully acknowledge property rights associated with collections. The policy does not respect rights of land owners from whose lands specimens were collected. Nor does the policy address the disposition of collections recovered by USGS from federal or tribal lands and later transferred or planned to be transferred to other repositories.

Although the policy states that disposition of samples from federal or tribal land must be determined in consultation with the land owner, the policy then states that any transfer of collections will first be offered to the National Museum and if declined to another qualified repository. This is contradictory policy. In cases such as collections recovered from National Park Service land, the NPS is the owner of the property as stated in policy.

The USGS policy gives the Science Center Directors the authority to decide on disposition of scientific working collections. These collections are personal property according to federal law and regulation issued by the General Services Administration (GSA) on personal property. The policy makes no provision for the personal property managers to be consulted on the disposition of these collections.

In the new USGS policy, scientists are tasked with ensuring that collections are made with appropriate permits when developing a collection plan. Most federal and state agencies and bureaus require the permittee to have an agreement in place with a repository before they will be considered eligible to get a permit to collect specimens, and to submit a collection report listing the count of taxa collected. This conflicts with USGS policy that states the disposition of specimens can change at the discretion of various entities even after the research has ended.

In short, the new USGS policy appears to ignore the legal attributes entailed in the disposition of the property at issue.

4. The New USGS Policy Lacks Internal as Well as External Review

There is no record that the USGS asked the Interior Museum Program to review the policy. Nor is there any reference that other DOI bureaus were consulted. Had they done so, the policy would most likely be comparable to policies of DOI and other bureaus.



The policy was added to the USGS Manual on July 19, 2019 but the new policy has not yet been conveyed to USGS scientists. Similarly, the USGS Collections Steering Committee was established in 2015 to advise bureau leadership on the curation, coordination, and management of collections and conducts quarterly meetings. Yet, none of the committee's progress has been conveyed to USGS staff.

In short, the unilateral and non-transparent development of this USGS policy is antithetical to the scientific collegiality and professionalism expected from the bureau that describes itself as Interior's premier science bureau.

5. The New USGS Policy Is Confusing, Contradictory, and Incomplete

Perhaps the weakest section of policy is how and when scientific working collections are reevaluated to become museum property. The policy does not specify –

- Whether this evaluation is committed to writing;
- What rationale is used by those making the final decision;
- By what procedures are USGS scientific working collections transferred to non-federal repositories; and
- If collections are destroyed, which is one of the methods of disposition in the USGS policy, what specific procedures does that method entail and subject to which laws.

Nor does the new policy specify any procedures to track or inventory the disposition of scientific working collections. As a result, few of these research archives are accessible to other researchers to re-examine these materials, let alone accessible to the public. If USGS scientists do in fact submit a collection report, as required by the permitting agency that issues the collection permit, the information could be used as a starting point for generating an inventory. Is this done?

Further, the USGS does not reconcile the conflict between the new policy and its 2014 Museum Management policy which provides that one of its priorities is to control growth of its natural history collections by not accessioning further additions. Thus, it remains unclear whether USGS' new policy overrides its 2014 policy. The result is that making space and budgetary considerations rather than a collection's scientific value appears to remain the controlling factor of whether a collection is preserved.

In short, the USGS policy is not coherent and lacks guidance on key aspects that it purports to address. It is important that the policies governing scientific work, such as maintenance of collections, meet the basic requirements of cogency and completeness required by the Information Quality Act.

One of the reasons USGS has stated that it does not want to classify its scientific working collections as museum property is due to the costs of proper curation. The new policy mandates that all new projects have a collection plan, which is a commendable addition. However, the



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definition of a collection plan in the policy does not include the costs of managing the collections either as working collections or museum property.

The USGS Guide to Planning for and Managing Scientific Collections does mention budgeting for “collection maintenance” once. If budgeting for collections curation was included in the collections and project plans, then the USGS would not be in the financial difficulties it claims regarding collections “maintenance”.

6. USGS Did Not Address Portions of the PEER Complaint

USGS did not address, let alone defend, its false statement that the Sundry Civil Act of 1879 “explicitly separated” the scientific investigation functions of the USGS from museum functions. Consequently, that assertion should be rescinded.

Nor did USGS explain its false statement that its policy employs terminology promulgated by the White House Office of Science and Technology Policy and the Interagency Working Group on Scientific Collections. Thus, that particular representation should also be rescinded.

In closing, it should also be noted that USGS has conducted itself throughout this matter in a fashion that it both duplicitous and non-transparent. The six extensions of time that USGS granted itself means that USGS defends the accuracy of its 2017 statements with actions finally taken in 2019. This facial factual? inaccuracy, even if one were to assume the substance of the USGS assertions were correct (which, as detailed above, they certainly are not) is not in keeping with the spirit of the Information Quality Act.

Thank you for your attention to this appeal. Please respond to the address displayed in this stationery or directly to me at the following email address: jruch@peer.org.

Sincerely,

Jeff Ruch
Pacific Director
Public Employees for Environmental Responsibility (PEER)

Cc. Department of Interior Inspector General Mark Lee Greenblatt