

Climate Scientists Released from Federal Gag Order

WASHINGTON, DC, January 18, 2009 (ENS) - Bush administration rules limiting what U.S. Department of Commerce employees can say to the media or in public do not apply to climate and weather scientists, according to an agency email released by Public Employees for Environmental Responsibility, a service organization for state and federal employees.

As a result, National Oceanic and Atmospheric Administration specialists represented by the National Weather Service Employees Organization do not have to obtain agency pre-approval to speak or write, whether on or off-duty, concerning any scientific topic deemed "of official interest."

A November 19, 2008 email from NOAA Deputy Pacific Regional Director Edward Young states that the Commerce Department policy on "Public Communication, issued April 30, 2008, has not yet been implemented within the National Weather Service, and does not affect members of the Bargaining Unit."

That bargaining unit is represented by the National Weather Service Employees Organization and includes 4,000 NOAA employees, including forecasters of the National Weather Service, attorneys in NOAA's Office of General Counsel, hurricane researchers and other meteorological scientists.

While climate and weather scientists are free to speak to the media and at conferences, other scientists who are employed by the Commerce Department are not.

"While this is a welcome development, it leaves an odd situation where climate scientists can speak but marine scientists and oceanographers need permission in advance before answering even basic questions," said PEER Executive Director Jeff Ruch.

"The next Secretary of Commerce could end this anomaly by rescinding this policy of prior restraint and letting all of NOAA's scientists speak freely," Ruch suggested.

Commerce Department policy as of April 2008 holds that all official news releases, interviews/news conferences, all written and audiovisual materials must be pre-approved by the head of the operating unit and a public affairs officer.

All non-official communications concerning Commerce Department programs, policies, or operations that are related to the employee's job or area of expertise are also subject to pre-approval.

Scientists must give the Commerce Department at least two weeks "advance notice" of any written, oral or audiovisual presentation prepared on their own time.

The only exception is oral communication, "if the communication is not initiated by the employee and if there is no time to give advance notice, although in such cases notice shall be given as soon as possible



A climate scientist explains her climate change research to a group of Minneapolis students. (Photo by [Linepithomatic](#))

after the communication," the policy states.

Ruch said the decision is important because it recognizes that agency communication restrictions are covered by collective bargaining agreements which set working conditions.

There is concern among federal employee unions in agencies such as NOAA and the Environmental Protection Agency about political manipulation, suppression or screening of agency scientific and technical work," Ruch says.

In 2005, the Union of Concerned Scientists and PEER surveyed 460 NOAA Fisheries scientists in offices across the country to obtain their perceptions about the scientific integrity of agency decision making.

Fifty-eight percent of respondents said they know of cases in which high-level Commerce Department appointees or managers "have inappropriately altered NOAA Fisheries determinations," and 53 percent said they are aware of cases in which "commercial interests have inappropriately induced the reversal or withdrawal of NOAA Fisheries scientific conclusions or decisions through political intervention."

More than one third of respondents have "been directed, for non-scientific reasons, to refrain from making findings that are protective" of marine life.

Nearly one in four of those surveyed reported being "directed to inappropriately exclude or alter technical information from a NOAA Fisheries scientific document."

On the campaign trail, President-elect Barack Obama pledged to embrace principles of transparent government and to end political interference with official science.

"President Obama could outlaw gag orders such as these as a matter of policy or by Executive Order," Ruch said. "We hope that these actions take place early in his administration."