Freedom to Speak?

A Report Card on Federal Agency Media Policies

Both democracy and science are based on the free exchange of ideas. A strong democracy depends on well-informed citizens who have access to comprehensive and reliable information about their government's activities. Similarly, science thrives when scientists are free to interact with each other, opening their ideas to wide-ranging scrutiny.

Because our country's decision makers need access to the best scientific information available, federal agencies must allow their scientists to participate in the scientific community and speak freely about their research to the media and the public. Yet too often an agency's desire to "control the message" has led to the suppression of information and the censorship of the government's own experts.

© James Fryer

What We Did

To assess the degree of freedom with which science is communicated at federal agencies, the Union of Concerned Scientists conducted an investigation of 15 federal regulatory and science agencies. First, we analyzed existing policies governing communication with the media and the public. Second, we surveyed a cross-section of federal scientists to assess how these policies are put into practice.

What We Found

Both good policy and good practice in the communication of scientific results to the media are achievable goals for federal agencies. Yet there is no consistency among agency policies, and the ability of government scientists to speak freely about their research depends on the agency that employs them.

For example, scientists at both scientific and regulatory agencies—such as the U.S. Geological Survey and the Nuclear Regulatory Commission, respectively—reported broad freedom to communicate their findings and opinions. Other agencies, such as the Centers for Disease Control and Prevention, have set a high standard for clearly articulated policies that value scientific openness.

In contrast, media policies at the Occupational Safety and Health Administration and the Consumer Product Safety Commission focus on message control rather than openness, and scientists in those agencies feel intimidated and unable to speak freely. Other agencies, such as the Environmental Protection Agency, lack any central policy, so their rules about talking to the media vary from office to office.

Both strong leadership and strong policies are crucial for achieving the culture of openness that allows both science and good governance to thrive. A strong policy tells scientists that their expertise is valued, but even the strongest policy needs the commitment of agency leaders to put it into practice. Reforming the communication of federal science should be a priority for the next administration.

Our grades for current media policies and practices at each of 15 federal agencies follow.

Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions

Bureau of Land Management (BLM)

POLICY: D

PRACTICE: Needs Improvement

No official media policy was obtained through a Freedom of Information Act (FOIA) request, but a Department of the Interior policy accessed via the Internet provides only minimal protections for scientific free speech. A majority of BLM survey respondents reported they must obtain approval from public affairs officials before talking to the media, and most respondents do not feel free to express their personal views without fear of retaliation. **We recommend that the BLM adopt an agency-wide media policy that explicitly protects the right of its scientists to speak freely.**

"There is a lot of daily contact with members of the public who call and want information or advice about a particular project or activity on public land. . . . [It is] only when something becomes politically sensitive that someone whaps us for talking to the public." —anonymous BLM scientist

Census Bureau

POLICY: B

PRACTICE: Needs Improvement

Media relations at the Census Bureau fall under the 2007 Department of Commerce (DOC) communications policy. Yet survey respondents from the bureau gave their agency lower scores for openness than their colleagues at NOAA and NIST. Respondents also felt less free to express their personal views to the public or the media, despite protections in the DOC policy. **The Census Bureau should 1) allow its experts to freely communicate their research and 2) provide training so its employees will feel empowered to do so.**

"We are instructed that nothing we say can be interpreted as our opinions—everything we say is to be viewed as officially coming from the Census Bureau." —anonymous Census Bureau scientist

Centers for Disease Control and Prevention (CDC)

POLICY: A

PRACTICE: Needs Improvement

The CDC's official information and communications policies are excellent, with provisions that allow scientists to state their personal views and review press releases describing their research. Yet in many cases practice diverges from policy. Survey respondents generally did not agree that they are allowed to speak freely to the media, and most doubted that they could state their personal views without fear of retaliation. **A clearly stated commitment to scientific openness from CDC leadership would help bring the agency's practices in line with its policy.**

"Most of the time [the CDC's media policy] seems to be consistent, however, with highly charged issues the agency has buckled to political pressure." —anonymous CDC scientist

POLICY: A = Excellent B = Good C = Average D = Poor F = Fail Inc = Incomplete
PRACTICE: Outstanding Satisfactory Needs Improvement Unsatisfactory

Consumer Product Safety Commission (CPSC)

POLICY D

PRACTICE Unsatisfactory

The CPSC's media policy does permit employees to state their personal views, but it also requires pre-approval by public affairs officials for any media contact, and mandates that media inquiries be routed to approved spokespeople. Survey respondents agreed that they were required to obtain pre-approval for media interviews and generally did not agree that they were free to express their personal views without retaliation. Respondents reported that they are usually allowed to review how their communications are changed by management, but that has not stopped several reported incidents of abuse. **The CPSC should update its media policy to include protections for scientific speech.**

