

Grading Government Transparency

Scientists' Freedom to Speak (and Tweet) at Federal Agencies



Union of Concerned Scientists

Citizens and Scientists for Environmental Solutions

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A strong democracy depends on transparency, accountability, and trust in the government to make evidence-based decisions that protect public health and the environment. Federal scientists play an important role in fulfilling this mandate by providing critical expertise to decision makers and the American people. But sometimes, political or commercial forces interfere with this process by altering data, silencing scientists, and preventing vital scientific information from reaching those who need it. Strong policies at federal agencies governing external communications—hereafter referred to as “media policies”—serve as the first line of defense in protecting government scientists and the public from such abuses.

The consequences of these policies are significant. Government scientists work on issues that affect the air we breathe, the water we drink, the food we eat, and the medicines that help maintain our health. For example, if scientists at the U.S. Food and Drug Administration have any misgivings about the safety or efficacy of a particular drug, we need to have confidence that they are able to speak out and that issues are resolved based on science, not politics or profits. Only in this kind of policy-making environment can we feel certain that the drug is safe. The same principle holds true when scientists in government have concerns about food safety,

The First Amendment does not stop at the laboratory door: Scientists should be free to speak without worrying about political or industry interference in their work.

the quality of our air or water, or a host of other issues. The First Amendment does not stop at the laboratory door: Scientists should be free to speak without worrying about political or industry interference in their work. The key is that the media—i.e., the press—and the public need to know about the science that informs federal decision making.

In 2008, the Union of Concerned Scientists analyzed the media policies of 15 federal regulatory and science agencies (UCS 2008), focusing on their scientists' freedom to speak to the media, the agencies' safeguards against political interference, and their general promotion—or obstruction—of open communication. We gave each agency two scores: one for its written policy and one for its practices. Results varied widely



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The Obama administration's Scientific Integrity Directive led many federal agencies to develop scientific integrity policies. Many of these policies provide greater protections for federal scientists, but both scientists and journalists continue to express concerns over federal scientists' ability to speak freely to the public and the media.

across agencies, with some having satisfactory policies and practices and others with an incomplete policy or no policy at all. Interestingly, some agencies had a mismatch between their policies and practices—with strong policies in place but less effective practices, or no written policy but evidence of good practices. Yet for all 15 agencies assessed, there was a clear need for improvement in federal scientists' ability to speak freely.

A New Administration

When President Obama took office in 2009, he vowed to “restore science to its rightful place” and tasked his science advisor, Dr. John P. Holdren, with moving decisively toward that goal within the federal government. In 2010, Dr. Holdren directed federal agencies to develop scientific integrity policies. In particular, the directive instructed agencies to include provisions affirming that “[f]ederal scientists may speak to the media and the public about scientific and technological matters based on their official work” (Holdren 2010). In response, 23 agencies and departments developed scientific integrity policies. Moreover, other initiatives in recent years, such as the

Open Government Directive and the Digital Government Strategy, have further pushed federal entities to enhance their communication policies (The White House 2012, 2009).

The signals sent by the White House seemed to have had some effect. A 2011 survey of journalists by the *Columbia Journalism Review* and *ProPublica* found that the Obama administration performed better in overall transparency and access to information than the previous administration (Brainard 2011). However, many journalists still reported having trouble speaking with government scientists in a timely manner. The same report found that 30 percent of the nearly 400 journalists it surveyed gave the Obama administration a “poor” or “very poor” rating on overall transparency and access to information, including its handling of interviews with government experts. Better practices must accompany better policies if federal scientists are to have adequate freedom to share their work with policy makers and the public.

Strong media policies at federal agencies serve as the first line of defense in protecting government scientists and the public from abuses.

A Changing Media Landscape

The recent explosion of social media—social networks such as Facebook and Twitter, blogs, wikis, online forums, and more—represents a fundamental shift in how scientists can share their work with the world, and federal scientists are taking advantage of these new tools. A 2009 report by the Chief Information Officers (CIO) Council—an interagency forum on federal information technology management convened under the E-Government Act of 2002—recommends that all federal agencies develop a social media policy to address security concerns and provide guidance to employees on how they should identify themselves in these venues (CIO Council 2009). In response to this report, and to the changing media landscape in general, some federal agencies have since developed policies to clarify how their employees may engage in social media.

In this report, we revisit our 2008 analysis to see if the Obama administration’s scientific integrity directives and policies, new social media guidance, and other changes in government communication policies have improved or inhibited federal scientists’ freedom to speak. We analyze agencies’ written media policies, compare their 2008 and 2013 policy grades, and for the first time explicitly grade agencies’ social media policies. Finally, we recommend steps that agencies should take in order to continue progress toward a more transparent government.

