Improving Citizen Access to Government Scientific Information

Lewis M. Branscomb
Science & Democracy Forum

Hosted by
The Center for Science and Democracy
at the Union of Concerned Scientists

and

The First Amendment Center

Tuesday, September 25, 2012 | 8:30 a.m. – noon
Newseum | 555 Pennsylvania Avenue NW | Washington, DC
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Introduction

Widespread access to scientific information results in better public policy and better private-sector decision making. Conversely, the lack of access to such information has had significant negative consequences for both the environment and human health. From tracking hurricanes and ensuring food safety to monitoring disease risks and environmental impacts, the government’s scientific data and analysis play a crucial role in public safety and the decisions people make in everyday life. Without access to this crucial scientific information, how can we decide where to buy a home or how to feed and protect our families? How can local, state, and regional governments inform citizens during disaster situations to help them plan and prepare for safety? Because of the important and often unsung role this information plays, the Center for Science and Democracy at the Union of Concerned Scientists (UCS) brought diverse stakeholders together to identify barriers to accessing government scientific information and key strategies for removing them.

This report provides a summary of the Forum, brief information on speakers, participants, and audience members, and a snapshot of the salient themes that emerged on the issue. For more details on the Forum and to view recordings of the events, please visit our webpage: www.ucsusa.org/center-for-science-and-democracy/events/improving-citizen-access-to.html.
Forum Events

The centerpiece of the Forum was a symposium held at the Newseum in Washington, DC. Leading up to the symposium, the Center hosted other events to introduce the public to this critical topic. Following the symposium was a problem-solving workshop on how access to information should be handled in crisis situations.

Webinar: Dangers of Inadequate Information and Attacks on the Freedom of Information Act (FOIA)
*Wednesday, September 19, 2:00–2:45 p.m.*
The goal of the webinar was to introduce the Forum topic to participants. Speakers included:
Joseph Davis, director of the Society of Environmental Journalists’ WatchDog Project
Daniel Schuman, policy counsel at the Sunlight Foundation

Conference Call: Introduction to the Center for Science and Democracy
*Monday, September 24, 7:00–7:30 p.m.*
The conference call introduced the inaugural director of the UCS Center for Science and Democracy, Dr. Andrew A. Rosenberg, to Forum participants. Rosenberg discussed a strategic vision for the Center and provided important background information on access to federal government scientific data for the Forum.

Symposium: Improving Citizen Access to Government Scientific Information
*Held in partnership with the First Amendment Center and the Newseum
Tuesday, September 25, 8:30 a.m. – 12:00 p.m.*
A complete symposium agenda can be found in Appendix A.
Top scientific experts, government officials, non-profit leaders, and journalists discussed barriers to accessing information and ways the government is trying to overcome them. The symposium was webcasted live to enable broad public participation. A great lineup of speakers included:
**Convenors:** Gene Policinski, First Amendment Center; Andrew A. Rosenberg, UCS
**Featured speakers:** Former Representative John Porter (R-IL); Representative Ed Markey (D-MA)
**Panelists:** Katherine McFate, OMBWatch
Dan Vergano, *USA Today*
Curtis Brainard, *Columbia Journalism Review*
Angela Canterbury, Project on Government Oversight
Inez Tenenbaum, Consumer Product Safety Commission
Robert Haddad, National Oceanic and Atmospheric Administration
Gina McCarthy, Environmental Protection Agency
Miriam Nisbet, National Archives and Records Administration
**Moderators:** Ted Iliff, journalist; Francesca Grifo, UCS senior scientist

Workshop: Communicating Truth in an Anxious World: How to Handle Access to Scientific Information in Crisis Situations
*Tuesday, September 25, 12:30 p.m. – 4:30 p.m.*
A complete list of workshop participants can be found in Appendix B.
The workshop engaged key stakeholders in a productive dialogue to develop recommendations for the executive branch to improve public access to government scientific information during crisis situations over the next presidential term.
Salient Themes at the Forum

- The keynote conversation with the Hon. John Porter emphasized the need for science and evidence to inform decision making. He called upon scientists to connect their research to what their audiences care about, and to assert their expertise in the policy process. Scientists should proactively engage with policy makers, especially on the local and state level, to tell them about their research and offer to provide scientific advice.