"I have witnessed several occasions where I or my colleagues have been asked by higher management to reword or rewrite our scientific reports, apparently to soften (or at times exaggerate) findings and data. . . . On one occasion, when I would not agree to make the 'suggested changes' because I felt they altered my conclusions, I was told to 'File your report in your bottom drawer!'"
—anonymous CPSC scientist

Environmental Protection Agency (EPA)

POLICY D

PRACTICE Unsatisfactory

There is no agency-wide media policy for the EPA; we obtained five written policies from various EPA regions and offices in response to our FOIA requests. There is considerable variation among these policies, but none include strong protections for scientists. Instructions not to talk to reporters and to forward all media inquiries to public affairs officials are periodically emailed to EPA employees. A majority of survey respondents did not agree that they can speak freely to the media, and interviews with journalists indicated that the EPA is an especially restrictive agency. **The EPA should create a standard, agency-wide media policy that protects scientific speech.**

"I have never been so 'handled' as in the past few years—I am usually allowed to communicate with the media—but I now have to get approval, and usually have a press person present—or on the line—even if I am talking to a small college newspaper." —Linda Birnbaum, toxicologist with 18 years of experience at the EPA's Office of Research and Development

POLICY: The quality of an agency's written policy (if obtainable). **PRACTICE:** The agency's science communications performance. Agencies are graded on a curve based on scores calculated out of a total of 100 points.

Fish and Wildlife Service (FWS)

POLICY: D

PRACTICE: Unsatisfactory

The FWS does not have a central, official media policy, although we did uncover policies for a few regional offices and a Department of the Interior policy that applies to the FWS and was the basis for the grade to the left. As a result, FWS scientists and even its public affairs officials often rely on local policies transmitted verbally or by email from supervisors. Some scientists felt free to speak with the media and simply notify their press officer; others were restricted from making any media contacts. There is a widespread sense among agency scientists that political appointees have interfered with science-based decisions in recent years and that scientific openness has suffered as a result. **The FWS should create a standard, agency-wide media policy that protects scientific speech.**

"FWS has so many policies about everything and they are so liberally interpreted, you never know where you stand." —anonymous FWS scientist

Food and Drug Administration (FDA)

POLICY: Inc

PRACTICE: Needs Improvement

No official FDA media policy was obtained through Web searches or FOIA requests, but survey respondents report that pre-approval of contacts with the media and routing of media requests to public affairs officials is common. Some restrictions involving proprietary information are expected, but to fulfill its public health mandate the FDA must allow greater communication between its experts and the public. **The FDA should create a media policy that includes protections that will allow scientists to speak freely about their expertise.**

"[The FDA's media policy is] very coherent in that I am not allowed to speak to the public at all. . . . If there is a hot topic then the issue gets quite a bit of management. There is a big committee that forms to discuss how to handle that. When those big committees are formed to work on an issue then often the scientific message gets lost. [T]here is very little way for FDA to show the dissenting or conflicting voices [and] toxicologists and risk assessors have a hard time getting their papers out."
—anonymous FDA scientist

POLICY: A = Excellent B = Good C = Average D = Poor F = Fail Inc = Incomplete
PRACTICE: Outstanding Satisfactory Needs Improvement Unsatisfactory

National Aeronautics and Space Administration (NASA)

POLICY **B**

PRACTICE Satisfactory

In 2006, NASA Administrator Michael Griffin revised the agency's media policies and re-emphasized its "commitment to open scientific and technical inquiry and dialogue with the public." The revised policy clarifies that NASA experts may speak freely to the news media about their research. A majority of survey respondents are aware of their rights, although some reported that they do not feel they can speak freely to the media. **NASA has come a long way, and continued leadership and emphasis on openness will help solidify its gains.**

"I have been a climate researcher with NASA for over two decades and the last eight years are the first attempts at 'control' of NASA public affairs that I had seen. I primarily experienced this through interactions with center public affairs officials who were very frustrated by the increased NASA HQ 'control' of the messages going out. It has improved since the Jim Hansen issue, but has not yet returned to levels prior to the [George W.] Bush administration." —anonymous NASA scientist

National Institutes of Health (NIH)

POLICY **C**

PRACTICE Needs Improvement

The NIH has a reasonably good policy on releasing information to the public, backed by supportive statements from the director. Yet a majority of NIH scientists stated that public affairs officials must pre-approve media interviews, and this was confirmed in interviews with journalists and public affairs officials. **We recommend the NIH discard this practice and encourage its employees to speak freely about their research. The official media policy can be strengthened and used to reaffirm this principle.**

"My impression is that scientists are really not supposed to talk to the media at all. . . . When reporters want to talk to me they are usually swept to someone higher up, who will take the inquiries instead. They have different views and don't necessarily understand the implications [of my research] but they want to be the ones to talk." —anonymous NIH scientist

POLICY: The quality of an agency's written policy (if obtainable). **PRACTICE:** The agency's science communications performance. Agencies are graded on a curve based on scores calculated out of a total of 100 points.

