



United States  
Department of  
Agriculture

Research  
Education  
Economics

Office  
of the Under  
Secretary

Room 216W  
Jamie L. Whitten Building  
Washington, DC 20250-0110

JUN 11 2015

Dr. Jeff Ruch  
Executive Director  
Public Employees for Environmental Responsibility  
2000 P Street, NW., Suite 240  
Washington, D.C. 20036

Dear Dr. Ruch:

This letter is in response to the petition for rulemaking that you submitted to the Secretary of Agriculture on March 26, 2015, regarding the USDA Scientific Integrity Policy.

The Scientific Integrity of our department's work is upheld by a comprehensive policy that was put into place on May 10, 2013, as specified in Departmental Regulation 1074-001, "Scientific Integrity" ([http://www.ocio.usda.gov/sites/default/files/docs/2012/DR\\_1074-001\\_0.pdf](http://www.ocio.usda.gov/sites/default/files/docs/2012/DR_1074-001_0.pdf)). Its implementation is supported by the guidance issued in the USDA Scientific Integrity Handbook, published on July 10, 2013, (<http://www.usda.gov/documents/usda-scientific-integrity-policy-handbook.pdf>). Within the year following the publication of this guidance, over 15,000 employees completed the web-based scientific integrity training in AgLearn "USDA Scientific Integrity Policy." The policy, associated guidance, and training are all consistent with the Presidential Memorandum on Scientific Integrity dated March 9, 2009, and the Office of Science and Technology Policy (OSTP) 2010 guidance on scientific integrity.

The USDA Scientific Integrity Handbook specifically and purposefully describes the anti-retaliation and whistleblower protections to which all federal employees are entitled. It is USDA policy to protect those who uncover and report allegations of research misconduct or other violations of scientific integrity, as well as those accused of violations of scientific integrity or research misconduct in the absence of a finding of misconduct, from prohibited personnel practices. Information about these prohibited personnel practices is available at <http://www.law.cornell.edu/uscode/5/2302.html>. Furthermore, a federal agency violates the Whistleblower Protection Act if agency authorities take (or threaten to take) retaliatory personnel action against any employee or applicant because of disclosure of information by that employee or applicant. As a result of these protections, no USDA employee should ever hesitate to step forward if they have a concern or suspect a violation of our Scientific Integrity Policy.

The Administrative Procedure Act (APA) recognizes the delicate balance that exists between the need for public input with the need for the government to operate efficiently and expeditiously. In accordance with 5 U.S.C. Sec. 552(b)(2), for matters "related solely to the internal personnel rules and practices of an agency," an agency is not required to abide by the requirements of section 552, such as publication in the Federal Register. Further, 5 U.S.C. Sec. 553(a)(2) specifies for "a matter relating to agency management or personnel," an agency is not obligated to abide by the notice-and-comment rule-making procedures of the APA. The scientific integrity policies that your petition for rulemaking

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addresses are matters of agency management personnel policy, and thus they are exempt from notice-and-comment under the APA. Accordingly, your petition for rulemaking is denied.

We appreciate that Public Employees for Environmental responsibility is as committed as we are to ensuring that our science and research are held to the highest levels of integrity. We thank you for the recommendations in your petition. We will note and consider them as we continue to encourage a culture of scientific integrity at the Department of Agriculture.

Sincerely,

A handwritten signature in black ink that reads "Catherine E. Woteki". The signature is written in a cursive style with a prominent initial "C".

Catherine E. Woteki  
Under Secretary  
Chief Scientist, USDA