WHAT WE DID

After assessing the policies that guide scientists’ communications at 15 federal agencies and two departments, we gave each of them two letter grades—one for media policy and the other for social media policy. To inform this grading of agencies, we used publicly available information as well as Freedom of Information Act (FOIA) requests. Each agency received a numerical score out of 100 points, as shown in Tables 1 (p. 4) and 2 (p. 5), and letter grades were assigned on a curve. Grades ranged from A to D, indicating policies that were excellent (A), good (B), satisfactory (C), or poor (D). Rather than assigning an F for failed or absent policies, we designated them as incomplete (Inc). Further, we collected feedback from federal scientists, public affairs officers, and journalists to help us understand how these policies were working in practice.

Media Policy Grading

The media policy scoring rubric was based on six measures of open communication that assessed how well each policy:

1. Is accessible, current, clear, and consistent
2. Protects scientific free speech
3. Safeguards against abuse
4. Is consistent with legal requirements
5. Promotes openness and timeliness
6. Includes handling of misconduct and disputes

We calculated sub-scores in each category as shown in Table 1.



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The recent explosion of social media has provided federal scientists with new opportunities to engage with the public. NASA, for example, has taken advantage of this, allowing its scientists to fully utilize these tools. But all federal scientists should have guidance from their agencies on how to share their expertise on social media responsibly.

Social Media Policy Grading

We graded agency social media policies based on categories 1, 2, and 5 of the media policy scoring categories described above, as they apply to *social* media tools. For example, “free speech” in social media means that the policy distinguishes between official and personal use and that the policy grants employees the right to express their personal views on social media outlets, provided they make clear that they are not speaking for the agency in an official capacity. In addition to these three categories, we included two social-media-specific categories: “correction of errors in technical information” and “consideration of risks.” Table 2 shows the detailed scoring rubric for agency social media policies.

Table 1. **Media Policy Scoring Rubric**

| |
|--|
| <p>1. Accessible, Current, Clear, and Consistent (15 points)</p> <ul style="list-style-type: none"> Publicly available on agency website (5 points) Clear and consistent (5 points) Updated in past 10 years (5 points) |
| <p>2. Protection of Scientific Free Speech (30 points)</p> <ul style="list-style-type: none"> Explicit personal-views exception (15 points) Explicit right of last review (15 points) |
| <p>3. Safeguards against Abuse (25 points)</p> <ul style="list-style-type: none"> No required preapproval of media contacts (5 points) No selective routing of media contacts (5 points) No required clearance of questions and answers (5 points) No required monitoring by public affairs offices (5 points) Only scientists may edit scientific content (3 points) Scientists have access to drafts and revisions (2 points) |
| <p>4. Consistent with Legal Requirements (5 points)</p> <ul style="list-style-type: none"> Complies with Anti-Gag Statute (3 points) No Sensitive But Unclassified (SBU) or Controlled Unclassified Information (CUI) restrictions (2 points) |
| <p>5. Promotion of Openness and Timeliness (20 points)</p> <ul style="list-style-type: none"> Rhetoric promoting openness (15 points) Timeliness provisions (5 points) |
| <p>6. Disclosure of Misconduct and Resolution of Disputes (5 points)</p> <ul style="list-style-type: none"> Whistle-blower provisions (3 points) Dispute resolution process (2 points) |

Media policies were graded out of 100 points. The Anti-Gag Statute was routinely attached as a rider to congressional appropriations laws to shield provisions of the Whistleblower Protection Act (protecting public disclosures) and the Lloyd Lafollete Act (protecting congressional communications) from agency restrictions on those rights. It now is part of the newly enacted Whistleblower Protection Enhancement Act.

WHAT WE FOUND

Many agencies’ media policies have shown significant improvement since 2008. Notably, a majority of agency policies were enhanced by including a few key additions:

- **Personal-views exception.** This is the right of scientists to express any personal views not authorized by the agency, provided that they (a) make clear they are not speaking for the agency and (b) do not use unreasonable amounts of government time and resources in expressing those views. We believe the personal-views exception to be one of the fundamental tenets of scientific free speech (UCS 2008).
- **Whistle-blower provisions.** These statutory protections from retaliation are afforded to federal employees who speak out about fraud, waste, or abuse in government. The recently enacted Whistleblower Protection Enhancement Act recognizes that these protections include scientists who expose censorship of federal information that is either crucial to public health and safety or required by law or regulation.
- **Dispute resolution process.** This is a procedure to address and resolve any disagreements between scientists and non-scientists regarding the release of scientific information.

Better practices must accompany better policies if federal scientists are to have adequate freedom to share their work with policy makers and the public.

Despite these improvements, most agencies today (as in 2008) continue to lack other important provisions, such as the following:

- **Right of last review.** This is the right of scientists to review, prior to publication, the final drafts of any communications that are being released under their name or that substantially rely on their research. We believe that this too is one of the fundamental tenets of scientific free speech (UCS 2008).
- **Access to drafts and revisions.** This is the right of scientists to have access to drafts and revisions of written materials to which their research significantly contributed.

