

Freedom to Speak?

A Report Card on Federal Agency Media Policies

Research Methods and Additional Information

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www.ucsusa.org/mediapolicies

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Chapter 1: Introduction and Overview

To assess the degree of freedom with which federal government science is communicated to the media, the Union of Concerned Scientists (UCS) 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 and interviewed a cross-section of federal scientists, journalists, and public affairs officials to assess how these policies are put into practice.

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 actually put into practice (as perceived by the federal scientists it affects). The policy score is calculated based on six measures of open communication. The practice score is based on responses to an email questionnaire from 739 scientists across 15 federal agencies.

Letter grades were assigned on a curve. We use two different systems of letter grades (A-F for policy, O/S/N/U for practice) to emphasize that the two sets of scores were obtained using different methods and should not be directly compared with each other. Also, because survey respondents are self-selected, it is impossible to extrapolate a given survey finding to the entire scientific workforce of an agency.

We summarize the policy² and practice³ scores and grades in Tables 1 and 2 below. More information, including documents obtained through the Freedom of Information Act (FOIA) and essay responses by federal scientists, can be found on the Union of Concerned Scientists webpage at www.ucsusa.org/mediapolicies.

	POLICY			PRACTICE	
	score	grade		score	grade
CDC	88	A	NSF	74	O
NRC	81	B+	NRC	66	S
NASA	78	B	USGS	65	S
NOAA	77	B	NIST	64	S
NIST	77	B	NOAA	62	S
Census	77	B	NASA	57	S
NIH	74	C	NIH	54	N
USGS	72	C	CDC	53	N
EPA	32 to 70	D	Census	53	N
FWS	69	D	BLM	51	N
BLM	69	D	FDA	51	N
CPSC	63	D	EPA	49	U
OSHA	37	F	FWS	48	U
NSF	0	Inc	CPSC	48	U
FDA	0	Inc	OSHA	42	U

Table 1: Federal agency media policy and media practice scores and grades, ordered from best to worst.

² Policy Grading Key: A=Excellent, B=Good, C=Average, D=Poor, F=Fail, Inc=Incomplete

³ Practice Grading Key: O=Outstanding, S=Satisfactory, N=Needs Improvement, U=Unsatisfactory

	POLICY		PRACTICE	
	score	grade	score	grade
BLM	69	D	51	N
CDC	88	A	53	N
Census	77	B	53	N
CPSC	63	D	48	U
EPA	32 to 70	D	49	U
FDA	0	Inc	51	N
FWS	69	D	48	U
NASA	78	B	57	S
NIH	74	C	54	N
NIST	77	B	64	S
NOAA	77	B	62	S
NRC	81	B+	66	S
NSF	0	Inc	74	O
OSHA	37	F	42	U
USGS	72	C	65	S

Table 2: Side-by-side comparison of media policy and media practice scores and grades for 15 federal agencies.

Chapter 2: Policy Grades

We obtained and graded media policies at 15 federal agencies based on six broad categories of scientific openness.

Obtaining agency media policies

To obtain copies of existing media or communications policies, we first searched the website of the individual agency and the website of its parent department (if applicable). We conducted internet searches using the search terms “media policy,” “communications policy,” “public dissemination policy” and “public information policy.” We also directly searched likely sections of the agency website.

If the search was unresponsive, we called the agency public affairs office for guidance on obtaining the policy, either online or directly from them. Finally, we submitted Freedom of Information Act (FOIA) requests to each agency, asking for any documents that were still outstanding.⁴ We remained in contact with each agency's FOIA officer by telephone or email during the FOIA process to follow up on our request and provide any needed clarification. In some cases, more than one document provided guidance on media relations for agency employees.⁵

Several of the agencies are located in larger departments that have overarching media policies:

- The Census Bureau, NIST and NOAA are located in the Department of Commerce (DOC) and are subject to the recent DOC communications policy. Each agency received the same policy grade based on the DOC policy.
- BLM, FWS and USGS are located in the Department of the Interior (DOI). For USGS, we were able to locate a USGS-specific media policy, so the USGS grade is based on its own policy. Because we were unable to obtain an agency-specific media policy for either BLM or FWS, we based those grades on the DOI policy.
- CDC, NIH, and FDA are located in the Department of Health and Human Services (HHS). For NIH and CDC we found agency-specific policies on which we based those grades. At FDA we were unable to find either an FDA-specific policy or a general HHS policy on either website or through FOIA.
- OSHA is a part of the Department of Labor (DOL) and its grade is based on the DOL media policy that we received as part of a FOIA request.
- CPSC, EPA, NASA, NSF and NRC are independent agencies. We obtained media policies for all except NSF.

For the EPA we were unable to identify an agency-wide media policy. Our FOIA requests, however, did uncover five media policies that applied to individual EPA laboratories or regional offices. We graded each policy separately and report the EPA's policy score as a range of numbers. The EPA received a grade of “D” because even the highest of these five scores fell at the low end of the overall distribution of scores.

In the case of FDA and NSF, no comprehensive policy could be found or obtained through FOIA; therefore, the agency received zero points and was given a grade of “Incomplete.”

⁴ A sample FOIA request letter can be found in Appendix E.

⁵ Scanned versions of documents obtained through FOIA and links to publicly available media policies can be found on the UCS website at www.ucsus.org/mediapolicies.

Scoring Criteria

We graded each agency's media or communications policy based on six broad categories: "protects fundamental scientific free speech" (30 points); "safeguards against abuse" (25 points); "promotes openness and timeliness" (20 points); "accessible, current, clear and consistent" (15 points); "handling of misconduct and disputes" (5 points) and "consistent with legal requirements" (5 points). Agency scores may range from 0 to 100 points total. We awarded partial points for incomplete satisfaction of the grading criteria.

Each of the six categories is comprised of several sub-criteria. Here we describe these criteria and explain our guidelines for assigning point values for each. Definitions for specific terms can be found in Appendix A of this document.

1. Accessible, Current, Clear and Consistent (15 points)
 - a. Media policy is publicly available on the agency or department website (5 points).
 - b. Media policy is clear and consistent (5 points): Subtract one point for each internally contradictory statement or provision.
 - c. Media policy has been updated in the past 10 years (5 points).
2. Protects fundamental scientific free speech (30 points)
 - a. Media policy explicitly permits employees to speak freely about their personal views (15 points). A policy that does not mention this right but does not explicitly deny it receives 5 points. Additional points may be added for language that implies such a right, but does not make it explicit.
 - b. Media policy explicitly permits employees to review the final version of press releases or other agency documents that make use of their expertise, to ensure the accuracy has been maintained (15 points). A policy that does not mention this right but does not explicitly deny it receives 5 points. Additional points may be added for language that implies such a right, but does not make it explicit.
3. Safeguards Against Abuse (25 points)
 - a. Media policy does not require pre-approval by public affairs of contacts with the media (5 points)
 - b. Media policy does not direct that all media requests be routed by public affairs to approved agency spokespersons (5 points)
 - c. Media policy does not require prior clearance of the questions or topics to be addressed in interviews (5 points)
 - d. Media policy does not require public affairs officials to sit in on interviews with agency scientists (5 points)
 - e. Media policy specifies that only scientists, or those with the needed technical expertise, may edit the scientific content of agency communications (3 points)
 - f. Media policy specifies that scientists have access to drafts and revisions or press releases or agency documents (2 points)
4. Consistent with Legal Requirements (5 points)
 - a. Media policy complies with the Anti-Gag Statute (3 points)
 - b. Media policy does not contain restrictions on Sensitive But Unclassified (SBU) information, Controlled Unclassified Information (CUI) or other "hybrid secrecy designations" (2 points)

5. Promotes Openness and Timeliness (20 points)
 - a. Media policy contains significant and explicit language calling for open communications between agency employees and the public (15 points)
 - b. Media policy contains provisions to ensure timely responses to interview requests and quick turnaround on release of press releases or agency communications (5 points)

6. Disclosure of Misconduct & Resolution of Disputes (5 points)
 - a. Media policy *itself* contains protections for whistleblowers or alerts agency employees to their rights under federal whistleblower law (3 points).
 - b. Media policy contains a process for resolving disputes about media contacts or relations (2 points)

Based on the total score out of 100 points, we assigned each agency a letter grade (A-F) on a curve. Table 3 summarizes the 6 categories and 17 sub-scores for each agency. In Appendix B we provide a scorecard for each agency complete with a written explanation for each deduction in points.

	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Accessible, Current, Clear and Consistent (15)	15	14	15	15	10	0	15	15	15	14	14	13	0	10	15
Publicly available on agency website (5)	5	5	5	5	0		5	5	5	5	5	5		0	5
Clear and Consistent (5)	5	4	5	5	5		5	5	5	4	4	5		5	5
Updated in past 10 years (5)	5	5	5	5	5		5	5	5	5	5	3		5	5
Protects fundamental scientific free speech (30)	17	18	25	20	10 to 17	0	17	20	20	18	18	24	0	10	17
Explicit Personal Views Exception (15)	12	13	15	15	0 to 7		12	15	15	13	13	12		5	12
Explicit Right of Last Review (15)	5	5	10	5	5 to 12		5	5	5	5	5	12		5	5
Safeguards Against Abuse (25)	20	18	24	11	5 to 21	0	20	21	20	18	18	22	0	10	21
No required pre-approval of media contacts (5)	5	2	5	0	0 to 5		5	5	5	2	2	5		0	5
No selective routing of media contacts (5)	5	5	5	0	0 to 5		5	5	5	5	5	5		0	5
No required clearance of Q&A (5)	5	5	5	5	5		5	5	5	5	5	5		5	5
No required monitoring by PAOs (5)	5	5	5	5	0 to 5		5	5	5	5	5	5		5	5
Only scientists edit scientific content (3)	0	1	3	1	0 to 1		0	1	0	1	1	0		0	1
Scientists have access to drafts and revisions (2)	0	0	1	0	0 to 2		0	0	0	0	0	2		0	0
Consistent With Legal Requirements (5)	2	2	2	2	2	0	2	0	2	2	2	0	0	2	2
Complies with Anti-Gag Statute (3)	0	0	0	0	0		0	0	0	0	0	0		0	0
No SBU or CUI restrictions (2)	2	2	2	2	2		2	0	2	2	2	0		2	2
Promotes Openness and Timeliness (20)	15	20	20	13	1 to 20	0	15	20	15	20	20	20	0	5	15
Rhetoric Promoting Openness (15)	10	15	15	10	0 to 15		10	15	15	15	15	15		0	15
Timeliness Provision (5)	5	5	5	3	1 to 5		5	5	0	5	5	5		5	0
Disclosure of Misconduct & Resolution of Disputes (5)	0	5	2	2	0 to 2	0	0	2	2	5	5	2	0	0	2
Whistleblower Provisions (3)	0	3	0	0	0		0	0	0	3	3	0		0	0
Dispute resolution process (2)	0	2	2	2	0 to 2		0	2	2	2	2	2		0	2
Media Policy Totals (100)	69	77	88	63	32 to 70	0	69	78	74	77	77	81	0	37	72

Table 3: This table shows the six broad categories that make up the media policy score, and the sub-scores for each category. Total media policy scores are found in the bottom row.

