

The Union of Concerned Scientists Document
“Scientific Integrity in Policymaking: An Investigation into the Bush Administration’s
Misuse of Science” – February 2004

ADMINISTRATION SUMMARY RESPONSE

April 2, 2004

Claim: The Bush Administration has consistently sought to undermine the viewpoint that human-caused emissions contribute to global warming

Response:

- President Bush has clearly acknowledged the role of human activity in increased atmospheric concentrations of greenhouse gases, and launched a major, prioritized scientific effort to improve our understanding of global climate change. In his June 11, 2001, Rose Garden speech on climate change, he stated that the “[c]oncentration of greenhouse gases, especially CO₂, have increased substantially since the beginning of the Industrial Revolution. And the National Academy of Sciences indicate that the increase is due in large part to human activity ... While scientific uncertainties remain, we can now begin to address the factors that contribute to climate change.”
- The President initiated the Climate Change Science Program (CCSP), which released its Strategic Plan in July 2003. This plan, which received favorable reviews from the National Academies in February 2004, incorporates comments and advice from hundreds of scientists both in the U.S. and internationally. It is consistent with the view held by the vast majority of scientists that further scientific research into the causes and impacts of climate change is warranted.

Claim: Administration omitted critical language on climate change from the EPA Report on the Environment

Response:

- Following a standard interagency review, EPA decided that, in lieu of the brief 4-page treatment of climate science contained in its initial draft report, it would be more thorough to refer readers to the Strategic Plan for the CCSP. The review process resulted in many comments on the climate section, indicating that the complexity of climate change science was not adequately addressed by EPA’s short draft. Instead, the final EPA report referred readers to the far more expansive and complete exposition of climate change knowledge, the 205-page CCSP Strategic Plan.
- The CCSP, of which the EPA is a member, was due to release the extensive *Strategic Plan for the U.S. Climate Change Science Program* (this strategic plan was released July 24, 2003; the EPA report was released June 23, 2003). The CCSP report contained a more thorough analysis of the relevant science, had the advantage of endorsement by the 12 Federal agencies that fund various aspects of climate change research (nearly \$2 billion annually), and went through extensive review and comment from the scientific research community prior to release.

Claim: The Administration does not invite EPA to participate in climate issues and former OSTP official Rosina Bierbaum claims the Administration excluded OSTP scientists from climate change discussions

Response:

- The Administrator of EPA is a member of the cabinet-level Committee on Climate Science and Technology Integration and the EPA is a member of the subsidiary bodies, such as the Interagency Working Group on Climate Change Science and Technology, the Climate Change Science Program, and the Climate Change Technology Program. EPA co-chairs the National

Science and Technology Council's Committee on Environment and Natural Resources, which has oversight of the Subcommittee on Global Change Research.

- The cabinet-level discussions referenced by Dr. Bierbaum led to various options to strengthen the existing program and included the participation of numerous, highly expert Federal career scientists including Dr. David Evans, former Assistant Administrator for Oceanic and Atmospheric Research at NOAA, Dr. Ari Patrinos, Associate Director of the Office of Biological and Environmental Research at the Department of Energy, and Dr. Dan Albritton, Director of the Aeronomy Laboratory of Oceanic and Atmospheric Research at NOAA. The result of these discussions led to the recommendation to form the Climate Change Science Program.

Claim: Cancelled publication of carbon sequestration brochure

Response:

- The USDA's Natural Resources Conservation Service (NRCS) decided not to republish the brochure because the information was outdated and did not reflect significant recent decisions by USDA to consider greenhouse gas reduction and carbon sequestration in setting priorities for conservation programs. Nevertheless, approximately 37,000 existing brochures remain available for distribution. The document is posted on the Soil and Water Conservation Society web-site: http://www.swcs.org/docs/carbon_brochure.pdf. Links to the document are found on the NRCS website: <http://www.nrcs.usda.gov/news/releases/2000/000424.html>.
- USDA is working with the Department of Energy to develop accounting guidelines for greenhouse gas reporting for agriculture. Once these guidelines are available, USDA will reprint this brochure including information on how farmers can use the new guidelines

Claim: Delay on EPA Report on Children's Health Indicators

Response:

- The interagency review of the EPA report on children's health and the environment was not related to and occurred independently of the Administration's deliberations on mercury emissions from power plants. The report was released in February 2003.
- Information on risk levels for children born to women with at least 5.8 ppb of mercury in their blood (8% of women of child-bearing age in 1999-2000) was included in the report, not suppressed.
- In fact, this information was available well before the EPA report through the CDC and it indicated that 10% of women of child-bearing age had blood mercury levels above the reference dose.
- The updated risk levels were used by the Administration in the preparation of its regulatory proposal to reduce mercury emissions from coal-fired power plants.