While many of the agencies studied in this report did not explicitly deny these rights, only the National Oceanic and Atmospheric Administration, National Science Foundation, and Environmental Protection Agency included provisions affirming both of them in their policies. Of note, some agencies with significant scientific work in their missions, such as those within the Department of Transportation, do not have any meaningful and publicly accessible policies governing the communications of their technical experts.

Table 2. **Social Media Policy Scoring Rubric**

| |
|---|
| <p>1. Accessible, Current, Clear, and Consistent (30 points)</p> <ul style="list-style-type: none"> Publicly available on agency website (10 points) Clear and consistent (10 points) Specifies to whom the policy applies (5 points) Specifies to which media platforms the policy applies (5 points) |
| <p>2. Protection of Scientific Free Speech (40 points)</p> <ul style="list-style-type: none"> Explicitly distinguishes between official and personal use (20 points) Specifies the freedom to identify one's employer if expressing personal views (20 points) |
| <p>3. Promotion of Openness (10 points)</p> <ul style="list-style-type: none"> Includes rhetoric promoting openness (10 points) |
| <p>4. Correction of Errors in Technical Information (10 points)</p> <ul style="list-style-type: none"> Original author of technical content has the right to have errors corrected (5 points) States mechanism of correction (5 points) |
| <p>5. Consideration of Risks (10 points)</p> <ul style="list-style-type: none"> Includes cautions about the consequences of releasing information through social media platforms (10 points) |

Social media policies were graded out of 100 points. This scoring rubric borrows from the media policy scoring rubric (Table 1) but applies these same principles to the social media context. A full methodology is available in an online appendix at <http://www.ucsusa.org/GradingGovernmentTransparency>.

Several federal institutions, including the National Institutes of Health and the Department of the Interior, have strong policies clarifying how scientists can use social media both in official and personal capacities. However, many agencies do not have any written policies governing social media, or have only vague and incomplete policies.

Thus, despite improvements both in media and social media policies, more work needs to be done. A strong policy for each of these two areas is an important step toward improving federal scientists' freedom to speak and is a significant barrier against political and corporate influence on agency science.

MEDIA POLICY AND SOCIAL MEDIA POLICY REPORT CARD

Below are the media policy and social media policy grades for each agency or department analyzed. Grades are based on written policies only, not on their implementation. We include brief explanation of the scores along with quotes from agency scientists, agency leaders, or journalists. The quotes may not align with policy score and may not be representative of agency practice at large; however, they are included here because they present actual testimony from individuals working with these policies and thus provide a window into agency practices. Detailed explanations for agency grades, including the scoring rubrics and FOIA request responses, can be found on our website at <http://www.ucsusa.org/GradingGovernmentTransparency>.

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Federal scientists have a right to express personal views, provided they make clear that they are not speaking for their agency in an official capacity. Strong media and social media policies at federal agencies are critical to protecting this right.

Bureau of Land Management (BLM)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | D | B |
| Social Media Policy | | B+ |

Media Policy

As in 2008, no media policy was obtained for the BLM. The agency responded to our FOIA request, but no relevant policies were found. However, the present scientific integrity policy of the Department of the Interior (DOI), of which the BLM is a part, provided a few important protections for scientists that were lacking in 2008. Notably, this policy includes extensive instructions for handling allegations of scientific misconduct and for dispute resolution.

Social Media Policy

The BLM falls under the strong social media policy of the DOI; however, the agency has its own new media guide that is missing some important provisions, such as a personal-views exception. As a result, the BLM loses some points for inconsistency between the agency and department policies.

Recommendation

We recommend that the BLM develop its own media policy that does a better job of explicitly asserting the rights of agency scientists to speak freely. Also, we recommend that the agency strengthen its social media policy to align with the DOI's policy.

“When I think that something I believe to be scientifically true may cause heartburn, I run it up the flagpole. [My superiors] rarely have problems [with my scientific findings].”

— anonymous BLM scientist, 2012

“I’m not allowed to answer other than to tell [the media] to see our public affairs officer.”

— anonymous BLM scientist on receiving media requests, 2012

Census Bureau

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | B | B+ |
| Social Media Policy | | B |

Media Policy

In 2013, as in 2008, the Census Bureau has not yet developed its own media policy. The agency falls under the communications and scientific integrity policies of the Department of Commerce (DOC). The 2011 DOC scientific integrity policy improved on some confusing language in the department's media policy regarding scientists' right to review drafts and their need for preapproval of communications.

Social Media Policy

The Census Bureau also falls under the DOC social media policy, which provides some guidance to agency scientists on the use of social media tools but does not grant them the right to identify their job title, even if a personal-views statement is made.

Recommendation

Additional language affirming the explicit right to last review and a personal-views exception in both a media and social media policy would help ensure that Census Bureau employees may communicate freely.