Chapter 3: Practice Grades

To assess how each agency's media policy is applied in practice, we sent an anonymous online questionnaire to a cross-section of scientists at each agency.

Survey of Federal Scientists

We constructed a mailing list of scientists with known email addresses at fifteen scientific and regulatory agencies to receive the survey. Scientist names and emails were obtained from a variety of sources. Some agencies and departments make their staff lists and contact information available online. For other agencies we conducted searches using Nexis, Google and an online scientific journal database to identify agency employees who conducted scientific research. Information about agency scientists was also obtained from existing UCS email lists, online lists of conference participants, authors of published scientific papers and discussions with current and former agency employees.

For agencies with less than approximately 600 scientists, we sent a questionnaire to all identified agency scientists. For larger agencies (more than 600) we randomly selected a sample of 600 scientists to receive the survey.

Table 4 summarizes the total mailed sample, the number of completed surveys and the response rate for each agency. In total, 6280 surveys were mailed and we received 892 responses. However, 66 of these respondents indicated that they never performed scientific research as part of their job duties and were therefore excluded from the sample. An additional 87 respondents did not specify the federal agency they worked for and are not included in our analysis. The remaining 739 responses form the basis for our media practice grade.

Agency	Total Sample	Completed Surveys	Response Rate
BLM	388	54	13.9
Census	201	20	10.0
CDC	618	60	9.7
CPSC	145	16	11.0
EPA	616	66	10.7
FDA	605	85	14.0
FWS	600	79	13.2
NASA	568	55	9.7
NIH	633	65	10.3
NIST	270	17	6.3
NOAA	370	62	16.8
NRC	587	79	13.5
NSF	260	20	7.7
OSHA	189	14	7.4
USGS	230	47	20.4
Totals	6280	739	11.8

Table 4: Total numbers of mailed and completed surveys, and the response rate, for each agency in our study.

Each questionnaire had 28 multiple-choice questions and one open-ended essay question.⁶ The

⁶ The full text of the online questionnaire can be found in Appendix D.

questions asked about official policies and practices for dealing with both media and non-media⁷ communications at the agency. Following the final question, survey respondents were given the option of entering their name and phone number if they wished to be contacted for a confidential follow-up interview.

Because survey respondents are self-selected, it is impossible to extrapolate a given survey finding to the entire scientific workforce of an agency. For this reason, our analysis exclusively compares federal agencies to one another assuming that the selection effects determining which agency employees respond are roughly equal across agencies. We grade federal agencies on a curve to provide information on how they measure up against their peers and what they might realistically do to improve scientific openness at their agency.

Scoring Criteria

We calculated each agency’s media practice based on five broad categories (100 points total): “accessible, current, clear and consistent” (15 points); “protects fundamental scientific free speech” (30 points); “safeguards against abuse” (25 points); “scientists’ perceptions” (10 points); and, “promotes openness and timeliness” (20 points). Key terms are explained in Appendix A.

Question Number(s)	Question Topic	Max Points
Accessible, Current, Clear and Consistent		15
7 & 9	Existence of official and/or unofficial media policy	5
8	Methods of disseminating media policy	5
13	Consistently and fairly applies media policy	5
Protects fundamental scientific free speech		30
14	Aware of right to express personal views	5
15	Free to exercise right without risk of retaliation	10
16	Aware of my right to final review	5
17	Free to exercise right without risk of retaliation	10
Safeguards Against Abuse		25
18	Required to obtain pre-approval for media interviews	5
19	Media requests are routed to other scientists	5
20	Required to submit anticipated Q&As prior to interviews	5
21	Agency officials monitor interviews with the media	5
22	Only scientists review and edit scientific content	5
Scientists' Perceptions		10
23	Experienced inappropriate interference in communication	5
24	I am allowed to speak freely to the media	5
Promotes Openness and Timeliness		20
25	Press releases are timely and pro-active	5
26	Public affairs office tries to encourage communication	5
27	Public affairs office has adequate staffing and resources	5
28	I am regularly trained in effective media communication	5
TOTAL PRACTICE SCORE		100

Table 5: Survey questions used to calculate media practice sub-scores.

⁷ Policies regarding non-media communications (i.e. policies on the publication of scientific papers or the release of official reports) are not a focus of this study and we are not releasing the results of survey questions on these topics. These results are potentially the subject of a future report.

Table 5 describes how various survey question responses are combined into sub-scores in each of the categories. For 16 of the 19 survey questions listed above, the response options were *Strongly Agree*, *Agree*, *Neutral*, *Disagree*, *Strongly Disagree*, and *Not Applicable*. To generate scores for these questions we calculate a weighted average of all the eligible responses, and scale that number to either 5 or 10 points, depending on table above. After discarding any *Not Applicable* responses we calculate the following quantity for each question:

$$S = S_{norm} \cdot \frac{(4 \cdot N_{SA}) + (3 \cdot N_A) + (2 \cdot N_N) + (1 \cdot N_D) + (0 \cdot N_{SD})}{N_{SA} + N_A + N_N + N_D + N_{SD}}$$

In this equation, N_{SA} , N_A , N_N , N_D and N_{SD} refer to the total number of responses to each option, and S_{norm} is a normalization factor (equal to either 5/4 or 10/4) that ensures that maximum score will be either 5 or 10 points, depending on the weight given to the question.

For questions 18, 19, 20, 21 and 23 the question is worded so that a response of *Strongly Agree* implies a negative experience or workplace environment. For these questions the weighting is reversed such that *Strongly Agree* is weighted lowest (zero points) and *Strongly Disagree* is weighted highest. In all cases, a larger score corresponds to more open agency media practices.

There are two exceptions to this general scoring rule. Questions 7 and 9 ask respondents if they know of official or unofficial media policies at their agency. Responses to these two questions are combined into one score according to the formula:

$$S = (5 \cdot Y_7) + (2.5 \cdot (1 - Y_7) \cdot Y_9)$$

Y_7 and Y_9 are the percentages of respondents answering “Yes” to Questions 7 and 9, respectively (question 9 was only asked if survey respondents chose “No” or “Unsure” to Question 7). The intent of this formula is to assess how many respondents knew of any media policy at all (be it official or unofficial) but to weight unofficial policies half as much as official policies.

Question 8 asks respondents to identify the methods their agency uses to disseminate the official media policy. The supplied response options include *Employment Contract*, *Employment Manual*, *Agency Website*, *Workplace Posters*, *Employee Orientations*, *Special Trainings*, *Annual Reports*, *Email from Supervisors*, and *Other* (with an option to specify in writing) and survey respondents could select more than one option. Agencies received one point for each dissemination method that garnered more than 30 percent of respondents, with a maximum of five points.

Table 6 summarizes the 5 categories and 18 sub-scores for each agency. Appendix C provides the raw survey data and weights used to calculate the sub-scores.

			BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Accessible, Current, Clear and Consistent (15)			11.6	10.9	11.5	11.5	8.8	11.0	10.1	9.6	10.3	13.5	10.3	11.7	11.8	10.9	10.5
	Q7/9	Official Written Policy (5)	3.9	4.7	3.7	4.3	4.5	4.0	3.4	4.1	3.3	5.0	4.3	3.9	3.6	3.9	4.1
	Q8	Dissemination of Policy (5)	5.0	3.0	5.0	4.0	2.0	4.0	4.0	3.0	4.0	5.0	3.0	4.0	4.0	5.0	3.0
	Q13	Consistent & Fair Application (5)	2.7	3.3	2.7	3.2	2.3	3.1	2.7	2.5	2.9	3.5	3.1	3.9	4.2	1.9	3.3
Protects fundamental scientific free speech (30)			15.3	15.4	17.9	14.1	16.2	17.3	13.6	19.1	18.6	19.8	20.2	22.2	25.7	11.7	20.7
	Q14	Aware of right to personal views (5)	3.1	2.6	2.8	2.4	3.1	3.3	2.7	3.6	3.0	3.9	3.6	3.9	4.3	2.0	3.7
	Q15	Free to express personal views (10)	4.0	3.2	4.6	3.8	4.3	5.1	3.8	5.5	5.1	5.6	5.9	6.7	9.0	2.1	6.0
	Q16	Aware of right to final review (5)	3.1	3.4	3.5	3.1	3.2	3.2	2.3	3.6	3.5	3.8	3.6	4.1	3.9	3.2	3.8
	Q17	Free to express final review (10)	5.2	6.3	7.1	4.8	5.7	5.7	4.9	6.3	7.0	6.5	7.1	7.5	8.4	4.5	7.3
Safeguards Against Abuse (25)			10.4	10.8	8.1	8.1	9.8	8.6	10.8	12.1	11.0	12.7	14.1	11.9	14.6	7.9	14.8
	Q18	No required pre-approval of media contacts (5)	1.3	1.3	0.8	0.9	1.3	0.8	1.7	1.9	1.3	1.8	2.3	2.3	2.7	0.4	2.7
	Q19	No selective routing of media contacts (5)	2.0	2.7	1.8	1.7	2.1	1.5	2.3	2.3	2.1	2.3	2.7	2.2	2.7	1.8	3.1
	Q20	No required clearance of Q&A (5)	2.4	2.9	1.7	2.1	2.7	2.0	2.7	3.1	2.5	3.1	3.4	2.3	3.3	2.3	3.5
	Q21	No required monitoring by PAOs (5)	3.0	2.2	2.1	1.9	2.2	2.1	2.9	2.7	2.9	3.4	3.6	3.3	4.0	2.4	3.4
	Q22	Only scientists edit scientific content (5)	1.6	1.8	1.7	1.5	1.6	2.2	1.2	2.1	2.2	2.1	2.1	1.8	1.9	1.1	2.1
Scientists' Perceptions (10)			4.7	4.2	4.9	4.6	5.0	4.7	5.0	6.0	4.8	7.1	6.4	6.9	8.3	3.6	7.6
	Q23	Experienced Inappropriate Interference (5)	2.9	2.9	3.1	2.7	3.0	3.3	2.9	3.5	3.1	4.4	3.7	3.9	4.6	3.0	4.1
	Q24	Allowed to speak freely to media (5)	1.8	1.3	1.8	1.9	1.9	1.4	2.0	2.5	1.8	2.7	2.7	3.1	3.7	0.6	3.5
Promotes Openness and Timeliness (20)			9.1	11.2	10.2	9.7	9.6	9.4	8.8	10.5	9.6	11.2	10.6	13.2	13.5	7.5	11.9
	Q25	Press releases are timely (5)	2.7	3.2	3.0	3.0	2.9	2.7	2.8	2.7	2.8	3.2	3.2	3.7	3.7	1.9	3.3
	Q26	Public affairs encourages communication (5)	2.6	3.0	3.0	2.9	2.5	2.6	2.7	3.0	2.8	3.2	3.3	3.7	4.5	1.9	3.9
	Q27	PAO is adequately staffed (5)	2.5	3.0	2.5	2.8	2.4	2.6	2.1	2.6	2.8	2.9	2.7	3.5	3.1	2.3	2.9
	Q28	Regular training in media relations (5)	1.3	2.0	1.7	1.0	1.8	1.4	1.2	2.2	1.1	1.9	1.4	2.4	2.2	1.4	1.8
Media Practices Totals (100)			51	53	53	48	49	51	48	57	54	64	62	66	74	42	65

Table 6: This table shows the five broad categories that make up the media practice score, and the sub-scores for each category. Total media practice scores are found in the bottom row.

Appendix A: Key Terms and Definitions

- Right of Last Review – the right of scientists to review, prior to publication, the final drafts of any communications that are being released under the scientists' name or that substantially relies on their research. Along with the personal views exception this is one of the fundamental tenets of scientific free speech.
- Personal Views Exception – the right of scientists to express any personal views not authorized by the agency provided they make clear that they are not speaking for the agency and so long as they do not unreasonably take from government time and resources. Along with the right of last review, this is one of the fundamental tenets of scientific free speech.
- Monitoring – having a public affairs officer or manager be present at or listen in on communications between a scientist and the media. Although monitoring can facilitate good communication with the media, it also creates a chilling effect and leaves communications vulnerable to inappropriate interference if made mandatory.
- Selective Routing – forwarding media requests to the public affairs office where they are routed to an individual other than the scientist requested. Although public affairs coordinate of media contacts can facilitate good communication with the media, it also creates a chilling effect and leaves communications vulnerable to inappropriate interference if the scientists have no input into the process.
- Anticipated Questions and Answers – requiring scientists, prior to media communications, to prepare questions that they anticipate the media to ask and answers that they expect to give. Although preparing anticipated questions and answers can facilitate good communication with the media, it also creates a chilling effect and leaves communications vulnerable to inappropriate interference if made mandatory.
- Pre-approval – requiring scientists to obtain clearance from the public affairs office or management prior to any contacts with the media or the public. This sweeping restriction creates a chilling effect and leaves communications vulnerable to inappropriate interference.
- Notification and Recap – requesting scientists to give notice of a pending media communication and to provide a recap thereafter. This is a less restrictive alternative to requiring pre-approval.
- Public Affairs Office (PAO) – the office or department within a federal agency charged with coordinating relations with the news media and the general public.
- Media Communications – communications with the media, including interviews (in-person or by telephone), press releases, and press conferences.
- Non-Media Communications – communications with the public or the scientific community, including scientific publications, public presentations, reports for the general public and policymakers, congressional meetings and hearings, and website posting.

- Anti-Gag Statute – a congressional appropriations rider mandating an addendum to any nondisclosure policy, form or agreement that, as a prerequisite to being receiving federal funds for its enforcement, states that the Whistleblower Protection Act (protecting public disclosures) and the Lloyd Lafollete Act (protecting congressional communications) supersede any restrictions therein.
- “Sensitive But Unclassified” (SBU) and “Controlled Unclassified Information” (CUI) – These are discretionary labels for information that is not technically classified, but is considered sensitive for other reasons. These labels are typically created by presidential-level directives and agency guidance to withhold information in the absence of a statutory basis.
- Whistleblower provisions – references to the statutory protections from retaliation that are afforded to federal employees for disclosure of information that he or she reasonably believes evidences a violation of a law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety.

Appendix B: Agency Policy Grade Details

In this appendix, we provide full details on how we calculated each agency's media policy score.

For each agency we list the primary media policy documents that we analyzed for this investigation. These include official policy documents, but also Frequently Asked Questions and emails from agency management that provide guidance for how the policy is applied. For some agencies multiple documents included provisions that governed communication with the media and the public. For documents that are publicly available we link to the relevant agency websites. For non-public documents received via Freedom of Information Act (FOIA) requests we cite those documents below and make them available on the UCS website at www.ucsusa.org/mediapolicies.

As described in Chapter 2, each agency's score is made up of 17 sub-scores, grouped into six categories. For each agency we summarize these sub-scores in a table and provide justification and reasoning for any point deductions (see notes in the right-hand column of each table).

Department of Commerce (DOC)

Media policy applies to the following agencies:

Census Bureau

National Institute of Standards and Technology (NIST)

National Oceanic and Atmospheric Administration (NOAA)

Primary Media Policy Documents

- Department Administrative Order 219-1, Subject: Public Communications. Online at http://www.commerce.gov/opa/press/Secretary_Gutierrez/2007_Releases/March/29_DAO_219_1.pdf
- Frequently Asked Questions and Answers Regarding the DOC Public Communications Policy. Online at http://www.commerce.gov/opa/press/Secretary_Gutierrez/2007_Releases/March/29_FAQ.pdf
- NOAA: Message from the Undersecretary. Online at <http://www.communications.noaa.gov/mediapolicy.htm>
- Census: DOC policy (received in response to FOIA request)
- NIST: Email from Gail Porter (04/10/2007) regarding NIST trainings on the new DOC policy (received in response to FOIA request)

DOC Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	14	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	4	[1]
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	18	
Explicit Personal Views Exception (15)	13	[2]
Explicit Right of Last Review (15)	5	[3]
Safeguards Against Abuse (25)	18	
No required pre-approval of media contacts (5)	2	[4]
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	1	[5]
Scientists have access to drafts and revisions (2)	0	[6]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[7]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	20	
Rhetoric Promoting Openness (15)	15	
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	5	
Whistleblower Provisions (3)	3	
Dispute resolution process (2)	2	
DOC Media Policy Total (100)	77	

Reasoning and Citations for Deductions

1. Deduction: introduces complicated categories of communication (official/non-official/fundamental scientific research communications) that may overlap and have differing rules.
2. Partial Credit: "personal views" exceptions granted for Fundamental Research Communications (DOC Policy, section 7.03) and Non-Official Communications (section 11.01.c), but prior approval is required for written or audiovisual materials (section 11.01.b).
3. Partial Credit: provision guaranteeing final review is absent from policy but not explicitly denied.
4. Partial Credit: there are pre-approval requirements for all categories except Emergency Communications, although the FAQ states that "employees do not have to coordinate with Public Affairs" regarding

Fundamental Research Communications (FAQ 5) and that employees may "publicize their personal opinions" provided they do so "on their own time" (FAQ 9).

5. Partial Credit: there are no assurances that only scientists will edit scientific content, however the policy does state the the role of public affairs is "not to alter its substance in any way" (DOC Policy, section 6.03.b)
6. No mention in DOC policy.
7. No mention in DOC policy.

Department of the Interior (DOI)

Media policy applies to the following agencies:

- Bureau of Land Management (BLM)
- Fish & Wildlife Service (FWS)

Primary Media Policy Documents (received in response to FOIA request)

- DOI Manual 470 DM 1: Public Expression, General Policies and Procedures. Online at http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3260
- DOI Manual 478 DM 1: Nonofficial Expression. Online at http://elips.doi.gov/app_dm/act_getfiles.cfm?relnum=3480

DOI Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	17	
Explicit Personal Views Exception (15)	12	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	20	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	0	[3]
Scientists have access to drafts and revisions (2)	0	[4]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	15	
Rhetoric Promoting Openness (15)	10	[6]
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	0	
Whistleblower Provisions (3)	0	[7]
Dispute resolution process (2)	0	[8]
DOI Media Policy Total (100)	69	

Reasoning and Citations for Deductions

1. Partial Credit: DOI Manual provides for "Nonofficial Expression" (478 DM 1) but it is unclear if those provisions extend to routine contact with the media.
2. Partial Credit: provision guaranteeing final review is absent from DOI Manual but not explicitly denied.
3. No mention in DOI Manual.
4. No mention in DOI Manual.
5. No mention in DOI Manual.
6. Partial Credit: "The Department welcomes public examination of these programs and activities, not only as an inherent public right under our system of government..." (470 DM 1, 1.1) but no language encouraging employees to speak freely.
7. No mention in DOI Manual.
8. No mention in DOI Manual.

