

Comments on
Draft FY 2022-2026 Strategic Plan of the
U.S. Environmental Protection Agency
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These comments are directed primarily to Cross-Agency Strategy 1: Ensure Scientific Integrity and Science-Based Decision Making. I will refer also to elements of Cross-Agency Strategy 3: Advance EPA's Organizational Excellence and Workforce Equity.

Here is an excerpt from "Environment 2045," a Project of American University and the EPA Alumni Association that is germane to Cross-Agency Strategy 1. The excerpt appeared in the section of that Project titled, "Tools, Processes and Culture ." The excerpt:

"Empowering staff as well as managers to identify potential improvements and correct systemic weaknesses can make the Agency more effective and innovative. This will require a sustained commitment from the highest levels of the Agency.

In this iteration of the Agency, staff will be active participants with management in identifying problems to be addressed and in planning how to address them. Processes to implement this mode of operation should be developed jointly by all participants with a stake in the process.

The focus group recognizes that disagreements will occur from time to time among sincere, committed environmental professionals. In matters involving interpretation and evaluation of scientific inputs, managers and staff qualified by education, training and experience should be the decision makers in resolving differences in professional judgments as they arise, using EPA's Principles of Scientific Integrity as guidance."

I was the principle author of the above section of the Project. I had suggested the following text also be included, but upon which I could not obtain consensus among the focus group:

"The EPA Principles of Scientific Integrity will be amended through negotiations with the Agency's labor unions to include a mechanism for adjudicating disputes.

Each Regional and Headquarters Assistant Administrator will establish an appropriate sized staff/management team to carry out these arrangements."

Because consensus was achieved on the italicized text above among the authors of this Section, i.e., Stan Meiburg, Rob Brenner, Arder Calvert, Greg Fabian, Odelia Funke, Noah

Gaber, Joel Mintz, Bill Shapiro, Stephen Weil, George Wyeth and myself, all EPA alumni devoted to the best interest of the Agency and its missions, great weight should be placed on the specific language of these recommendations. Specifically, the co-equal obligations and opportunities of qualified staff and management in the operations described and in particular re: Cross-Agency Strategy 1, “resolving differences in professional judgments” on “interpretation and evaluation of scientific inputs.”

My suggested text about bargaining between management and labor over amending the PSI covers how the engagement of elected staff representatives in the above key elements of scientific integrity can be achieved

Given the existence of the Scientific Integrity Office and its operational Committee , the second of my rejected suggestions already exists at the Headquarters level. Consideration ought to be given to establishing the same structures in the Regions.

Having served as Labor Co-Chair of EPA’s National Partnership Council in the late 1990’s, I was part of EPA unions’ efforts to convince the Agency that a set of professional ethical standards was necessary. What became known as EPA’s Principles of Scientific Integrity was the result of EPA’s labor unions and its management working together. Under the present EPA Scientific Integrity Policy, unions and management are not permitted to work together.

The current policy does not recognize the unions' right to engage on the clearly working conditions issue of scientific integrity.

When a staff scientist sees management change the conclusions on a risk assessment, or exert pressure to use data that the scientist judges as faulty, she must report this to another manager in her chain of command, the Deputy Scientific Integrity Officer. There have been instances in the recent past where this has happened, and the interests of the two management officials, i.e., first- or second-line supervisor and Deputy Scientific Integrity Officer coincide. Big surprise?

What remedy does the scientist have under the current policy? Report to the Inspector General under whistleblower protection, such as it is, that's it?

If a labor representative were part of the SIC the inescapable question of integrity of the Scientific Integrity Policy could be addressed.

As it is, the question remains open and unanswered., all the high rhetoric supporting it notwithstanding.

History of how EPA has used the existence of the Principles of Scientific Integrity, the beating heart of the current policy, as cover for management malfeasance is illustrative.

See for example the testimony of Administrator Carol Browner before the House Committee on Science a mere seven months after she promulgated the Principles of Scientific

Integrity. (*106th Congress [1999-2000] House Committee Meetings By Date: Intolerance at EPA. U.S. Congressional Bibliographies. October 4, 2000*). The Administrator proudly proclaimed in her testimony that EPA had adopted a set of Principles of Scientific Integrity while attempting to refute charges that the Agency retaliated against Dr. Marsha Coleman-Adebayo for her work showing severe adverse health problems among miners of vanadium in Africa. Her testimony was not truthful.

Four years after the PSI became policy, a Headquarters engineer came to the NTEU Chapter 280 office with a complaint. She'd told her boss that instrumentation for measuring emissions at a particular site was inadequate for the job. Her boss said, "We're going to use those instrument's data. And even if I say $2 + 2 = 7$ its your job to back me up." The union filed a PSI grievance up to the Deputy Administrator level, which bounced around Headquarters management for weeks. Eventually, the Assistant Administrator, Morris Winn, who oversaw labor relations responded in writing, asserting that the PSI was only "guidance," not in the Collective Bargaining Agreement, and so was not grieveable.

For more examples see: www.epaunionhistory.org

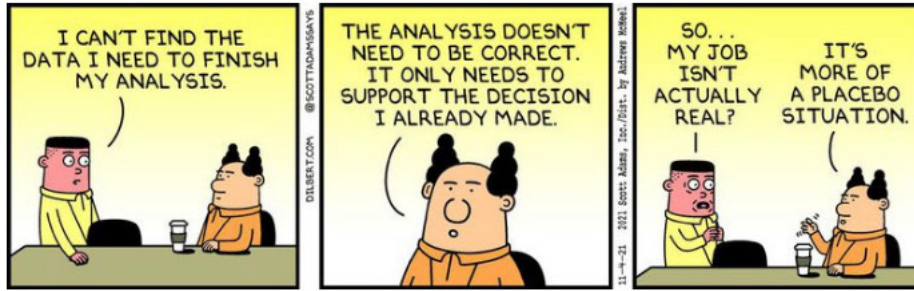
And finally, the ultimate poison pill in the Agency's Scientific Integrity Policy as far as transparency, integrity and enforceability:

“This policy is intended to improve the internal management and operation of the Agency. It does not create any obligation, right or benefit for any member of the public, substantive or procedural, enforceable by law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees or agents, or any other person.” Management can do whatever it wants....and no challenges allowed.

The Remedy? Allow labor representation on the Scientific Integrity Committee, and allow it a role in seeing how the EPA Scientific Integrity Policy is administered. That will both strengthen the Policy and contribute to attracting world-class scientists and retaining those now employed.

Do you really want scientists jobs at EPA to be characterized as “Placebo Situation,” conning the public into thinking the current “Scientific Integrity Policy, with zero input from scientists’ elected representatives is just dandy?

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