Centers for Disease Control and Prevention (CDC)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | A | A |
| Social Media Policy | | Inc |

Media Policy

Journalists and scientists alike have noted that despite the CDC's excellent written media policy, agency scientists' interactions with the media are still sometimes curtailed by unnecessary interference from media-relations employees. A good policy score is crucial, but it only goes so far without a strong agency commitment to the policy. Nonetheless, with the 2012 adoption of a scientific integrity policy, the CDC improved its existing policies for communication in general and outlined whistle-blower provisions in particular, thereby anticipating the November 2012 passage of the Whistle-blower Protection Enhancement Act (U.S. Congress 2012).

Social Media Policy

Though the agency is active on social media outlets and has produced several related best-practices documents, the CDC does not have a social media policy that we could find (the agency has not responded to our FOIA request). The Department of Health and Human Services, of which the CDC is part, provides only minimal guidance for scientists on the use of social media tools.

Recommendation

CDC leadership should take the initiative to ensure that its strong media policy is effectively put into practice, and the CDC should develop an equally strong policy to direct its employees on the use of social media tools.

"At places like [the] CDC, you often have to have a public affairs person sitting there taping interviews and policing the scientist's statements."

— Dan Vergano, science reporter and columnist at USA Today, 2012

"I am supposed to direct the request to our media office, and I do so. However . . . I often provide detailed background information to the reporter, off the record, so the reporter can move ahead with preparing her/his story."

— anonymous CDC scientist, 2012

Consumer Product Safety Commission (CPSC)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | D | C |
| Social Media Policy | | Inc |

Media Policy

The CPSC media policy has improved modestly since 2008, largely due to the Consumer Product Safety Improvement Act of 2008, which requires the CPSC to encourage its scientists to seek publishing opportunities in peer-reviewed journals. Although the current policy still has a ways to go, strong agency leadership seems to have made it more effective. CPSC Chairman Inez Tenenbaum believes that culture change comes from the top, and she has put several strong measures in place to increase transparency, including the making of commission meetings public.

Social Media Policy

We were unable to locate any social media policy for the CPSC either online or through our FOIA request. As of February 2013, the agency had not responded to that request, which we made in August 2012.

Recommendation

The CPSC media policy should grant scientists access to drafts and revisions—especially the explicit right of last review—for agency communications that significantly rely on their work. Further, the agency should develop a social media policy to instruct its employees on the use of social media tools.

"It is good to give people who have done the research the opportunity to speak."

— CPSC Chairman Inez Tenenbaum, 2012

Department of Energy (DOE)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | Not Graded | INC |
| Social Media Policy | | C |

Media Policy

We were unable to locate an official DOE media policy either on the department's website or through a FOIA request. The only documents governing general department communication we obtained were a brief publicly available statement on scientific integrity and a policy on the management of scientific and technical information obtained through FOIA. In its scientific integrity statement, the DOE articulates that it is committed to transparency. However, the department gives neither specific guidelines on how it will fulfill this commitment nor any explicit assurances to scientists of their freedom to speak.

Social Media Policy

The DOE has a policy in place that provides some basic guidance to its staff. The department could strengthen this policy, however, by clarifying how its employees may use social media in unofficial capacities, including under a personal-views exception.

Recommendation

The DOE should develop standard department-wide media and social media policies that provide clear guidelines for department scientists to speak openly about their work.

"We now have new directors who feel they must control all information dissemination prior to its public presentation."

— anonymous DOE scientist, 2012

"It seems impossible to simultaneously describe my place of employment on a social media site and abide by my employer's requirements for speaking only as an individual."

— anonymous DOE scientist, 2012

Environmental Protection Agency (EPA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | D | A- |
| Social Media Policy | | B |

Media Policy

Since 2008, the EPA's media policy has evolved from a disparate, nonpublic, and incomplete set of documents to a publicly available scientific integrity policy that includes substantive positive changes. Scientists now have an explicit right of last review, as well as the right to express their views to the media, as long as they indicate these views are their own. However, based on testimony from agency scientists and journalists, concerns remain over how well this policy is implemented within the agency.

Social Media Policy

The EPA has a solid social media policy in place, though it could be strengthened by allowing scientists to express their personal views through a personal-views exception.

Recommendation

We recommend that the EPA revise its media policy to explicitly allow scientists to interact with the media without the interference of public affairs staff or political minders, and we recommend that the agency revise its social media policy to grant scientists a personal-views exception.

"The government has a responsibility to protect the environment using scientific data and to speak out about [those] data; otherwise, people will be overwhelmed by disinformation."

— Gina McCarthy, assistant administrator for the EPA's Office of Air and Radiation, 2012

"Anything I might want to say [to the media] would have to be cleared first. The clearance process stifles any spontaneous debate."

— anonymous EPA scientist, 2012

Fish and Wildlife Service (FWS)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | D | B |
| Social Media Policy | | B+ |

Media Policy

The FWS has a solid media policy in place that affirms the right of scientists to express their views as private citizens and permits them to review and edit scientific content, although an explicit right of last review is still missing. Also of concern, based on anecdotal evidence from journalists and FWS scientists, is that this strong policy may not yet be in effective practice. Overall, FWS policies have improved significantly, but recent feedback from agency scientists has illustrated the importance of having clear safeguards against abuse firmly in place.