- A similar sentiment was reiterated at the workshop, where participants underscored the need for scientists to be at the table when federal agencies are deciding on what information to disclose to the public (for example, during disasters and other crises) and communicating what actions people should take in response.

- There was some disconnect between the panelists discussing barriers to access and the panelists presenting the solutions. The former stressed the ongoing challenges to accessing science and scientists at federal agencies, despite the current administration’s strong emphasis on transparency. On the other hand, the following second panel, comprised of representatives and heads of federal agencies, emphasized the solutions federal agencies have advanced to make scientific information available to the public.

- Almost all speakers, panelists, and audience members agreed that transparency is needed but emphasized that transparency is more than simply making data available. To best serve the public interest, data must be accessible, complete, and accurate, but just as importantly, presented in an understandable form that helps the public focus on key evidence.

- The federal agency representatives on the second panel considered it critical for leadership of a federal agency to espouse transparency about science as a priority. There were differences of opinion between the EPA and NOAA representatives about how much freedom government scientists should be given to communicate with the media about their research. Nonetheless, all panelists stressed that information needs to be transparent within and between agencies, not just between government and the public.

- Scientists need to do a better job of engaging with the media. Scientists also should be more proactive about explaining their data to broader audiences. There is a dearth of technical knowledge among reporters so scientists need to work with journalists to present and explain data, scientific results, and the scientific process. They must help the journalists tell the story.

- In his closing remarks, Representative Ed Markey implored scientists and the public to hold elected officials accountable for using science to inform their decisions.
Recommendations Developed at the Workshop

We live in a world where crises are unpredictable and unavoidable. Whether it is a catastrophic oil spill, an overwhelming weather event, a terrorist attack, or a major outbreak of food-borne illness, we rely on our government to help us make decisions that affect our well-being. The Center for Science and Democracy convened a diverse group of experts working on openness and transparency, as well as on crisis information management. The goal of the workshop was to develop a set of recommendations to help federal agencies communicate—as rapidly and comprehensively as possible during times of crisis—information the public needs in order to take protective measures. This set of core principles developed at the workshop will be shared with the presidential candidates and used to inform discussions during the presidential transition period and the next four years of the executive branch:

1) Elevate the Federal Emergency Management Agency (FEMA) administrator to special assistant to the president to highlight FEMA’s crucial role in managing crises.

2) Give the FEMA administrator the power to release confidential business information to the public when the public health and safety requires such an exemption.

3) Issue an executive order requiring executive agencies to come up with structures and methods of communicating information about crises that span all federal agencies, and that identify the appropriate crisis information managers at the state and local level.

4) Create an interagency federal advisory panel including experts from outside the government, particularly from non-profits such as the Red Cross, to both help structure a sound and effective crisis information management plan, and evaluate how well the government performed and what could be improved after major crises occur.

5) Ask your chief technology officer to work with agencies to develop systems for using social media to inform the public about developing crises.

6) Institute a crisis matrix that establishes priorities for the dissemination of information. The highest priority should be giving the public plain-language information about how to prepare for and react to a crisis.

7) Find ways to communicate risk in ways that resonate. A good example is the National Weather Service’s designation of storms and hurricanes.

8) Disclose information about the health and public safety impacts of a crisis as you receive it, making clear that the facts may change as the science becomes more conclusive.

9) Invite scientists outside government to help with risk assessments and publicly disclose and make available for public comment as much of this information as possible.