Claim: Use of industry language in rule-making

Response:

- This was a proposed rule, not a final rule, and the paragraphs appeared in the descriptive portions of the preamble of the proposed rule, not the proposed regulations themselves.
- The language at issue was derived from two memoranda submitted as public comments to the public docket. Such direct use without citation was unfortunate, but involved text that had nothing to do with the integrity of the science used by EPA.

Claim: Withholding information on multiple air pollutants

Response:

- An EPA evaluation of proposed air pollution legislation by Senators Carper, Gregg, and Chafee (S. 843) was not withheld.

- EPA submitted a cost analysis of the legislation to the Senators in early summer 2003, and submitted a benefits analysis in October 2003.
- Moreover, the Energy Information Administration (EIA) also analyzed and compared the costs of S. 843 and S. 485 (the Administration's Clear Skies proposal), and provided the analysis to Congress in September 2003.

Claim: Distorting scientific knowledge on reproductive health issues – abstinence-only education

Response:

- Currently, the Federal government funds abstinence-only programs through the Health Resources and Services Administration (HRSA) and the Assistant Secretary for Health.
- There are no CDC science-based performance measures for these programs. The program was not designed as a scientific study, so even if the original performance measures had been kept, very little useful scientific data would have been obtained.
- There is a long-range scientific evaluation of these programs currently being conducted.

Claim: Altering information on a condom fact sheet on the CDC website

Response:

- The CDC routinely takes information off its website and replaces it with more up-to-date information.
- The condom fact sheet was removed from the website for scientific review and was updated to reflect the results of a condom effectiveness review conducted by the National Institutes of Health and new research from other academic institutions.
- The condom information sheet was re-posted with the new information.

Claim: Posting information suggesting a link between abortion and breast cancer

Response:

- The National Cancer Institute (NCI) "Abortion and Breast Cancer" fact sheet has been revised several times since its origin in 1994.
- NCI temporarily removed the fact sheet from the website because of conflicting information on the issue.
- In February 2003, NCI convened a workshop of over 100 of the world's leading experts who study pregnancy and breast cancer risk. They concluded that having an abortion or miscarriage does not increase a woman's subsequent risk of developing breast cancer.
- A revised fact sheet was posted on the NCI website shortly after the workshop reflecting the findings.

Claim: USDA suppressed Dr. James Zahn's analysis on airborne bacteria

Response:

- Dr. Zahn did not have any scientific data or expertise in the scientific area in question. Dr. Zahn's assigned research project involved the management of odors from hog operations.
- Permission to speak to the Adair (Iowa) County Board of Health meeting, as an Agricultural Research Service (ARS) representative, was withdrawn when it was learned that Dr. Zahn was expected to speak on human health risks of hog confinement operations, an area in which Dr. Zahn did not have any scientific data or expertise.
- Dr. Zahn received approval to report on his preliminary observations of dust borne antibiotic resistant bacteria at the 2001 meeting of the American Society of Animal Science and at a 2001 National Pork Board Symposium. On numerous occasions he received approval to present and publish his research on volatiles and odors from swine manure. Approval was denied five times for him to discuss the public health ramifications of his observations on spread of antibiotic resistant bacteria, because he had no data or expertise with respect to public health.

Claim: USDA ‘Sensitive Issue’ List identifies areas to censor scientists’ work

Response:

- USDA headquarters has had a long-standing, routine practice (at least 20 years) to require the ARS to review research reports of high-visibility topics (called the “List of Sensitive Issues”).
- ARS headquarters reviews, when required, do not censor, or otherwise deny publication of, the research findings. This practice does not relate to the initial research priority setting process or determinations of which studies will be undertaken.
- The purpose of this review is to keep ARS Headquarters officials informed before publication of new developments on cutting edge research, controversial subjects, or other matters of potential special interest.