Social Media Policy

There is an inconsistency between department- and agency-level policies: the FWS falls under the DOI's strong social media policy but has only a limited agency policy itself.

Recommendation

The FWS should revise its media policy on the routing and preapproval of media contacts in order to affirm that scientists not only “may” speak to the media about their work without interference from public affairs officers but that they have the right to do so freely, as long as they invoke the personal-views exception. The FWS should strengthen its social media policy to align better with the strong DOI policy in that area.

“If the topic is politically sensitive there may be some coordination with other agency officials, [but such] coordination is not intended to hide or suppress information.”

— anonymous FWS scientist, 2012

“This new FWS policy is a significant impediment for journalists, and unless the kinks are worked out I’m afraid it will result in significantly fewer stories being written about FWS issues.”

— anonymous journalist, 2012

Food and Drug Administration (FDA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | Inc | C |
| Social Media Policy | | Inc |

Media Policy

The FDA did not have a media policy in 2008 but has since made some progress toward developing one through the agency's new scientific integrity policy and other directives. It is particularly noteworthy that, through the Department of Health and Human Services (HHS) media policy, agency scientists now have an explicit right to express their personal views in publications and speeches. However, tight control of scientific speech continues to be problematic at the agency, both in the written policy and as noted by agency scientists and journalists.

Social Media Policy

Social media at the FDA fall under a brief policy statement put out by the HHS, but this is only the first step toward clarifying how FDA scientists may use social media tools.

Recommendation

As it builds the communications policy currently under development, the FDA should include additional safeguards against abuse, such as an explicit right of last review for scientists and not requiring the preapproval or selective routing of media contacts. We also recommend that the agency establish, as part of its communications-related efforts, a strong social media policy.

“Each scientist [should] be allowed and encouraged to speak and write freely about [his or her] scientific opinions while respecting the boundaries of the regulatory science mission of the agency.”

— anonymous FDA scientist, 2011

National Aeronautics and Space Administration (NASA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | B | B |
| Social Media Policy | | B+ |

Media Policy

Despite anecdotal evidence of recent improvements in NASA scientists' freedom to speak and the addition of a 2011 scientific integrity policy, some evidence suggests that NASA needs to do more to put its policies into effective practice. In a recent assessment of agency transparency, *Columbia Journalism Review* science writer/editor Curtis Brainard asserted that reporters continue to complain "that transparency and access to information is often just as bad, if not worse in some cases, than it was under the Bush administration" (Brainard 2011).

Social Media Policy

Despite its exemplary use of social media tools to allow NASA scientists to engage with the public, NASA does not have an official social media policy. However, the agency does provide employees with a comprehensive guidelines document on its intranet. Our social media grade was based on this document.

Recommendation

To reinforce its rhetoric of openness and to safeguard against abuse, we recommend that NASA revise its media policy to include the explicit right of last review and to permit scientists to access drafts and revisions of materials that rely on their work. The agency also should ensure that its scientists have clear directions on the use of social media tools through a publicly available social media policy.

"We have come a long way [over] the last few years."

— anonymous NASA scientist, 2012

"On my own time I can express personal views as long as I don't do so as a representative of our agency."

— anonymous NASA scientist, 2012

National Institute of Standards and Technology (NIST)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | Inc | B+ |
| Social Media Policy | | B |

Media Policy

As in 2008, NIST is subject to the policies of the Department of Commerce (DOC). While the DOC media policy is unchanged since 2008, the 2011 DOC scientific integrity policy clarifies some rights for agency scientists. Despite these improvements on paper, there is some indication that agency practice does not quite make the grade. Some employees have noted that the internal review processes at the DOC "can impede the dissemination of information" from NIST.

Social Media Policy

The DOC social media policy provides some guidance to NIST employees on the use of these tools, but it does not grant scientists the right to identify their job title, even if a personal-views statement is made.

Recommendation

We recommend that NIST develop its own media and social media policies that clearly articulate more robust safeguards against abuse, such as a stronger timeliness provision and scientists' explicit right of last review.

"At my discretion, I can answer directly or put the person in contact with my public affairs office."

— anonymous NIST scientist, 2012

National Institutes of Health (NIH)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | C | C |
| Social Media Policy | | A |

Media Policy

The NIH policy we reviewed in 2008 has not been changed. While it remains a solid policy, two areas that still need better safeguards against abuse are scientists' right of last review, which should be made explicit, and provisions to ensure that public affairs or other nonscientist personnel do not interfere with scientists' interviews with the media. Although the policy does not require public affairs staff to be present, anecdotal reports indicate scientists are under pressure to consent to the monitoring of their interactions with the media.