10) Take steps to respond in a timely manner to media requests for information and interviews, and make every effort to grant the media access to experts and government officials with the greatest firsthand knowledge or expertise about the crisis.
“[The American people] never hear from scientists; scientists are too busy in their research to reach out to the community and explain what they do and inspire them. ... Scientists are wonderful at talking to each other at conferences; they do it all the time. They never talk to the public. The public is woefully ignorant of science in this country, and that is the reason—there’re other reasons too—that a lot of people simply don’t even believe in science or believe it is important to the future of the country ...”

- Former Representative John Porter (R-IL)

“I could count on one finger the number of times that a scientist has called me and said, ‘These guys are really abusing trade secrets in this case.’ It’s rare enough that a scientist calls me just to talk about his own research, but much less one where they see this abuse. And then they see it and you talk to them and it’s, ‘Oh yeah, everyone’s known about that.’ Let me know! I want to hear from you. God knows I hear too much from flacks as it is. When I hear from a scientist, it’s a great day.”

- Dan Vergano, reporter, USA Today

“The Obama administration has made an unprecedented amount of information available online, but that’s really a one-way street in terms of communications. As any good reporter will tell you, data do not speak for themselves. What a reporter really needs is for the people who collected that data and who were responsible for analyzing it to interpret it for the reporter, to tell them what it means, to explain what this data means for public health or public safety.”

- Curtis Brainard, writer, Columbia Journalism Review

“The whole business of intellectual property rights and things going out of the public domain has been huge in the last two decades, maybe even longer. I think that’s very troubling for us as we’re thinking about what we’ve had in the past. One of the reasons that the U.S. has been such an innovator and a leader in technology is because we’ve had open access to scientific information and technological information so that people can build on that foundation, and as more and more basic research goes out of the public domain and into the private sector, locked in vaults, it’s a really huge problem.”

- Katherine McFate, president and CEO, OMBWatch
“Entities like EPA, that have scientific credibility, need to speak loudly and clearly. They need to put the data out, so people can analyze it themselves, take a look at it, understand what it means for them, for their business, for the way in which they live their lives. So they can challenge decisions that are being made effectively, so as political issues change and as those that are making decisions change there is a constant ability to question whether government is doing what it’s supposed to do. It is a fundamental tenet of democracy – we’re not being led by our government leaders, we’re being led by what’s necessary for the people to make decisions effectively.

“EPA has a policy of open transparency. I think that EPA has done the best job it can to give the scientists the platform they need to speak the truth and develop the data. There is no question that EPA carefully manages EPA's business, which means that not everybody has the credibility within the agency to speak to everything going on in the agency ... but we work very hard to make sure that the science is carefully considered and that we project that as truthfully as we possibly can and provide an opportunity for our scientists to continue to excel at they do.”

- Gina McCarthy, assistant administrator, EPA Office of Air & Radiation

“The government has a responsibility to ensure data is of quality and has context, but there is a challenge balancing that need with getting information out quickly. NOAA put out a scientific integrity policy, and that policy began to change the culture—it allows scientists to speak out about their own views, as long as they identify those views as their own. We are already seeing changes in culture.”

- Robert Haddad, division chief, NOAA Office of Response & Restoration
“You need to have a leader who believes in open government and will make it happen. Otherwise a lot of little decisions and little features of the agency culture will go the other way.”
- Inez Tenenbaum, chairman, Consumer Product Safety Commission

“By undermining the use of science in legislation and regulation, polluters are hindering our country’s ability to address increasingly complicated challenges. By trying to discredit and hinder access to government-supported science, polluters are trying to rig the fight in favor of their shareholders’ profits, not the common good.

“The underlying reliance on science is a bulwark against the anti-science attacks that infect our national debate now. Rachel Carson was attacked by the chemical industry using a playbook that the tobacco industry first developed: Discredit the messenger, foster doubt and denial about the science, and call for additional research.”
- Representative Ed Markey (D-MA)
Symposium panelists discuss existing barriers in accessing government scientific information

**Symposium**: Featured speakers were former and current elected Democrats and Republicans. A strong set of panelists from diverse perspectives, including federal agency heads, scientists, journalists, and government watchdog group leaders, comprised the two panels—one discussing the problems with public access to government scientific information and the other presenting solutions. The half-day symposium was attended by more than 200 people in person and by many more via a live webcast.