Centers for Disease Control and Prevention (CDC)

Primary Media Policy Documents

- Clearance of Information Products Disseminated Outside CDC for Public Use. Online at <http://www.cdc.gov/od/science/policies/Clearance-CDC-GA-2005-06.pdf>
- Guidelines for Ensuring the Quality of Information Disseminated to the Public. Online at <http://aspe.hhs.gov/infoquality/Guidelines/cdcinfo2.shtml>

CDC Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	25	
Explicit Personal Views Exception (15)	15	[1]
Explicit Right of Last Review (15)	10	[2]
Safeguards Against Abuse (25)	24	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	3	[3]
Scientists have access to drafts and revisions (2)	1	[4]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	20	
Rhetoric Promoting Openness (15)	15	
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[6]
Dispute resolution process (2)	2	
CDC Media Policy Total (100)	88	

Reasoning and Citations for Deductions

1. "Opinions where the presentation makes it clear that what is being offered is personal opinion rather than fact or CDC's views" is not covered by the guidelines (Guidelines II.B)
2. Partial Credit: final review not explicitly guaranteed, but "In the spirit of collaboration, first authors should document and share with coauthors substantive comments received from clearance and obtain their concurrence with the final draft" (Clearance Policy, VI.D)
3. "Staff members with clearance and cross-clearance responsibilities: Should have sufficient up-to-date scientific, technical, and organizational knowledge and depth of experience in a program area to qualify them to certify that information relevant to that program area is of high quality" (Clearance Policy, VI.C)
4. Partial Credit: access to drafts and revisions not explicitly guaranteed, but "Centers should establish procedures for routing the return of comments either through previous clearing officials or to the first author" (Clearance Policy, VI.C)
5. No mention in CDC Clearance Policy or Guidelines.
6. No mention in CDC Clearance Policy or Guidelines.

Consumer Product Safety Commission (CPSC)

Primary Media Policy Documents

- DSO #1450.2 Clearance Procedures for Providing Information to the Public. Online at <http://www.cpsc.gov/library/1450.2.pdf>
- Email from Jacqueline Elder (01/10/2007) Subject: Reminder on Press Inquiries (received in response to FOIA request)

CPSC Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	20	
Explicit Personal Views Exception (15)	15	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	11	
No required pre-approval of media contacts (5)	0	[3]
No selective routing of media contacts (5)	0	[4]
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	1	[5]
Scientists have access to drafts and revisions (2)	0	[6]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[7]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	13	
Rhetoric Promoting Openness (15)	10	[8]
Timeliness Provision (5)	3	[9]
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[10]
Dispute resolution process (2)	2	
CPSC Media Policy Total (100)	63	

Reasoning and Citations for Deductions

1. Clearance Procedures, section 7: e.1.b, f.2 and g.5
2. Partial Credit: provision guaranteeing final review is absent from policy but not explicitly denied.
3. "Inquiries from the news media received by headquarters' staff (other than Commissioners' offices), must be referred to [the Office of Information and Public Affairs]" (Clearance Procedures, section 7.d.(2)). See also Email from Jacqueline Elder, Subject Reminder on Press Inquiries (FOIA)
4. "[The Office of Information and Public Affairs] will respond directly, or coordinate a response from the staff person (e.g., AED/OD, project manager, analyst, economist, attorney, etc.), who is most substantively knowledgeable about the matter raised." (Clearance Procedures, section 7.d.(2))
5. Partial Credit: there are no assurances that only scientists will edit scientific content, however the policy does state the the role of public affairs is not to change technical meanings (Clearance Procedures, section 7.a.(3))
6. No mention in Clearance Procedures.
7. No mention in Clearance Procedures.
8. Partial Credit: There is one sentence about "free and open press relations" (section 7.d), but no corresponding language relating to press releases or information presented by individuals.
9. Partial Credit: Timeliness language for press contacts (section 7.d.(b)) but not for clearance of other information.
10. No mention in Clearance Procedures.

Environmental Protection Agency (EPA)

Primary Media Policy Documents (received in response to FOIA request)

- National Risk Management Research Laboratory (NRMRL): Communication with the media
- Region 4: Media Relations Guidance
- Region 6: Memorandum Subject: Procedures for Managing Relations with the Media
- Region 8: Press Policy
- Region 9: Standard Operating Procedures for Working With the Media

EPA Media Policies	NRMRL	Region 4	Region 6	Region 8	Region 9
Accessible, Current, Clear and Consistent (15)	10	10	10	10	10
Publicly available on agency website (5)	0 [1]	0 [1]	0 [1]	0 [1]	0 [1]
Clear and Consistent (5)	5	5	5	5	5
Updated in past 10 years (5)	5	5	5	5	5
Protects fundamental scientific free speech (30)	10	12	10	15	17
Explicit Personal Views Exception (15)	5 [2]	0 [2]	5 [2]	5 [2]	7 [2]
Explicit Right of Last Review (15)	5 [3]	12 [3]	5 [3]	10 [3]	10 [3]
Safeguards Against Abuse (25)	5	12	10	21	19
No required pre-approval of media contacts (5)	0 [4]	0 [4]	0 [4]	5 [4]	5
No selective routing of media contacts (5)	0 [5]	5	0 [5]	5	5
No required clearance of Q&A (5)	5	5	5	5	5
No required monitoring by PAOs (5)	0 [6]	0 [5]	5	5	2 [4]
Only scientists edit scientific content (3)	0 [7]	1 [6]	0 [6]	0 [5]	0 [5]
Scientists have access to drafts and revisions (2)	0 [8]	1 [7]	0 [7]	1 [6]	2
Consistent With Legal Requirements (5)	2	2	2	2	2
Complies with Anti-Gag Statute (3)	0 [9]	0 [8]	0 [8]	0 [7]	0 [6]
No SBU or CUI restrictions (2)	2	2	2	2	2
Promotes Openness and Timeliness (20)	5	5	1	20	5
Rhetoric Promoting Openness (15)	5 [10]	0 [9]	0 [9]	15	0 [7]
Timeliness Provision (5)	0 [11]	5	1 [10]	5	5
Disclosure of Misconduct & Resolution of Disputes (5)	0	0	0	2	2
Whistleblower Provisions (3)	0 [12]	0 [10]	0 [11]	0 [8]	0 [8]
Dispute resolution process (2)	0 [13]	0 [11]	0 [12]	2	2
EPA Media Policy Totals (100)	32	41	33	70	55

Reasoning and Citations for Deductions

NRMRL

1. Internal document obtained via FOIA.
2. Partial Credit: Personal Views Exception is absent from the NRMRL Policy, but is not explicitly denied.
3. Partial Credit: Final Review provision is absent from the NRMRL Policy, but is not explicitly denied.
4. "Notify the public affairs office prior to responding to a media request for the purpose of informing management and ensuring the most appropriate office and expert is providing the response." (NRMRL Policy, 6.1)
5. Ibid. See also NRMRL Policy, 6.3.
6. "If an interview is arranged, management will decide if the public affairs specialist will sit in on the interview." (NRMRL Policy, 6.5)
7. No mention in NRMRL Policy
8. No mention in NRMRL Policy
9. No mention in NRMRL Policy
10. Partial Credit: No real rhetoric promoting openness, but the policy does seem focused on providing subject matter experts to the media.
11. No mention in NRMRL Policy

12. No mention in NRMRL Policy
13. No mention in NRMRL Policy

Region 4

1. Internal document obtained via FOIA.
2. Explicit denial of personal views: "Remember that when you are talking with reporters, you are speaking for the U.S. Environmental Protection Agency. The opinions offered must represent those of the agency, not your own." (Media Guidance, Responding to the Media, 2)
3. Partial Credit: Explicit final review provision is absent from the Media Guidance, but does mention that OEA "check for management/technical contract approval on draft news release" (Media Guidance, News Release Process and Timeline, 3)
4. "All reporter calls received by staff will be transferred immediately to the OEA." (Media Guidance, Responding to the Media, 1)
5. "OEA will accompany staff during interviews, as is deemed appropriate by OEA." (Media Guidance, Responding to the Media, 1)
6. No guarantee that only scientists edit scientific content, but Media Guidance does suggest approval by "technical contact." (Media Guidance, News Release Process and Timeline, 3)
7. No guarantee that scientists will have access to drafts, but "Draft news releases will be routed to appropriate program contacts for comment." (Media Guidance, News Release Process and Timeline, 2)
8. No mention in Media Guidance.
9. There is no rhetoric in the Media Guidance mentioning any principles of openness.
10. No mention in Media Guidance.
11. No mention in Media Guidance.

Region 6

1. Internal document obtained via FOIA.
2. Partial Credit: Personal Views Exception is absent from the Region 6 Memo, but is not explicitly denied.
3. Partial Credit: Final Review provision is absent from the Region 6 Memo, but is not explicitly denied.
4. "If your office receives a phone call requesting information or an interview from a member of the media, please refer the caller to 6XA. Please remind your staff not to answer inquiries directly." (Memo, 1st bullet)
5. "6XA will respond to the media inquiries after consultation with appropriate program office staff; and if necessary, after elevating issues for senior level attention." (Memo, 1st bullet)
6. No mention in Region 6 Memo.
7. No mention in Region 6 Memo.
8. No mention in Region 6 Memo.
9. There is no rhetoric in the Region 6 Memo in support of openness.
10. Partial Credit: There are no timeliness requirements when dealing with the media, yet timeliness is mentioned as a goal. (Memo, 1st paragraph)
11. No mention in Region 6 Memo.
12. No mention in Region 6 Memo.

Region 8

1. Internal document obtained via FOIA.
2. Partial Credit: Personal Views Exception is absent from the Press Policy, but is not explicitly denied.
3. Partial Credit: Explicit final review provision is absent from the Press Policy, but "OCPI will work to incorporate legal and technical comments on drafts of communications intended for an external mass audience but will always press for simplicity, but not at the expense of accuracy." (Press Policy, Regarding content of news releases).
4. "Program Staff may respond within their area of expertise to day-to-day inquiries from news outlets and are responsible for the content of those contacts, ..." (Press Policy, Roles and Responsibilities).
5. No mention in Press Policy.
6. No guarantee that only scientists edit scientific content, however the Press Policy does state the OCPI's edits should not come at the "expense of accuracy." (Press Policy, Regarding content of news releases).
7. No mention in Press Policy.
8. No mention in Press Policy.