National Institute of Standards and Technology (NIST)

POLICY: B

PRACTICE: Satisfactory

NIST and NOAA are both guided by the Department of Commerce (DOC) media policy, issued in 2007, and the two agencies' survey results are remarkably similar. Scientists in both agencies are aware of free speech protections in the official policy and report a comparatively high degree of openness.

National Oceanic and Atmospheric Administration (NOAA)

POLICY: B

PRACTICE: Satisfactory

The DOC media policy that guides both NOAA and NIST is a step in the right direction, although more safeguards are needed to ensure that past abuses do not recur. Commendably, over three-quarters of NOAA survey respondents are aware of free speech protections in the official policy and many report a decline in incidents of censorship. **Still, the DOC policy adds layers of bureaucracy that make routine media communications confusing and burdensome. We recommend the DOC clarify and streamline this policy.**

"Prior approval of any communication directly from scientists to the public is not required. We are required to notify the public affairs office afterwards about what was said. We do not speak for NOAA in those cases, but for ourselves as scientists. Official press releases are written by public affairs personnel, and the practice here is that we have final approval of the scientific content."
—anonymous NOAA scientist

National Science Foundation (NSF)

POLICY: Inc

PRACTICE: Outstanding

We were unable to find an official media policy on the agency's website or in documents provided in response to our FOIA request. However, survey respondents report the NSF has done an excellent job protecting its scientists' free speech, maintaining a public affairs operation that is supportive and professional, and preventing inappropriate interference. **The NSF should adopt and publicize a media policy that reinforces its high degree of openness.**

"NSF is squeaky clean." —anonymous NSF scientist

POLICY: A = Excellent B = Good C = Average D = Poor F = Fail Inc = Incomplete
PRACTICE: Outstanding Satisfactory Needs Improvement Unsatisfactory

Nuclear Regulatory Commission (NRC)

POLICY **B+**

PRACTICE Satisfactory

As a regulatory agency that deals with sensitive topics and information, the NRC deserves praise for the culture of openness it has fostered. According to survey respondents, NRC policies are applied consistently and do not compromise scientists' free speech. When disputes arise, employees may submit a Differing Professional Opinion, which initiates a formal process for resolving differences. **To guard against complacency, we recommend the NRC's leaders issue statements reinforcing this culture of openness.**

"Last year we had someone who disagreed with a technical finding, so [he] argued his viewpoint with superiors, and he was cited by the regional administration as an example to be followed. So management is behind this. They want to have us reach the truth." —Harold Gray, materials engineer, 26 years at the NRC

Occupational Safety and Health Administration (OSHA)

POLICY **F**

PRACTICE Unsatisfactory

OSHA has a long way to go. The Department of Labor media policy that applies to OSHA emphasizes controlling the agency's message rather than promoting openness. Over three-quarters of survey respondents did not feel free to speak their minds or feared retaliation for stating their personal views, and there were four reported incidents of inappropriate interference with scientific communications. **We recommend OSHA overhaul its policies to protect scientists' free speech, promote open and timely communication, and safeguard against abuse.**

"We are to contact our office of public affairs and get permission prior to talking with the media." —anonymous OSHA scientist

U.S. Geological Survey (USGS)

POLICY **C**

PRACTICE Satisfactory

According to journalists and agency scientists, the USGS is in the top tier of federal agencies in terms of scientific openness. Agency policies could be made more explicit in some areas, yet a strong majority of scientists reported that they can speak freely. Survey respondents also reported that there is no inappropriate interference in their scientific communications, and that public affairs officials encourage those communications. **Nurturing the existing culture of openness at the USGS should be a priority and can be achieved by clearly and consistently supporting scientific free speech and good media practices.**

"[The USGS is] the model for all government agencies. . . . Open, transparent, honest, communicative, and informative. They don't restrict access to scientists as far as I can tell. They hold their scientists to a very high standard." —Joseph A. Davis, freelance journalist

POLICY: The quality of an agency's written policy (if obtainable). **PRACTICE:** The agency's science communications performance. Agencies are graded on a curve based on scores calculated out of a total of 100 points.