Claim: Misrepresenting evidence on Iraq’s aluminum tubes

Response:

- Director of Central Intelligence George Tenet addressed this issue directly in his February 5, 2004, speech at Georgetown University.

Claim: Manipulation of science regarding the Endangered Species Act (ESA)

Response:

- The current listing situation results from Fish and Wildlife Service (FWS) practices in place *before the Bush Administration took office* to disregard the ESA by listing endangered species without designating associated critical habitat (as well as by ignoring pending petitions to list species). Fulfilling the resulting court orders now consumes the FWS listing budget. This Administration has taken steps to redirect additional funds to this budget account, and the President’s FY05 Budget requests an increase of more than 50 percent.
- The Administration is also focusing on enhancing and restoring habitats of threatened and candidate species population via partnership with States, local governments, tribes, landowners, conservation groups, and others to conserve species through voluntary agreements and grant programs -- thus keeping them off the list by preventing these species from becoming threatened in the first place.

Claim: Manipulation of Missouri River Biological Opinion

Response:

- While the UCS accuses the Fish and Wildlife Service (FWS) of acting to prevent the 2000 Biological Opinion from taking effect in 2003, that Opinion had actually been in effect since its issuance. Further, amending the 2000 Biological Opinion was required under the Endangered Species Act because the Army Corps of Engineers had submitted proposed updates to its Master Water Control Manual for the Missouri River. In this proposed update, the Corps noted new information concerning the rebound of two of the three species found in jeopardy under the 2000 Opinion.
- The FWS accelerated its consultation process in order to allow sufficient time for the Corps to meet court-ordered deadlines. A team of 15 FWS experts (including 7 from the 2000 team) with a collective 300 years of experience was assembled. The team determined that jeopardy still existed for one of the three species originally found in jeopardy, and imposed specific biological and habitat development targets to protect all three species.
- The two career Federal officials leading the team noted that the 2003 amended Biological Opinion process followed a mandate to go “where the science leads us,” and that they were unhindered in pursuing a project with “only one focus: the pursuit of science and the well-being of the species.”

Claim: USDA manipulated the scientific process on forest management

Response:

- A Science Consistency Review (SCR) was conducted to assess the draft supplemental environmental impact statement (DSEIS) from a scientific perspective.
- The SCR judges whether scientifically rigorous information has been considered and used in the draft documents that underlie and implement land management decisions.
- The SCR consisted of 13 members of which 11 were scientists (of these 11, 2 were from the Forest Service and 9 were external to the government).
- The draft documents, the SCR, the response to the SCR, the responses to public comments, and the final supplemental environmental impact statement are all available at <http://www.fs.fed.us/r5/snfpa/> for review so that anyone can access the scientific information used and the process that utilized this information.

Claim: Misleading statements and omissions on the OMB Draft Scientific Review Bulletin on Peer Review

Response:

- OMB did not propose a new government-wide rule, but rather proposed a new Bulletin or guidance document under the Information Quality Act (IQA) and other authorities. The purpose of the bulletin is to help ensure the quality of the science upon which important policy decisions are based. It published the draft Bulletin in the Federal Register and sought comments on all aspects, including its scope.
- This OMB peer review initiative does NOT prohibit scientists receiving government funds from serving on peer review panels. The draft bulletin cites government research funds as one factor that agencies should consider when determining which scientists should be selected. Research funds from business are also cited as a source of conflict of interest that needs to be considered.
- Finally, the proposed OMB Bulletin contains no intention of excluding those who are most qualified, or slowing down agency regulatory proceedings. A well-conducted peer review process can accelerate the rulemaking process by reducing controversy and protecting any resultant rules against legal and political attack.

Claim: Undermining the quality and integrity of the appointment process

Response:

- The Administration has over 600 scientific advisory committees. HHS, alone, has 258 advisory committees.
- Every individual who serves on one of these committees undergoes extensive review, background checks, and is recognized by peers for their contributions and expertise.
- Panels are viewed from a broad perspective to ensure diversity; this may include gender, ethnicity, professional affiliations, geographical location, and perspectives.