Social Media Policy

The NIH has an exemplary social media policy. In addition, the agency has developed a streamlined and accessible "New Media Checklist" to assist its employees in understanding and implementing the policy.

Recommendation

The NIH should update its media policy to include more direct language guaranteeing scientists' freedom of speech and it should focus on fully implementing that policy.

National Oceanic and Atmospheric Administration (NOAA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | B | A |
| Social Media Policy | | B |

Media Policy

NOAA has an excellent media policy, substantively improved since 2008 through the creation of a strong scientific integrity policy. Notably, the scientific integrity policy bolsters two key areas cited as weaknesses in 2008: a personal-views exception and access to drafts and revisions, including an explicit right of last review.

Social Media Policy

NOAA is subject to the DOC social media policy, which includes many important provisions, such as the encouragement of openness and a distinction between official and personal use of social media. However, the policy does not allow employees to identify their job title when they are using social media in a nonofficial capacity, even if a personal-views statement is made.

Recommendation

While commending NOAA for its media policy, we encourage the agency to focus on implementation—to ensure that the policy is effective in protecting scientists' free speech. Further, we recommend that NOAA develop its own social media policy to strengthen the guidance in the DOC social media policy.

"We are encouraged to contact our public affairs officer but are free to respond [to the media] without doing so. I almost always contact the public affairs office because they provide useful services and information."

— anonymous NOAA scientist, 2012

"NOAA put out a scientific integrity policy, and . . . we are already seeing changes in culture."

— Robert Haddad, division chief of NOAA's Office of Response and Restoration, 2012

National Science Foundation (NSF)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | <i>Inc</i> | <i>A</i> |
| Social Media Policy | | <i>Inc</i> |

Media Policy

In 2008 the NSF had no written media policy, but the agency now has a very strong policy in place. An important highlight of the NSF media policy includes its language granting scientists the explicit right of last review: “Employees have the right to review, approve, and comment publicly on the final version of any proposed publication that significantly relies on their research, identifies them as an author or contributor, or purports to represent their scientific opinion” (NSF 2011). The NSF’s language that details scientists’ personal-views exception also is exemplary and should serve as a model for other agencies: “NSF-funded scientists and NSF staff have the fundamental right to express their personal views, provided they specify that they are not speaking on behalf of, or as a representative of, the agency but rather in their private capacity. So long as this disclaimer is made, the employee is permitted to mention his or her institutional affiliation and position if this has helped inform his or her views on the matter.”

Social Media Policy

We were unable to find any social media policy for the NSF either online or through a FOIA request. The agency responded to that request, but no relevant documents were obtained.

Recommendation

We recommend that NSF leaders regularly reaffirm their commitment to their media policy and we encourage the agency to develop a social media policy to clarify how scientists may use social media tools responsibly.

Nuclear Regulatory Commission (NRC)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | <i>B+</i> | <i>B+</i> |
| Social Media Policy | | <i>Inc</i> |

Media Policy

The NRC has made no changes to its media policy since 2008. While the NRC still deserves praise for providing some clarification to its employees on engaging with the media, a B+ no longer puts the agency at the top of the class.

Social Media Policy

We were unable to find any social media policy for the NRC either online or through a FOIA request. The agency states on its website that it has provided interim guidance on social media to its employees as it develops a social media policy (Boyce 2011), but its response to our FOIA request included no such document.

Recommendation

Reinforcing the culture of openness at the NRC should be a priority, and we recommend that the agency update its existing policies on media relations by bringing together disparate information and creating a clear policy that explicitly gives scientists the right of last review. We also encourage the NRC to develop a social media policy.

Occupational Safety and Health Administration (OSHA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | F | D |
| Social Media Policy | | D |

Media Policy

OSHA's media policy has improved since 2008 through the addition of several new provisions; however, the agency still has a long way to go. OSHA is subject to the policies of the Department of Labor (DOL), whose media policy is deficient. The 2012 DOL scientific integrity policy, for example, emphasizes controlling agency message rather than promoting transparency. There is some rhetoric suggesting that more openness be part of the policy, thereby raising the agency's score; however, the policy does not yet ensure that any specific measures would reinforce this transparency in practice.

Social Media Policy

The DOL social media policy is an important first step in providing guidance to agency scientists on the use of social media tools, but this policy is missing some important provisions, such as a distinction between official and personal use and a personal-views exception.

Recommendation

We recommend that OSHA develop its own strong media and social media policies in order to clarify how its scientists may communicate.

U.S. Department of Agriculture (USDA)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | Not Graded | C- |
| Social Media Policy | | D |

Media Policy

Since 2008, the USDA has developed a scientific integrity policy that clarifies its scientists' right to communicate. However, the agency's general communications policy has not been updated since 2003, and anecdotal evidence from journalists and agency scientists suggests that the department's overall guidance governing scientists' freedom to speak still needs improvement. Moreover, the multiple policies have created inconsistencies, such as conflicting statements concerning the role of the communications staff in editing scientific content.