Solutions

The next administration should require all federal agencies to adopt policies that ensure free and open communication between scientists, the media, policy makers, and the public. The next president's science adviser should build upon the guidelines for scientific openness released earlier this year by the Office of Science and Technology Policy, and the president should encourage agency leaders to adopt policies (or modify existing policies) consistent with these guidelines.

Agency media policies should respect two fundamental tenets of scientific communication:

- Scientists, like any federal employees, have a right to express their personal views outside of certain narrow restrictions. As long as they provide an explicit disclaimer that they are speaking as private citizens and not as a representative of their agency, scientists should be allowed to speak freely about their research and to offer their scientific opinions—even in situations where their research may be controversial or have implications for agency policy.
- Scientists have the right to review, approve, and comment publicly on the final version of any document or publication that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinions.

How We Graded Each Agency

We assign each federal agency two grades: the first based on the strength of its official written policy and the second based on how that policy is put into practice (as perceived by the federal scientists it affects). The policy grade is calculated based on six measures of open communication. The practice grade is based on email survey responses from 739 scientists across 15 federal agencies.

Letter grades were assigned on a curve. We use two different grading systems (A-F for policy, Outstanding/Satisfactory/Needs Improvement/Unsatisfactory for practice) to emphasize that the two sets of grades were obtained using different methods and should not be compared.

Policy grade. We graded each agency's media or communications policy based on six broad categories: "protects fundamental scientific free speech;" "safeguards against abuse;" "promotes openness and timeliness;" "accessible, current, clear and consistent;" "handling of misconduct and disputes;" and "consistent with legal requirements." To obtain copies of existing communications policies, we first searched each agency's website. We then called the agency's public affairs office and submitted a Freedom of Information Act (FOIA) request. If no comprehensive policy could be found or obtained through FOIA, the agency received zero points and was given a grade of "Incomplete." Policies regarding the clearance of scientific publications are not a focus of this study.

Practice grade. We emailed questionnaires to more than 6,000 scientists at 15 federal agencies. Lists of scientists were obtained from a variety of sources including online staff directories and targeted Internet searches. For large agencies we selected a random sample of 600 scientists. For agencies with fewer than 600 identifiable scientists, every scientist received the survey. We supplemented these results by interviewing more than 70 agency scientists, public affairs officers, and journalists with experience covering each agency.

Excluding respondents who had no scientific duties, we received 739 completed surveys. Response rates ranged from 6 percent (NIST) to 20 percent (USGS). Five agencies (Census, CPSC, NIST, NSF, and OSHA) produced fewer than 40 responses. Because survey respondents are self-selected, survey results are valid only for comparison between agencies (assuming a similar selection process occurs across agencies) and cannot be extrapolated to a given agency's entire workforce.

The survey questions were grouped into six broad categories: "protects fundamental scientific free speech;" "safeguards against abuse;" "promotes openness and timeliness;" "accessible, current, clear and consistent;" "handling of misconduct and disputes;" and "scientists' perceptions of openness." Weighted averages of the responses to each question were combined according to a formula that would generate a score between 0 and 100 for each agency.

Detailed information on the grading process, including methodology, the documents analyzed, and complete survey results, can be found online at *www.ucsusa.org/mediapolicies*.

Other Recent Reports on Federal Communications Policies

Cooper, A. 2002. SEJ survey finds EPA information policies vary by region. Jenkintown, PA: Society of Environmental Journalists. *SEJournal* 12(2):12-13.

Maassarani, T. 2007. *Redacting the science of climate change*. Washington, DC: Government Accountability Project.

Union of Concerned Scientists. 2008. *Interference at the EPA: Science and politics at the U.S. Environmental Protection Agency*. Cambridge, MA.

Union of Concerned Scientists and Government Accountability Project. 2007. *Atmosphere of pressure*. Cambridge, MA.

U.S. Government Accountability Office. 2007. *Policies guiding the disseminations of scientific research from selected agencies should be clarified and better communicated*. Washington, DC.

U.S. Office of Science and Technology Policy. 2008. Memorandum from John H. Marburger III re: Principles for the release of scientific research results. May 28. Washington, DC.

www.ucsusa.org

Two Brattle Square • Cambridge, MA 02238-9105 • TEL: (617) 547-5552 • FAX: (617) 864-9405
1825 K Street NW, Suite 800 • Washington, DC 20006-1232 • TEL: (202) 223-6133 • FAX: (202) 223-6162
2397 Shattuck Ave., Suite 203 • Berkeley, CA 94704-1567 • TEL: (510) 843-1872 • FAX: (510) 843-3785

Union of Concerned Scientists
Citizens and Scientists for Environmental Solutions