Claim: Industry influence on lead poisoning prevention panel

Response:

- Composition of the panel had no bearing on the issue of toughening the lead poisoning guidelines.
- For a variety of scientific reasons, CDC decided to emphasize preventing exposure of children to lead, not lowering the lead poisoning guidelines.
- These reasons included the fact that there are no clinical interventions (treatments) to reduce blood lead levels that are 10 micrograms (current guidelines) and below. In other words, we need to prevent poisoning at the outset.
- Regarding the issue of appointments, the members in question replaced outgoing members who had served several terms and others who had permissibly served beyond the expiration of their

present terms. Therefore, it was part of the normal advisory committee process to identify new members.

- CDC and the Office of the Secretary worked to find a balanced slate of individuals who would reflect a diverse set of opinions.

Claim: Political litmus tests on workplace safety panel – ergonomics

Response:

- HHS worked with Director of National Institute for Occupational Safety and Health (NIOSH) to find a balanced slate with a diversity of viewpoints.
- Agencies typically review many individuals to serve on advisory panels and they may be rejected for a variety of reasons.
- In this instance, one of the scientists that the UCS mentions was actually selected to be appointed to the committee.

Claim: Non-scientist unqualified to serve in senior advisory role to the President

Response:

- This claim is highly offensive.
- Senior positions within OSTP are defined by the Director, who in this Administration has significantly reorganized the office to strengthen coordination with other relevant policy offices and congressional committees. Mr. Russell has superior qualifications for the functions he performs in this organization.
- The American Association of Engineering Societies (AAES), the umbrella organization for Engineering Societies which represents over one million engineers, endorsed Mr. Russell's candidacy.
- The Senate concurred with AAES' assessment and confirmed Mr. Russell by unanimous consent.

Claim: Underqualified candidates in health advisory roles

Response:

- Both the individuals cited by the UCS are in fact well qualified.
- Their CV's are widely available and it is not necessary to repeat them.

Claim: Political litmus test used for National Institute for Drug Abuse (NIDA) scientific appointees

Response:

- The HHS Office of the Secretary's office recommended that Dr. Miller, the candidate in question, be considered for the NIDA advisory panel and NIDA did not concur.
- The decision by NIDA/NIH was not based on any conversations with the Secretary's office.

Claim: Nominee to the Army Science Board was rejected because he had contributed to the presidential campaign of Senator John McCain.

Response:

- Nominees for standing membership are approved at several levels within the Army and the Office of the Secretary of Defense, and some may be turned down during this process for various reasons.
- Mr. Howard, the individual identified by the UCS, has expertise relevant to defense issues, and his technical advice has been sought on Army Science Board, Air Force Science Advisory Board, and Defense Science Board studies as a consultant during the current Administration.

Claim: National Nuclear Security Administration (NNSA) dismissed advisory panel

Response:

- NNSA Advisory Committee was established in June 2001, not by Congress, but by the Department of Energy to advise the NNSA Administrator on a wide range of issues affecting the then newly established NNSA.
- The charter expired in June of 2003 and was not renewed.
- NNSA gets input from the U.S. Strategic Command Strategic Advisory Group, the Defense Science Board, the Secretary of Energy Advisory Board, and the National Academy of Sciences/National Research Council.

Claim: Arms control panel that advised State Department on technical matters was dismissed

Response:

- The Arms Control and Nonproliferation Advisory Group had reached the end of its two-year charter (as set forth in the Federal Advisory Committee Act (5 U.S.C. Appendix 2)).
- The Arms Control and Nonproliferation Advisory Group has been reauthorized by Under Secretary of State for Management, Grant Green, and the specific membership is currently under consideration.

Claim: A pattern of inserting politics into science

Response:

- The UCS document concludes with a series of quotations but does not provide a single instance of an actual suppression of agency research or an appointment irregularity occurring.
- Individual opinions are not actual events whose facts can be determined. With no context, one must assume these opinions are based upon the type of misinformation presented throughout the UCS document.