**Workshop**: Following the symposium, 20 representatives from academia, non-profits, and the executive branch, all of whom work on increasing transparency in the government, convened to develop core principles and recommendation for the presidential candidates and the next administration. The recommendations will specifically ask the executive branch to consider and lead the development of sound information management and communication during times of crisis.
Media Coverage of the Forum

Ex-Rep. Porter: Congress 'ignorant of science'
Politico—September 25, 2012
This year's election could represent the point of no return for the impact of Washington on scientific research, former Rep. John Edward Porter told a gathering of scientists Tuesday. “It's going to set the direction of the country for a lifetime,” the Illinois Republican said at a Union of Concerned Scientists panel in Washington on citizen access to scientific information. Porter also called Congress increasingly antagonistic toward science …
(Politico Pro subscription required for full access)

Carpe climate: House Dems seize extreme summer to attack GOP
Mother Jones—September 26, 2012
"People know that something is not quite right about the weather," he [Markey] said. "Science is helping the public connect the dots between global warming and extreme weather."

Government scientific information: Culture of secrecy is still a problem
Climate Science Watch—October 1, 2012
... watchdog speakers suggested that federal scientists may still be under strict scrutiny by public information officers when speaking with the public or press, and there are still lengthy delays in responses to Freedom of Information Act (FOIA) requests. Comments by Administration federal agency officials on communication by scientists with reporters and the public suggested some of the tensions within government that exist regardless of who wins an election.

EPA air chief defends effort to control message
Politico—September 26, 2012
“There is no question that EPA carefully manages EPA's business, which means that not everybody has the credibility within the agency to speak to everything going on within the agency,” McCarthy said during a panel on citizen access to scientific information that was hosted by the Union of Concerned Scientists ...

EPA trying to balance free flow of information, message control—McCarthy
E&E reporter—September 26, 2012
McCarthy spoke at a symposium on public access to government scientific information, held by the Union of Concerned Scientists. As part of a discussion panel of agency officials, she was passionate in her defense of transparency—and the need for EPA to "speak loudly and clearly" to combat misinformation ...
(E&E subscription required for full access)
Audience Participation

A key goal of the Branscomb Forums is to connect science and democracy issues to people and their daily lives. Audience members not only listened to the experts talk about access to information issues, and the challenges and solutions to them, but also participated actively through Q&A sessions during the webinar and the symposium.

The webinar speakers, Joseph Davis of the Society of Environmental Journalists and Daniel Schuman of the Sunlight Foundation, presented case studies illustrating how the breakdown of access to government data can have real consequences to people’s health and well-being. Davis talked about the lack of disclosure of the health risks of coal ash disposed by coal power plants, the national inventory of dams, pipeline safety data, and the drinking water vulnerability assessments behind the veil of national security and trade secrets. Schuman talked about the latest attempts to regulate FOIA to restrict access to information and the impact that would have on implementation of FOIA as a secondary tool for accelerating regulatory changes in the absence of disclosure of information by federal agencies. After the presentations, webinar attendees submitted several questions and comments for the speakers. Questions included:

- What do you think is the greatest barrier to getting this right? This administration has clearly stated its commitment to transparency on many occasions—why does it remain such a challenge?
- To what do you attribute journalistic and activist failure to use information once it's released?
- [Much] of the relevant information is couched in such complex, lawyerly language that it’s impenetrable to non-specialists.
- How do government officials at the local level review data in their jurisdiction that impacts their locale?
- Are there any differences in the presidential candidates regarding (1) coal ash deposits and (2) disclosure of government information?
- The U.S. Geological Survey's National Biological Information Infrastructure program and its web site were totally defunded and shut down at the beginning of this year. Do you see a turn away from financially supporting the maintenance of a scientific information network as neglecting a duty to provide public access to information?