Region 9

1. Internal document obtained via FOIA.
2. Partial Credit: Personal Views Exception is absent from the SOP, but is not explicitly denied. See also SOP IV. News Outreach Methods, Published Articles, "An EPA employee can publish an article in either an individual capacity or an official capacity."
3. Partial Credit: Explicit Final Review provision is absent from SOP, but "The Office of Public Affairs has final approval of all press releases and may modify a release before sending it to the press, but will coordinate with the program lead and ORC so that the staff and management are aware of the change. Any disagreements or issues that arise in editing the press release should be first worked out among the team, then raised to the Communications Director, and finally to the director, Office of Public Affairs."
4. Partial Credit: "The press officer will typically join the program for the interview, although there are times when this is not possible or not necessary."
5. No mention in SOP.
6. No mention in SOP.
7. There is no rhetoric in the SOP in support of openness.
8. No mention in SOP.

National Aeronautics and Space Administration (NASA)

Primary Media Policy Documents

- NASA Policy on the Release of Information to News and Information Media. Online at http://www.nasa.gov/pdf/145687main_information_policy.pdf.
- Message from Administrator Griffin to Employees. Online at http://www.nasa.gov/pdf/145686main_griffin_statement.pdf.
- Frequently Asked Questions. Online at http://www.nasa.gov/pdf/145756main_comm_policy_faq.pdf.

NASA Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	20	
Explicit Personal Views Exception (15)	15	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	21	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	1	[3]
Scientists have access to drafts and revisions (2)	0	[4]
Consistent With Legal Requirements (5)	0	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	0	[6]
Promotes Openness and Timeliness (20)	20	
Rhetoric Promoting Openness (15)	15	
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[7]
Dispute resolution process (2)	2	
NASA Media Policy Total (100)	78	

Reasoning and Citations for Deductions

1. NASA Policy, Interviews (d).
2. Partial Credit: provision is absent from policy but not explicitly denied.
3. Partial Credit: there are no assurances that only scientists will edit scientific content, however the policy does state public affairs editing shall not "change scientific or technical data or the meaning of programmatic content" (NASA Policy, Responsibilities (c)).
4. No mention in NASA policy.
5. No mention in NASA policy.
6. Section on "Preventing unauthorized release of sensitive but unclassified (SBU) information/material to the news media." NASA Policy, p. 6.
7. Whistleblower provisions are absent from the policy.

National Institutes of Health (NIH)

Primary Media Policy Documents

- NIH Policy Manual: 1184 - Scientific, Technical and Other Professional Information Presented by NIH Employees. Online at <http://www1.od.nih.gov/oma/manualchapters/management/1184/>.
- Message from NIH Director Elias A. Zerhouni, M.D. regarding "Open Discourse," October 25, 2002 (Received in response to FOIA request)
- Message from NIH Director Elias A. Zerhouni, M.D. regarding "Open Discourse Reiterated," April 5, 2007 (Received in response to FOIA request)

NIH Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	20	
Explicit Personal Views Exception (15)	15	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	20	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	0	[3]
Scientists have access to drafts and revisions (2)	0	[4]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	15	
Rhetoric Promoting Openness (15)	15	[6]
Timeliness Provision (5)	0	[7]
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[8]
Dispute resolution process (2)	2	
NIH Media Policy Total (100)	74	

Reasoning and Citations for Deductions

1. "Employees who present material that requires clearance but material that has not been cleared prior to presentation, must inform the audience that the material represents the individual's views." (NIH Policy, Section G).
2. Partial Credit: provision guaranteeing final review is absent from the NIH Policy but not explicitly denied.
3. No mention in NIH Policy.
4. No mention in NIH Policy.
5. No mention in NIH Policy.
6. Message from NIH Director Zerhouni: "I am writing to remind all NIH staff that our policies should never inhibit or suppress honest discussion of scientific issues."
7. No mention in NIH Policy.
8. No mention in NIH Policy.

Nuclear Regulatory Commission (NRC)

Primary Media Policy Documents

- Management Directive 5.5: Public Affairs Program. Online at <http://adamswebsearch.nrc.gov/idmws/ViewDocByAccession.asp?AccessionNumber=ML041410577>.
- Management Directive 7.3: Participation in Professional Organizations. Online at http://adamswebsearch2.nrc.gov/idmws/doccontent.dll?library=PU_ADAMS^PBNTAD01&ID=041530093.
- NRC Management Directives may be accessed at <http://www.nrc.gov/reading-rm/doc-collections/management-directives/>.

NRC Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	13	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	3	[1]
Protects fundamental scientific free speech (30)	24	
Explicit Personal Views Exception (15)	12	[2]
Explicit Right of Last Review (15)	12	[3]
Safeguards Against Abuse (25)	22	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	0	[4]
Scientists have access to drafts and revisions (2)	2	
Consistent With Legal Requirements (5)	0	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	0	[6]
Promotes Openness and Timeliness (20)	20	
Rhetoric Promoting Openness (15)	15	
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[7]
Dispute resolution process (2)	2	
NRC Media Policy Total (100)	81	

Reasoning and Citations for Deductions

1. Partial Credit: NRC Directive 5.5 last revised June 25, 1999, but Directive 7.3 last revised December 31, 1996.
2. Partial Credit: NRC Handbook provides for a personal views exception when participating in a professional organization in a private capacity (NRC Handbook 7.3 (B)(3)) but it is unclear if that extends to routine media contact.
3. Partial Credit: No general guarantee of last review, but in the drafting of news releases the Handbook states "Technical offices review news releases for accuracy." (NRC Handbook 5.5 (B)(2)) and for news releases involving SECY papers it states "If OPA drafts the news release, the originator should review it for accuracy and completeness..." (NRC Handbook 5.5 (C)(1)).
4. No mention in NRC Handbook.
5. No mention in NRC Handbook.
6. NRC Management Directive 12.6: NRC Sensitive Unclassified Information Security Program
7. No mention in NRC Handbook.

Occupational Safety and Health Administration (OSHA)

Primary Media Policy Documents (Received in response to FOIA request)

- Secretary's Order 08-2006 (03/10/2006), Subject: Department of Labor's Public Affairs Program
- U.S. Department of Labor Manual Series, Chapter 500 - Public Affairs Program (revised 08/24/2004)

OSHA Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	10	
Publicly available on agency website (5)	0	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	10	
Explicit Personal Views Exception (15)	5	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	10	
No required pre-approval of media contacts (5)	0	[3]
No selective routing of media contacts (5)	0	[4]
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	0	[5]
Scientists have access to drafts and revisions (2)	0	[6]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[7]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	5	
Rhetoric Promoting Openness (15)	0	[8]
Timeliness Provision (5)	5	
Disclosure of Misconduct & Resolution of Disputes (5)	0	
Whistleblower Provisions (3)	0	[9]
Dispute resolution process (2)	0	[10]
OSHA Media Policy Total (100)	37	

Reasoning and Citations for Deductions

1. Partial Credit: Personal Views Exception is absent from the DOL Manual, but is not explicitly denied.
2. Partial Credit: Final Review provision is absent from the DOL Manual, but is not explicitly denied.
3. DOL Manual, section 524: "OPA must be informed in advance through the Agency public affairs director when a DOL Agency representative has been scheduled to appear on network radio, television, national print or electronic media. Such appearances are subject to OPA clearance."
4. DOL Manual, section 524: "This will provide an opportunity for OPA to coordinate the appearance with those of other Department officials and to supply the Agency official with the latest information concerning Agency activities."
5. No mention in DOL Manual.
6. No mention in DOL Manual.
7. No mention in DOL Manual.
8. There is no rhetoric in the DOL Manual mentioning any principles of openness.
9. No mention in DOL Manual.
10. No mention in DOL Manual.

U.S. Geological Survey (USGS)

Primary Media Policy Documents

- USGS Manual, section 500.5: News Release and Media Relations Policy. Online at <http://www.usgs.gov/usgs-manual/500/500-5.html>.
- USGS Manual, section 502.4: Fundamental Science Practices: Review, Approval, and Release of Information Products. Online at <http://www.usgs.gov/usgs-manual/500/502-4.html>.
- USGS Manual, section 370.735.4: Nonofficial expression. Online at <http://www.usgs.gov/usgs-manual/370-600/370-7354.html>.
- USGS Manual, section 500.25: Scientific Integrity. Online at <http://www.usgs.gov/usgs-manual/500/500-25.html>.

USGS Media Policy	Totals	
Accessible, Current, Clear and Consistent (15)	15	
Publicly available on agency website (5)	5	
Clear and Consistent (5)	5	
Updated in past 10 years (5)	5	
Protects fundamental scientific free speech (30)	17	
Explicit Personal Views Exception (15)	12	[1]
Explicit Right of Last Review (15)	5	[2]
Safeguards Against Abuse (25)	21	
No required pre-approval of media contacts (5)	5	
No selective routing of media contacts (5)	5	
No required clearance of Q&A (5)	5	
No required monitoring by PAOs (5)	5	
Only scientists edit scientific content (3)	1	[3]
Scientists have access to drafts and revisions (2)	0	[4]
Consistent With Legal Requirements (5)	2	
Complies with Anti-Gag Statute (3)	0	[5]
No SBU or CUI restrictions (2)	2	
Promotes Openness and Timeliness (20)	15	
Rhetoric Promoting Openness (15)	15	
Timeliness Provision (5)	0	[6]
Disclosure of Misconduct & Resolution of Disputes (5)	2	
Whistleblower Provisions (3)	0	[7]
Dispute resolution process (2)	2	[8]
USGS Media Policy Total (100)	72	

Reasoning and Citations for Deductions

1. Partial Credit: USGS Manual provides for "Nonofficial Expression" (SM 370.735.4) but it is unclear if those provisions extend to routine contact with the media.
2. Partial Credit: provision guaranteeing final review is absent from policy but not explicitly denied.
3. Partial Credit: there are no assurances that only scientists will edit technical material, but scientific peer review of all information products is required (SM 502.3).
4. No mention in USGS Manual.
5. No mention in USGS Manual.
6. No mention in USGS Manual.
7. Dispute resolution process in the USGS Scientific Code of Conduct (SM 500.25).