Social Media Policy

The USDA has a new media policy that provides some instruction to its employees on the use of social media tools, but the policy is missing some key provisions, including the right of its scientists to invoke a personal-views exception.

Recommendation

The USDA should revise its existing media policy to include a personal-views exception, access to drafts and revisions, the explicit right of last review, and whistleblower provisions. The agency also should strengthen its social media policy by including a personal-views exception and a clearer distinction between personal and official use of social media tools.

"The policies are written so vaguely that the [USDA] can and does suppress papers that may be inconvenient for other government agencies and industry."

— anonymous USDA scientist, 2012

"'Loose lips sink ships' appears to be management's motivation."

— anonymous USDA scientist on the agency's social media policy, 2012

U.S. Geological Survey (USGS)

| REPORT CARD | 2008 Grade | 2013 Grade |
|---------------------|------------|------------|
| Media Policy | B | B |
| Social Media Policy | | B+ |

Media Policy

Reports from journalists and scientists on USGS media practices have been largely positive since 2008, despite a written media policy that could use some improvements. In addition to the need for key features such as right of last review and a personal-views exception, the policy could be strengthened by explicitly reaffirming scientific transparency to protect against what one agency scientist perceived as “a heavy burden of internal review that has a chilling effect and slows down the ability to crank out publications.”

Social Media Policy

The USGS has a strong social media policy in place. It could be enhanced further by including a procedure for scientists to correct errors in technical information, released through social media outlets, that relies heavily on their work.

Recommendation

We recommend that the USGS revise its existing media policy by making timeliness a priority and providing scientists with a clear right of last review and an explicit personal-views exception.

“Even in complicated press releases and other communications that need approval, . . . the scientist has the final word on the way the science is presented.”

— anonymous USGS scientist, 2012

“We have been encouraged to use social media—judiciously—to get our science message out. . . . [W]e have found social media to be extremely useful to communicate to our diverse audience.”

— anonymous USGS scientist, 2012

ACCESS TO GOVERNMENT SCIENTIFIC INFORMATION IN PRESIDENT OBAMA’S SECOND TERM

Since 2008, we have seen improvement in the ability of federal scientists to openly communicate. With the development of scientific integrity policies and committed leadership at the top, many agencies have made serious progress in establishing and implementing strong media policies. Moreover, agencies—even whole departments—have recognized the need for comprehensive policies to help clarify how staff scientists may use social media platforms to share their expertise.

Despite these improvements, however, many agencies still do not have written policies that afford their scientists the basic right to speak freely. Concerns remain regarding scientists’ ability to speak to the media and the public. At a September 2012 Science and Democracy Forum convened by

“To this day I continue to hear about these problems from journalists coast to coast. This [applies] from the highest levels of [federal] government all the way down to state and municipal governments.”

— Curtis Brainard, science writer/editor at the *Columbia Journalism Review*

the Union of Concerned Scientists, journalists and government watchdog groups alike noted barriers to accessing government scientific information in recent years. According to Katherine McFate, president and CEO of the Center for Effective Government, “This administration is particularly schizophrenic about [making its] staff accessible to journalists.” Curtis Brainard, science writer/editor at the *Columbia Journalism Review*, concurred with her concerns, particularly regarding access to government scientists: “To this day I continue to hear about these problems from journalists coast to coast. This [applies] from the highest levels of [federal] government all the way down to state and municipal governments.”

Thus much work remains to be done to ensure that scientists and other experts at federal agencies may speak freely about their work to policy makers, the media, and the public. Media policies need to be stronger so that scientists have clear guidance and protections against political interference; in other words, agencies need to put free and open communication ahead of political considerations. Below we recommend specific steps that the administration, federal agencies, Congress, and journalists can take in this direction.

Many actors can play a role in helping agencies enact comprehensive media and social media policies. The White House Office of Science and Technology Policy should push federal agencies to develop strong and effective policies. Congress should hold agency heads accountable for encouraging the free flow of scientific information to the public.