Featured speakers and panelists at the symposium captivated the audience with their impassioned appeals for scientists and public to hold their government accountable for making timely and usable information available for citizen action and decision making. Panelists from both sessions responded to challenging questions from a very engaged and energized audience. In total, we received more than 40 questions from audience members present at the venue and several more from those following the symposium through the webcast and on Twitter. A few of the audience questions are provided below as an illustration of the depth of interest in the symposium.

Access to scientists and government information:
- Why does the ability of government scientists to speak out differ so drastically across agencies? What changes need to happen at government agencies to allow scientists to freely speak to the media? Is this something that can be changed with policy or are bigger cultural shifts needed?
The Obama administration has been proactive on open data initiatives, but just the availability of data doesn’t guarantee it is in an understandable and accessible format. What barriers still exist to getting meaningful, usable government scientific information to the public? How would federal and local agencies improve reliability, accountability, and accuracy of data?

As funding and budgets are decreasing, university scientists are partnering with industry. Do you foresee this as problematic to get data and sound science judgments due to “trade secrets” reasons? If so, how to solve the funding issue for science research?

**Media coverage of science:**
- Often when a journalist writes a story on a scientific issue that has policy implications, he/she will consult with the leading scientists who have published extensively on the issue but also, in the interest of “balance,” quote someone who has opposite views that are not supported by either the scientific community or peer-reviewed publications. Why give equal time to these views?
- I spent an hour explaining the context of a data set with a [public affairs] reporter. When the article was published it ignored all of the information I provided because it didn’t support the story. What should a scientist do when a reporter ignores science that doesn’t support the story?

**Public engagement:**
- What we are talking about is getting accurate data out to the public. But, in a country/culture where the last science class most Americans will have is early high school, how do we educate a public to understand the facts from the misinformation? How does the typical citizen, not science-trained, know which source of scientific information in the media is valid and reliable?
- How do we help the public and the media understand that scientific inquiries and investigations are a process? When “conclusions” or evidence is reported, followed by new information, people often denigrate the original information. This leads to a reluctance for sharing information along the way. How can we change this unproductive cycle?
- How can citizen scientists, e.g., retired scientists, environmental and health organization members, play a proactive role in information dissemination and advocacy using data.gov?

**Issue-specific:**
- Many lawmakers spend a significant amount of time questioning EPA data and science. How much of that do you think is genuine vs. misinformed vs. misleading? Is there an anti-science attitude in Congress?
- What can be done to require the NIST to release all the material and data used to create the NIST report on the collapse of the World Trade Center?
- This is about the Keystone pipeline. We have heard how dangerous the corrosive tar sands are. How can media and scientists be more effective in stopping Big Oil from taking advantage of our “natural resources” and from poisoning our water?
- Despite examples like approval of Avandia by the FDA, where American consumers were harmed and where the media exposed the financial interests of FDA advisory committee members after the fact, Congress has just removed conflict of interest protections at the FDA. How do we get Congress and the FDA to disclose conflicts and, even better, to avoid conflicts?
- How can chemicals added to water used in hydrofracking be considered a trade secret when there is a popular perception that these waters have a very strong likelihood of contaminating ground water?
Appendix A: Symposium Agenda

Improving Citizen Access to Government Scientific Information
September 25, 2012, 8:00 a.m. – 12:00 p.m.

8:00 – Breakfast

8:30 – Welcome by Andrew Rosenberg and Gene Policinski

8:45 – Keynote Conversation
The Honorable John Edward Porter, chair of Research!America and former Representative (R-IL), will discuss the importance of scientific information in decision making in a conversation with Andrew Rosenberg, director of the UCS Center for Science and Democracy.