Appendix C: Agency Practice Grade Details

In this appendix, we provide full details on how we calculated each agency's media practice score.

As described in Chapter 3, each agency's practice score is made up of 18 sub-scores, grouped into five categories. Each sub-score is calculated based on federal scientist responses to 19 survey questions (one score combines the results of two questions). For each question we provide the raw number of responses from each agency, and the response option weights that are used to calculate each sub-score. Each table below shows the question wording (first column on the left), the response options (second column), the weights (third column, if applicable) and raw numbers of responses for each agency. The sub-scores are found in the rows highlighted in green.

The exact formulae for calculating the sub-scores based on the response numbers and weights are described in Chapter 3.

Accessible, Current, Clear and Consistent (15)		Weight	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Question 7: Does your agency have an official written policy governing an employee's communications with the media, including but not limited to interviews (in-person or by telephone), press releases, and press conferences?	Yes		36	20	39	12	53	57	42	39	40	16	51	49	11	10	33
	No		1	0	0	0	3	2	8	0	0	0	2	3	0	0	1
	Unsure		15	2	18	3	8	20	29	11	23	0	8	16	7	4	11
	Total		52	22	57	15	64	79	79	50	63	16	61	68	18	14	45
	Fraction "Yes"	5	0.69	0.91	0.68	0.80	0.83	0.72	0.53	0.78	0.63	1.00	0.84	0.72	0.61	0.71	0.73
Question 9: [If "No" or "Unsure" on Q7] Does your agency have an unwritten or unofficial media policy and/or is there a common understanding amongst employees on how communications with the media should be handled?	Yes		10	1	7	2	9	11	24	4	4	0	2	7	4	2	10
	No		1	0	1	0	0	0	1	2	1	0	5	4	1	0	1
	Unsure		5	1	10	1	2	11	12	5	17	0	3	8	2	2	3
	Total		16	2	18	3	11	22	37	11	22	0	10	19	7	4	14
	Fraction "Yes"	2.5	0.63	0.50	0.39	0.67	0.82	0.50	0.65	0.36	0.18	0.00	0.20	0.37	0.57	0.50	0.71
Score			3.9	4.7	3.7	4.3	4.5	4.0	3.4	4.1	3.3	5.0	4.3	3.9	3.6	3.9	4.1
Question 8: How does your agency disseminate its media policy? Select all that apply.	Employment contract (%)		5.6	0.0	5.0	0.0	0.0	8.8	9.5	5.0	2.5	6.7	3.9	2.0	10.0	0.0	0.0
	Employment manual (%)		44.4	26.3	35.0	25.0	15.4	43.9	54.8	42.5	25.0	40.0	25.5	60.0	50.0	10.0	54.5
	Agency website (%)		41.7	84.2	60.0	58.3	25.0	50.9	31.0	57.5	32.5	80.0	49.0	76.0	90.0	30.0	57.6
	Workplace posters (%)		8.3	10.5	5.0	0.0	3.8	5.3	2.4	5.0	5.0	13.3	0.0	8.0	0.0	10.0	3.0
	Employee orientations (%)		30.6	21.1	32.5	25.0	21.2	45.6	33.3	20.0	47.5	66.7	21.6	58.0	70.0	40.0	18.2
	Special trainings (%)		33.3	31.6	37.5	0.0	26.9	28.1	21.4	22.5	35.0	46.7	13.7	46.0	10.0	30.0	27.3
	Annual reports (%)		2.8	5.3	7.5	33.3	5.8	8.8	7.1	5.0	5.0	6.7	2.0	10.0	0.0	10.0	0.0
	Email from supervisors (%)		55.6	63.2	65.0	58.3	65.4	50.9	61.9	62.5	47.5	66.7	60.8	28.0	30.0	70.0	54.5
	Other (please specify) (%)		25.0	15.8	20.0	33.3	34.6	14.0	14.3	15.0	20.0	6.7	31.4	22.0	20.0	40.0	18.2
(N>30%) Score			5	3	5	4	2	4	4	3	4	5	3	4	4	5	3
Question 13: My agency consistently and fairly applies its communications policies regardless of how politically sensitive or controversial the content of the communication.	Strongly Agree	5	1	0	2	4	4	8	9	3	5	3	2	20	6	0	6
	Agree	3.75	19	11	19	3	14	27	19	14	12	4	25	28	8	4	20
	Neutral	2.5	13	2	14	3	21	21	17	10	16	3	21	6	1	2	10
	Disagree	1.25	9	2	8	2	9	7	22	10	6	1	5	4	0	4	2
	Strongly Disagree	0	3	0	3	1	11	3	2	5	1	0	0	0	0	3	2
Score			2.7	3.3	2.7	3.2	2.3	3.1	2.7	2.5	2.9	3.5	3.1	3.9	4.2	1.9	3.3

Protects fundamental scientific free speech (30)		Weight	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Question 14: I am aware of my right to express any personal views to the media or the public that have not been authorized by the agency, provided that I make clear I am not speaking for the agency and so long as I do not unreasonably use government time or resources.	Strongly Agree	5	5	3	3	0	15	13	4	15	6	4	12	24	7	0	14
	Agree	3.75	23	6	22	5	18	30	33	20	19	8	31	21	8	4	18
	Neutral	2.5	6	0	12	4	11	13	15	4	12	2	6	6	0	2	2
	Disagree	1.25	10	3	5	4	10	11	11	3	7	0	7	5	0	3	2
	Strongly Disagree	0	1	4	6	1	5	1	9	3	2	0	0	1	0	3	3
Score			3.1	2.6	2.8	2.4	3.1	3.3	2.7	3.6	3.0	3.9	3.6	3.9	4.3	2.0	3.7
Question 15: I am free to exercise the right described in Question 14 without risk of agency retaliation.	Strongly Agree	10	1	0	1	0	3	6	1	6	3	1	4	14	9	0	7
	Agree	7.5	9	2	9	1	11	20	15	17	15	6	19	21	6	1	13
	Neutral	5	11	3	23	6	21	22	21	8	11	2	22	15	0	1	10
	Disagree	2.5	19	7	11	5	14	13	17	8	12	3	8	4	0	5	7
	Strongly Disagree	0	5	3	4	1	10	8	18	6	4	1	0	3	0	5	2
Score			4.0	3.2	4.6	3.8	4.3	5.1	3.8	5.5	5.1	5.6	5.9	6.7	9.0	2.1	6.0
Question 16: I am aware of my right to review, prior to publication, the final drafts of the following communications that are being published under my name and/or that substantially rely on my research.	Strongly Agree	5	4	3	15	0	8	15	4	15	9	3	14	21	6	1	18
	Agree	3.75	20	4	13	10	24	17	15	21	18	10	21	26	7	7	13
	Neutral	2.5	8	2	12	2	9	15	17	2	8	1	11	3	2	1	5
	Disagree	1.25	4	2	5	3	7	6	20	3	5	1	4	2	1	1	2
	Strongly Disagree	0	3	0	1	0	3	4	6	4	0	0	0	0	0	0	1
Score			3.1	3.4	3.5	3.1	3.2	3.2	2.3	3.6	3.5	3.8	3.6	4.1	3.9	3.2	3.8
Question 17: I am free to exercise the right described in Question 16 without risk of agency retaliation.	Strongly Agree	10	3	2	10	0	7	8	4	10	10	2	9	15	8	0	17
	Agree	7.5	16	8	25	4	18	20	17	16	22	8	30	29	7	2	9
	Neutral	5	6	1	12	5	15	25	25	9	9	3	13	9	0	5	9
	Disagree	2.5	11	1	2	3	11	9	13	3	5	1	2	3	1	2	3
	Strongly Disagree	0	4	2	1	1	3	4	8	5	0	1	0	0	0	0	1
Score			5.2	6.3	7.1	4.8	5.7	5.7	4.9	6.3	7.0	6.5	7.1	7.5	8.4	4.5	7.3

Safeguards Against Abuse (25)		Weight	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Question 18: I am required to obtain agency pre-approval for media interviews.	Strongly Agree	0	10	4	21	6	26	28	18	5	13	3	5	8	1	8	3
	Agree	1.25	22	10	20	6	17	29	26	21	17	5	21	16	2	4	10
	Neutral	2.5	6	1	4	2	8	3	7	8	5	2	8	10	5	0	10
	Disagree	3.75	2	0	0	0	6	0	16	6	4	2	13	15	6	0	8
	Strongly Disagree	5	1	1	0	0	2	1	1	3	1	1	4	5	0	0	7
Score			1.3	1.3	0.8	0.9	1.3	0.8	1.7	1.9	1.3	1.8	2.3	2.3	2.7	0.4	2.7
Question 19: Media requests for specific scientists are forwarded to the agency public affairs office for selective routing to other scientists.	Strongly Agree	0	1	1	8	3	11	11	6	2	2	1	2	6	1	2	1
	Agree	1.25	18	3	7	4	11	22	15	12	13	4	9	12	4	2	4
	Neutral	2.5	13	4	22	8	14	23	24	14	12	5	16	15	1	4	14
	Disagree	3.75	4	5	2	0	8	0	15	7	5	2	16	8	6	1	12
	Strongly Disagree	5	1	1	0	0	4	0	1	2	1	1	2	2	1	0	6
Score			2.0	2.7	1.8	1.7	2.1	1.5	2.3	2.3	2.1	2.3	2.7	2.2	2.7	1.8	3.1
Question 20: I am required to prepare and submit anticipated questions and responses prior to media communications.	Strongly Agree	0	2	1	7	1	5	6	4	2	2	0	0	4	1	0	0
	Agree	1.25	9	1	14	3	9	13	8	7	8	1	4	18	0	4	1
	Neutral	2.5	14	6	12	9	17	20	27	10	12	4	12	9	6	5	15
	Disagree	3.75	9	3	4	1	13	4	16	12	9	4	20	14	2	2	12
	Strongly Disagree	5	1	2	0	0	6	1	5	9	1	1	8	3	4	0	10
Score			2.4	2.9	1.7	2.1	2.7	2.0	2.7	3.1	2.5	3.1	3.4	2.3	3.3	2.3	3.5
Question 21: Agency officials monitor my interviews with the media, either in-person or over the telephone.	Strongly Agree	0	1	2	6	1	7	4	5	2	2	0	1	2	0	1	0
	Agree	1.25	4	7	9	5	16	10	6	8	4	1	1	3	0	3	4
	Neutral	2.5	12	1	16	6	9	19	17	15	12	3	9	12	4	2	13
	Disagree	3.75	12	3	6	1	12	5	23	11	11	5	22	18	4	2	12
	Strongly Disagree	5	4	2	1	0	4	1	5	4	3	2	10	8	7	1	10
Score			3.0	2.2	2.1	1.9	2.2	2.1	2.9	2.7	2.9	3.4	3.6	3.3	4.0	2.4	3.4
Question 22: Only scientists review and edit the scientific content of the following written communications.	Strongly Agree	5	1	0	1	1	3	4	0	4	0	1	1	1	0	0	3
	Agree	3.75	2	3	4	0	6	8	3	6	9	3	9	9	2	0	7
	Neutral	2.5	10	3	11	5	13	18	13	8	14	3	15	7	4	2	9
	Disagree	1.25	23	8	20	3	17	21	25	14	11	4	18	24	6	7	16
	Strongly Disagree	0	5	2	6	5	17	4	22	7	3	3	3	7	1	4	5
Score			1.6	1.8	1.7	1.5	1.6	2.2	1.2	2.1	2.2	2.1	2.1	1.8	1.9	1.1	2.1