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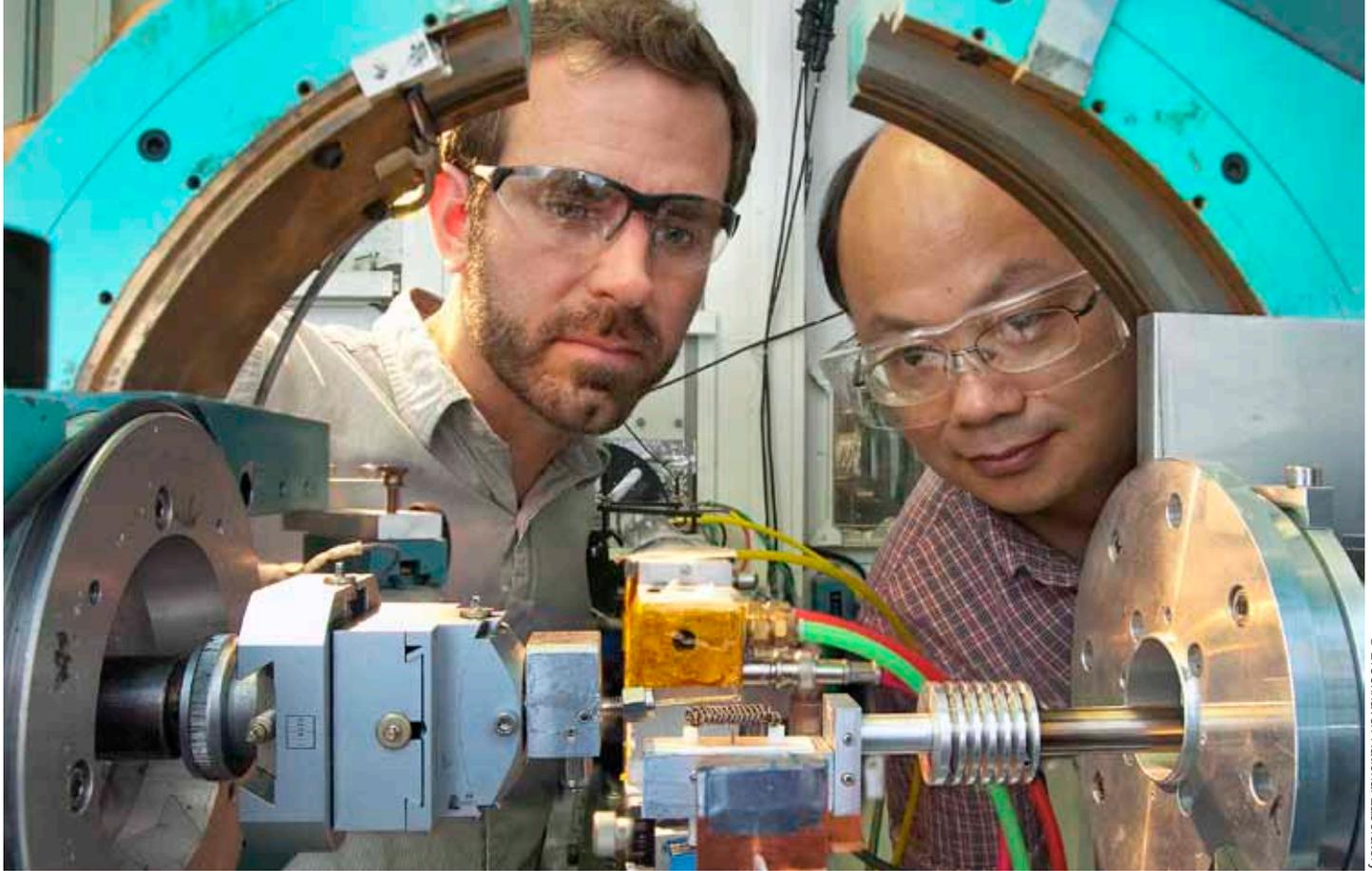
SOLUTIONS

- All federal-agency media policies should include:
 - Scientists' right to last review of materials relying significantly on their work
 - The right to express personal views, provided scientists make clear that they are not speaking for their agency in an official capacity
- Agencies should incorporate into their media policies the acknowledgment that the newly enacted Whistleblower Protection Enhancement Act of 2012 recognizes that scientists who expose the censorship of federal information are afforded whistle-blower protections from retaliation.
- All federal agencies should develop a social media policy that includes:
 - A distinction between personal and official use of social media tools
 - A personal-views exception, which allows scientists to identify their job title and employer if they make clear that they are not speaking for the agency in an official capacity
- Agencies should focus on effective implementation of their media and social media policies by keeping them visible, introducing them to new employees during orientation, providing relevant training on the interpretation and implementation of the policies, and otherwise reinforcing the policies' tenets.

In his second term, President Obama should build upon his administration's Scientific Integrity Directive and make strong and effective agency policies on media and social media a priority. In doing so, he can ensure the public's access to government science.

In addition, others can play a role in helping agencies develop comprehensive media and social media policies and effectively implement them. Ensuring that this happens will take a concerted effort. In particular, it is important that:

- The Office of Science and Technology Policy assess agency progress and speak forcefully on the need for strong and effective policies on media and social media
- Congress hold agency heads accountable for encouraging the free flow of scientific information to the public
- The president makes strong and effective agency policies on media and social media a priority to ensure that transparency is part of his legacy
- Journalists call out those agencies that block the free flow of information to the public



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The Union of Concerned Scientists puts rigorous, independent science to work to solve our planet's most pressing problems. Joining with citizens across the country, we combine technical analysis and effective advocacy to create innovative, practical solutions for a healthy, safe, and sustainable future.

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This report is available on the UCS website at www.ucsusa.org/GradingGovernmentTransparency.

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