

July 28, 2021

TO: Scientific Integrity Fast-Track Action Committee (SI-FTAC)

Effective policy making in the public interest relies on independent scientific research and data. The use of objective science, coupled with respect for experts, not only makes policies more robust but also strengthens the government's legitimacy and builds public trust in agency decisions. As advocacy organizations, ranging in expertise from scientific to government transparency and labor, we submit this joint comment for consideration. We applaud the Office of Science and Technology Policy for leading work to help restore trust and improve the use of science in government decision-making by helping agencies strengthen scientific integrity policies, including by issuing the Request for Information to Improve Scientific Integrity Policies. Our organizations offer several recommendations to assist these efforts.

In 2020, many of these organizations endorsed recommendations to help the next administration strengthen scientific integrity at federal agencies. The endorsing organizations represent a wide range of issue areas—and share a commitment to ensuring that US policy and decision-making are informed by scientific evidence and the best available data. [*Restoring Science, Protecting the Public*](#) contains 43 recommendations in the following areas:

- Establishing better ways for the government to receive science advice
- Ensuring federal agency leaders are qualified, ethical, and accountable
- Promoting the independence of federal government science and scientists
- Ensuring relevant federal agencies can effectively use and produce science to meet their public service missions
- Helping civil servants and contractors feel safe reporting agency shortcomings
- Ensuring public and policymaker access to independent science
- Providing public access to data collected by the federal government
- Invigorating the role of independent science in the regulatory process

We are pleased that the Biden administration has already undertaken several of the recommended actions in this report, including undoing several harmful actions of the previous administration and launching the process to strengthen scientific integrity policies. Below are recommendations from [*Restoring Science, Protecting the Public*](#) that are relevant to the RFI. We collected the most relevant recommendations from the eight issue areas above that fall into three categories: scientific integrity policies and practices, promoting transparency and restoring public confidence in agencies, and ensuring public access to data.

I. Recommendations regarding scientific integrity policies and practices

The “Agency Scientific Independence” memo of [*Restoring Science, Protecting the Public*](#) contains several recommendations related to scientific integrity policies and officials:

- 1) OSTP should require that scientific integrity policies include provisions that:
 - Protect the right of scientists to share scientific data and analysis with the public and lawmakers free from political interference and filters, and to review content that will be released publicly in their names or that significantly relies on their work.
 - Explicitly prohibit retaliation against government employees who raise concerns about scientific integrity or offer scientific opinions that differ from those of the administration or their agency.
 - Provide a clear, detailed policy and procedure for addressing allegations of scientific integrity violations, including appeal rights, and for publicly reporting their resolution.
 - Specify that media policies allow scientists to share their expertise without political vetting, and advance other initiatives to improve scientific communication.
- 2) Scientific integrity officials at each agency should develop an agreement with the agency's inspector general on addressing misconduct and work with OSTP on cross-government coordination of scientific integrity practices.

II. Recommendations to promote transparency and restore public confidence in agencies

Several recommendations from [*Restoring Science, Protecting the Public*](#) aim to promote transparency and restore public confidence in agencies. Recommendations for agencies include:

- 1) Give the public access to research, sources, and correspondence involving political appointees (including meetings, telephone calls, and emails) that informed the rulemaking process. (See "Regulatory Reform and Science" for details.)
- 2) Allocate sufficient resources to substantively respond to FOIA requests in the time frames mandated by law, develop technology to streamline the FOIA process, and rescind rules that authorize the involvement of political appointees in the FOIA response process. (See "Data Collection and Dissemination.")
- 3) Establish a presumption that agency leaders' calendars will be publicly disclosed on a monthly basis, except for items subject to Freedom of Information Act (FOIA) exemptions. (See "Federal Personnel Policy.")
- 4) Allocate grant funding based on evaluations by experts with relevant qualifications, in response to criteria that are publicly available. (See "Agency Scientific Independence.")
- 5) Improve transparency and accountability around federal advisory committees (see "Federal Advisory Committees"):
 - Publish clear criteria for nominating and selecting qualified committee members, prohibiting current members from having veto power over candidates.
 - After selecting the first round of candidates for membership, make that roster public and request comments.

- Identify and make public the process used for committee formation, including how agencies screen members and assess committees for balance.
- Publish background information on each committee member on a public online portal (e.g., integrity.gov), including information on qualifications, employers, and funding sources for the previous five years, along with any conflict-of-interest waivers granted.
- When allowing FACs to expire, archive their websites and all related documents so agencies and the public can still access the information.
- Establish a process for dealing with complaints regarding FACs.

III. Recommendations for ensuring public access to data

The "Data Collection and Dissemination" section of *Restoring Science, Protecting the Public* contains several recommendations for ensuring the public can access government data:

1) Establish standard procedures for the collection, disclosure, and maintenance of data. Specify that research and data that are digitally formatted and in the public domain are to be made available online and freely accessible to the general public, to the extent permitted by law and with protections for intellectual property rights and other proprietary interests and for the confidentiality of individuals about whom data has been collected.

- To the extent permitted by law, open data formats should be used that are nonproprietary and publicly available, with only the minimal necessary restrictions upon their use.
- Full public access to government-supported publications' metadata should be ensured without charge upon first publication.
- Federal agencies should encourage technical and legal interoperability to facilitate international sharing of government-supported scientific data, using compatible, publicly available, open-source formats.

2) Require agencies to establish safeguards against the removal of government research and data, including (as required by statute) giving the archivist of the United States advance notice of planned data removal.

3) Create an enforcement mechanism to ensure compliance with public access requirements, along with remedies for noncompliance (for example, disclosure and restoration of the improperly withheld information, as well as penalties).

Restoring Science, Protecting the Public also contains recommendations on budgets, whistleblower protections, regulatory processes, and personnel policies that are less relevant to the RFI but that address ways that the federal government can advance scientific integrity.

Several of our organizations also contributed to [agency-specific recommendations](#) that identify top priorities for several agencies (Department of Agriculture, Department of Health and Human Services, Department of the Interior, Environmental Protection Agency, National Oceanic and Atmospheric Administration Occupational Safety and Health Administration, Mine Safety and Health Administration, National Institute for Occupational Safety and Health and Office of Science and Technology Policy) to adopt to advance scientific integrity and science-based public policies. Each of these memos begins with a brief overview of the scientific integrity issues that

the agency faces and short descriptions of between two and five priority areas, followed by a list of specific actions recommended. As agencies undertake the process of updating its scientific integrity and policy practices, we encourage OSTP and each relevant agency to consider these recommendations.

We commend the efforts of OSTP to seek out public input on scientific integrity. We urge that you make all comments submitted in this comment period publicly available in a public docket or some other format that allows the public to view all submitted comments.

Submitted by:

American Geophysical Union
Climate Science Legal Defense Fund
Free Government Information
Government Accountability Project
Government Information Watch
Jacobs Institute for Women's Health
National Nurses United
Open The Government
Union of Concerned Scientists