Scientists' Perceptions (10)		Weight	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Question 23: I have experienced inappropriate agency interference with the following communications.	Strongly Agree	0	2	0	4	1	6	1	3	3	4	0	1	1	0	0	0
	Agree	1.25	7	3	0	3	4	2	9	3	2	0	3	3	0	1	3
	Neutral	2.5	11	4	10	3	13	16	23	8	8	0	6	5	1	4	2
	Disagree	3.75	10	5	21	5	21	15	14	11	7	6	21	19	2	2	13
	Strongly Disagree	5	6	1	2	1	9	7	11	15	8	6	14	19	11	1	18
Score			2.9	2.9	3.1	2.7	3.0	3.3	2.9	3.5	3.1	4.4	3.7	3.9	4.6	3.0	4.1
Question 24: I am allowed to speak freely to the media.	Strongly Agree	5	0	0	1	1	2	2	2	5	1	1	6	5	4	0	8
	Agree	3.75	5	1	4	2	13	3	16	11	8	6	17	29	5	0	19
	Neutral	2.5	12	3	17	4	13	13	22	8	8	3	14	8	3	2	8
	Disagree	1.25	19	7	16	5	15	23	12	12	13	2	11	7	1	2	3
	Strongly Disagree	0	5	4	7	3	14	16	17	5	10	2	5	4	0	8	1
Score			1.8	1.3	1.8	1.9	1.9	1.4	2.0	2.5	1.8	2.7	2.7	3.1	3.7	0.6	3.5

Promotes Openness and Timeliness (20)		Weight	BLM	Census	CDC	CPSC	EPA	FDA	FWS	NASA	NIH	NIST	NOAA	NRC	NSF	OSHA	USGS
Question 25: Press releases are released in a timely and pro-active manner.	Strongly Agree	5	2	0	1	0	4	3	1	4	2	1	3	11	3	0	5
	Agree	3.75	13	8	20	7	19	13	22	13	13	5	28	32	6	1	23
	Neutral	2.5	13	4	12	6	19	27	34	10	12	6	11	9	4	5	4
	Disagree	1.25	7	1	4	1	6	7	8	8	7	0	3	1	0	2	4
	Strongly Disagree	0	2	0	1	0	3	2	0	3	1	0	2	1	0	2	2
Score			2.7	3.2	3.0	3.0	2.9	2.7	2.8	2.7	2.8	3.2	3.2	3.7	3.7	1.9	3.3
Question 26: My agency's public affairs office sees its role as encouraging the communication of my agency's research with the media and the public, not restricting it.	Strongly Agree	5	0	0	2	2	3	2	2	4	5	3	6	11	9	1	17
	Agree	3.75	16	8	19	4	19	18	28	19	10	6	27	30	3	0	14
	Neutral	2.5	12	5	16	6	17	25	20	9	14	3	16	11	1	2	4
	Disagree	1.25	8	2	3	3	12	10	14	6	4	0	5	2	0	4	1
	Strongly Disagree	0	3	0	1	0	6	3	4	2	3	2	0	0	0	1	2
Score			2.6	3.0	3.0	2.9	2.5	2.6	2.7	3.0	2.8	3.2	3.3	3.7	4.5	1.9	3.9
Question 27: My agency's public affairs office has adequate staffing and resources to do its job.	Strongly Agree	5	1	1	1	0	0	4	1	2	2	0	0	9	3	0	2
	Agree	3.75	12	4	10	5	15	11	12	9	7	4	15	29	6	2	13
	Neutral	2.5	14	6	16	8	29	28	28	18	23	8	31	11	1	3	18
	Disagree	1.25	11	1	9	0	7	10	19	8	2	0	3	3	3	3	4
	Strongly Disagree	0	1	0	2	1	6	2	10	1	0	0	2	1	1	0	1
Score			2.5	3.0	2.5	2.8	2.4	2.6	2.1	2.6	2.8	2.9	2.7	3.5	3.1	2.3	2.9
Question 28: I am regularly trained in effective media communication techniques.	Strongly Agree	5	0	0	0	0	1	1	1	4	0	0	0	1	0	0	1
	Agree	3.75	7	5	4	0	10	5	4	7	3	1	3	17	4	2	3
	Neutral	2.5	1	1	15	2	10	12	11	9	7	6	8	15	3	3	15
	Disagree	1.25	21	7	14	7	29	21	26	16	17	6	32	17	5	3	11
	Strongly Disagree	0	12	2	8	5	8	17	24	5	17	1	9	3	1	5	8
Score			1.3	2.0	1.7	1.0	1.8	1.4	1.2	2.2	1.1	1.9	1.4	2.4	2.2	1.4	1.8

Appendix D: Questionnaire Text

This appendix provides the text of the introductory email sent to federal scientists and the exact wording of the online questionnaire.

We used the website SurveyMonkey.com to contact the scientists and collect the survey responses. In addition to the introductory email, two reminder emails were sent to the survey recipients.

In this section bullet-points are used to represent clickable response options on the actual web questionnaire. Bolded text represents the heading at the top of each survey page and horizontal lines represent breaks between pages of questions. Most questions gave the respondent the option of entering additional comments, and Question 29 was an open-ended essay question. Respondents were given the option at the end of the survey to enter contact information if they wished to be contacted for a confidential follow-up interview.

Selected response data can be found in the tables in Appendix C.

To: [Email]
From: surveys@ucsusa.org
Subject: Union of Concerned Scientists (UCS) Survey of Agency Communications Policies

Dear Scientist,

The Union of Concerned Scientists (UCS) is conducting an assessment of communications policies and practices at federal agencies. We are asking scientists to complete a brief survey about their agency's policy. This is an opportunity to share your perspective and to help us better understand how openly federal agencies and their scientists communicate with the public and how this could be improved upon.

Please complete the survey no later than May 12, 2008. It should take about 15 minutes and can be accessed at the following URL:

[LINK]

UCS ensures the anonymity of survey respondents. Any connection between your personal information and your survey responses will be kept completely confidential by UCS and will be destroyed before survey results are made public.

Although this survey is voluntary, your participation is vital to its success: only a high response rate can result in high-quality data. Results will be made available online and may also be provided to the media, Congress, executive branch officials, and members of academia.

This study is sponsored by the Union of Concerned Scientists (UCS), which has produced recent surveys of science professionals in the Food & Drug Administration and the Fish & Wildlife Service, as well as of climate scientists across several federal agencies. For more information about UCS or to view the results of these surveys, visit www.ucsusa.org/surveys. For questions about this survey, please contact Francesca T. Grifo, Director of the Scientific Integrity Program at UCS, at (202) 331-5446 or fgrifo@ucsusa.org.

Thank you in advance for your important and highly valued contribution to this research.

Sincerely,

Krystina Lafontant
Scientific Integrity Program
Union of Concerned Scientists
202-331-6953

Introduction

The Union of Concerned Scientists (UCS) is assessing media and non-media communications policies and practices in and amongst federal agencies that conduct science. Answering the following 15-minute survey will help us with our work.

PLEASE ANSWER EACH QUESTION TO THE BEST OF YOUR OWN PERSONAL KNOWLEDGE. If there are any questions that you wish to elaborate upon, feel free to write a narrative response in the text box provided at the end of each question or at the end of the survey. Your responses will remain anonymous.

Note: The word “communication(s)” broadly denotes any transmission of information such as through conversation, interview, written or online publication, etc.

Background/Experience

1. Are you a current employee of the federal government?

- Yes
 - No
-

Background/Experience

2. Which federal agency do you work for?

- | | | |
|-------------------------|---------|--------|
| • ACE | • FAA | • NIST |
| • BLM | • FCC | • NOAA |
| • CDC | • FDA | • NRC |
| • Census Bureau | • FWS | • NSF |
| • CPSC | • MSHA | • OSHA |
| • DOD | • NASA | • USDA |
| • DOE | • NHTSA | • USGS |
| • EPA | • NIH | |
| • Other: Please Specify | | |

3. How often do you conduct scientific research or analysis as a component of your employment?

- Frequently
- Sometime
- Rarely
- Never

Additional Comments:

Background/Experience

4. What is your scientific field of study?

Comments:

5. How often is your work considered politically sensitive or controversial?

- Frequently
 - Sometime
 - Rarely
 - Never
-

Background/Experience

6. What is your position at your agency?

- Management
 - Administration
 - Public Affairs
 - Legal
 - Other: Please Specify
-

Knowledge of Policy

7. Does your agency have an official written policy governing an employee's communications with the media, including but not limited to interviews (in-person or by telephone), press releases, and press conferences?