9:10 – First Discussion Panel: Citizen Access to Scientific Information
Moderated by Ted Iliff, journalist and former news executive, with panelists:
• Katherine McFate, president and CEO of OMBWatch
• Dan Vergano, reporter for USA Today
• Curtis Brainard, staff writer for Columbia Journalism Review
• Angela Canterbury, director of public policy, Project on Government Oversight

9:45 – Audience Q&A

10:10 – Break (15 min)

Moderated by UCS Senior Scientist and Science Policy Fellow Francesca Grifo, with panelists:
• Inez Tenenbaum, chairman of the Consumer Product Safety Commission
• Robert Haddad, chief, division of assessment and restoration, National Oceanic and Atmospheric Administration

• Gina McCarthy, assistant administrator for the EPA’s Office of Air and Radiation
• Miriam Nisbet, director of the Office of Government Information Services at the National Archives and Records Administration

11:00 – Audience Q&A

11:30 – Closing Remarks
Representative Ed Markey (D-MA) will discuss what happens when Congress fails to get the information it needs and how the right information can guide civil discussion and help create bipartisan policies that address pressing problems.

12:00 – Program ends
Appendix B: List of Workshop Participants

Communicating Truth in an Anxious World: How to Handle Access to Scientific Information in Crisis Situations
September 25, 2012, 12:30 p.m. – 4:30 p.m.

Participants:

Prudence S. Adler, associate executive director, Association of Research Libraries

Joseph A. Barbera, co-director, Institute for Crisis, Disaster and Risk Management, and associate professor of engineering management and clinical emergency medicine, George Washington University

Rick Bissell, professor and graduate program director, University of Maryland-Baltimore County program in emergency health services

Curtis Brainard, writer, Columbia Journalism Review

Angela Canterbury, director of public policy, Project on Government Oversight

Mark Caramanica, FOIA director, the Reporters Committee for Freedom of the Press

Joseph A. Davis, director, WatchDog Project, Society of Environmental Journalists

Francesca Grifo, senior scientist and science policy fellow, Union of Concerned Scientists

Adam Hughes, senior advisor, chief information officer, White House

Rebecca Katz, associate professor, George Washington University School of Public Health and Health Services

Carolyn Kousky, fellow, Resources for the Future

Edwin Lyman, senior scientist, Global Security Program, Union of Concerned Scientists

Patrice McDermott, executive director, OpenTheGovernment.org

Jim Morris, senior reporter and editor, Center for Public Integrity

Wayland Radin, attorney, Center for Progressive Reform

Caroline Smith DeWaal, director, Food Safety Program, Center for Science in the Public Interest

Facilitators:

Michael Halpern, program manager, Scientific Integrity Program, Union of Concerned Scientists

Andrew Rosenberg, director, Center for Science and Democracy, Union of Concerned Scientists

Celia Wexler, senior Washington representative, Scientific Integrity Program, Union of Concerned Scientists
Forum organizers
The Forum was organized by Deborah Bailin, Michael Halpern, Yogin Kothari, Pallavi Phartiyal, Dan Pomeroy, Alex Renaud, Andrew Rosenberg, and Celia Wexler at UCS. The symposium was made possible through the partnership and support of Gene Policinski and Ashlie Hampton of the First Amendment Center. The organizers thank Eric Bontranger, Gretchen Goldman, Seth Shulman, and Paul Rogerson at UCS for their help with the events.

Summary report author
Pallavi Phartiyal is the program manager of the Center for Science and Democracy at the UCS.

Details and recordings of the Forum are available at
http://www.ucsusa.org/center-for-science-and-democracy/events/improving-citizen-access-to.html

The Center for Science and Democracy is dedicated to strengthening our American democracy by advancing the essential role of science, evidence-based decision making, and constructive debate as a means to improve the health, security, and prosperity of all people.

The Lewis M. Branscomb Science and Democracy Forums are named in honor of Dr. Branscomb, eminent physicist, intellectual leader, and science advisor to four different presidents, in recognition of his decades of leadership at the nexus of science and democracy and in gratitude for his strong financial support and guiding vision, both of which were essential to launching the Center for Science and Democracy.

More information about UCS and the Center for Science and Democracy is available on the UCS website www.ucsusa.org.

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