- Yes
- No
- Unsure

Comments:

Knowledge of Policy

8. How does your agency disseminate its media policy? Select all that apply.

- Employment contract
 - Employment manual or handbook
 - Agency website
 - Workplace posters
 - Employee orientations
 - Special trainings
 - Annual reports
 - Correspondence from supervisors
 - Other (please specify)
-

Knowledge of Policy

9. Does your agency have an unwritten or unofficial media policy and/or is there a common understanding amongst employees on how communications with the media should be handled?

- Yes
- No
- Unsure

If answered YES, please describe

Knowledge of Policy

10. Does your agency have official written policies governing NON-MEDIA scientific communications, including but not limited to scientific publications, public presentations, reports for the general public and policymakers, congressional meetings and hearings, and website posting?

- Yes
- No
- Unsure

Additional Comments

Knowledge of Policy

11. How does your agency disseminate its non-media communications policy? Select all that apply.

- Employment contract
 - Employment manual or handbook
 - Agency website
 - Workplace posters
 - Employee orientations
 - Special trainings
 - Annual reports
 - Correspondence from supervisors
 - Other (please specify)
-

Knowledge of Policy

12. Does your agency have an unwritten or unofficial non-media communications policy and/or is there a common understanding amongst employees on how non-media communications should be handled?

- Yes
- No
- Unsure

If answered YES, please describe

Implementation of Policy

Please RANK Questions 13 - 28, according to your level of agreement with the given statement.

13. My agency consistently and fairly applies its communications policies regardless of how politically sensitive or controversial the content of the communication.

Media

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Non-Media

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

14. I am aware of my right to express any personal views to the media or the public that have not been authorized by the agency, provided that I make clear I am not speaking for the agency and so long as I do not unreasonably use government time or resources.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

15. I am free to exercise the right described in Question 14 without risk of agency retaliation.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

16. I am aware of my right to review, prior to publication, the final drafts of the following communications that are being published under my name and/or that substantially rely on my research.

Media Communications,
Including Press Releases

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Non-Media Communications,
Including Scientific Publications

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

17. I am free to exercise the right described in Question 16 without risk of agency retaliation.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

Assessment of Policy

18. I am required to obtain agency pre-approval for media interviews.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

19. Media requests for specific scientists are forwarded to the agency public affairs office for selective routing to other scientists.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

20. I am required to prepare and submit anticipated questions and responses prior to media communications.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

21. Agency officials monitor my interviews with the media, either in-person or over the telephone.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

22. Only scientists review and edit the scientific content of the following written communications.

Media Communications

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Non-Media Communications

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

23. I have experienced inappropriate agency interference with the following communications.

Media Communications

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Non-Media Communications

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

Assessment of Policy

24. I am allowed to speak freely to the media.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

25. Press releases are released in a timely and pro-active manner.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

26. My agency's public affairs office sees its role as encouraging the communication of my agency's research with the media and the public, not restricting it.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

27. My agency's public affairs office has adequate staffing and resources to do its job.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

28. I am regularly trained in effective media communication techniques.

- Strongly Agree
- Agree
- Neutral
- Disagree
- Strongly Disagree
- N/A

Additional Comments

Additional Information

29. Please use the space below to add any comments you would like to share.

30. If you are willing to take part in a confidential follow-up interview with a UCS representative, please enter your name and contact information below.

Name

Telephone Number

Best time to be reached

Conclusion

You have completed the survey. Thank you!

Appendix E: Sample Freedom of Information Act Request

In this appendix we provide the language used in Freedom of Information Act (FOIA) requests submitted to the agencies. We submitted the FOIA requests to obtain official agency media and non-media policies, along with any additional information, guidance or discussion about the implementation of the policies.

Text in [brackets] was modified to include requests or language specific to a given agency.

Union of Concerned Scientists

1707 H St., NW • Suite 600
Washington, DC 20006
202-223-6133 fax: 202-223-6162

[Agency]
Freedom of Information Act Officer
[Address]

[Date]

Re: FOIA Request

Dear FOIA Officer:

Pursuant to the Freedom of Information Act, 5 U.S.C. 552, we request access to and copies of all records and information including, but not limited to, documents, internet materials, memoranda, notes, letters, e-mail, employee handbooks, employment contracts, workplace posters, annual reports, and other records relevant to, or contained in any file, official or otherwise, pertaining to:

1. Any policy, whether known by the terms media, communication, information, dissemination, publication, or public affairs policy, or any combination of these or other labels, governing communications including, but not limited to, telephone calls, interviews, press releases or media advisories, and press conferences, between agency employees and the media, whether by print, broadcast, internet, or otherwise (henceforth “media communication policies”), excluding [any publicly available documents already obtained];
2. Any policy, whether known by the terms publication, communication, information, dissemination, congressional, or public policy, or any other combination of these or other labels, governing the review, approval, publication, and/or presentation of scientific information gathered and/or expressed by agency employees including, but not limited to, scientific reports, journals, articles, web postings, conference presentations, congressional testimony, directed at the scientific community, Congress, or the general public (henceforth “non-media communication policies”), excluding [any publicly available documents already obtained];
3. Any supporting materials including, but not limited to, guidelines, notes, frequently asked questions, memoranda, status sheets, templates, instructions, reports, explanatory or introductory letters, and training materials, developed to assist in the interpretation, clarification, implementation, and enforcement of said media and non-media communication policies, excluding [any publicly available documents already obtained];
4. Any agency employees’ complaints and/or suggestions regarding said media and non-media communication policies;
5. Any mechanisms, protocols, or other systems developed for the evaluation, review, and/or updating of said media and non-media communication policies by agency officials, agency employees, media personnel, or other individuals;
6. Any mechanisms, protocols, or other systems developed for reporting and resolving disputes, conflicts of interest, or allegations of misconduct in media communications or in the implementation of said media and non-media communication policies;

7. Any records relating to said media and non-media communications policies that contain the statutorily-prescribed addendum of the anti-gag statute, currently at Sec. 820 of P.L. 109-115, the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, which was renewed through Dec. 14, 2007 by the Second Continuing Resolution of 2007, P.L. 110-116;
8. Any references to the Whistleblower Protection Act (WPA), 5 U.S.C. 2302(b)(8), made in relation to said media and non-media communications policies; and
9. Any references to “Sensitive but Unclassified” (SBU) information made in relation to said media and non-media communications policies.

Additional Instructions

When possible please identify what request(s), numbered one through nine above, each item that your agency discloses is responsive to. If any of the material covered by this request has been destroyed or removed, please provide all surrounding documentation including, but not limited to, a description of the action taken regarding the materials and justification for those actions taken. For any documents or portions you deny due to a specific FOIA exemption, please provide a *Vaughn* Index (*Vaughn v. Rosen*, 484 F.2d 820, 827 (D.C. Cir. 1973), *cert. denied*, 415 U.S. 977 (1974)), including a detailed justification of your grounds for claiming such exemption and explanation of why the exemption is relevant to the document or portion of the document withheld.

The Union of Concerned Scientists consents to the deletion of any material that would violate an individual’s rights under the Privacy Act. We will work with your office to further refine the request if you find any terms too imprecise, conduct searches for unclassified responsive records, or engage in any other reasonable activities that would lessen the agency’s burden and costs.

Please be reminded that under the Freedom of Information Act, we are entitled to a response to this request within twenty working days. Since the request is extensive we are happy to work with your office to prioritize the various searches and we would prefer to receive the responsive documents in batches as they are collected. Should this request be denied for any reason, we ask that a detailed explanation be provided along with the name of the person to whom administrative appeals should be addressed. If you have any questions regarding this request we would appreciate you contacting us directly by telephone or email, rather than by mail.

Thank you in advance for your assistance and cooperation.

FOR UCS DESCRIPTION AND PURPOSE

The Union of Concerned Scientists (UCS) is a non-profit, non-partisan, public interest organization chartered under IRS Code §501 (c)(3) as a non-profit, educational and charitable organization. We seek to serve the public by working for a healthy environment and a safer world. We do this by combining independent scientific research and citizen action to develop innovative, practical solutions and to secure responsible changes in government policy, corporate practices, and consumer choices.

FOR EXPLANATION OF FEE WAIVER REQUEST

The Union of Concerned Scientists (UCS) requests that all fees incurred in connection with the attached request to your agency be waived, because “disclosure of the information is in the public interest and is not primarily in the commercial interest of the requester.” 5 U.S.C. §552 (a)(4)(A)(iii).

UCS is actively involved in working with government agencies, elected officials and the public toward solutions to ensure that the best possible science is available for policy-makers to use in crafting the policies that protect human health and the environment. One research aspect of this effort is focused on how freely and openly scientific information is communicated to the media.

In our efforts to promote respect for federal scientists and the work they do, UCS works closely with Members of Congress, the media, and the public to alert them to any abuses of science in the federal policy-making process. The documents and other materials provided to USC in response to this FOIA request will be used in connection with a campaign aimed at informing key decision-makers at the federal level, the general public, and self-selected subscribers.

The combined circulation and viewer-base of our national, regional, and self-subscribed outlets ensure that the information will, indeed, be widely distributed to diverse segments of the public who will benefit from the authorized disclosures concerning federal policy-making. As a consequence of this dissemination, public understanding and trust of government operations will certainly be enhanced.

Disclosure of this information by UCS is in no way connected with any commercial interest since UCS is a non-profit, tax-exempt organization under §501 (c)(3) of the IRS Code. The information we are seeking is crucial to advance public knowledge and will not be put to any commercial use.

Tarek Maassarani
Krystina Lafontant
Union of Concerned Scientists
Telephone: 202-223-6953
Fax: 202-223-6162
klafontant@ucsusa.org
Please cc: tarekm@whistleblower.org