

U.S. DEPARTMENT OF COMMERCE
Office of Inspector General



***National Oceanic and
Atmospheric Administration***

***Personnel Inaction and Process
Breakdowns Delayed NOAA's
Release of the Fact Sheet,
But Policies Have
Been Clarified***

***Final Report No. BSD-18407
November 2008***

***Office of Audit and Evaluation
Business and Science Division***





Report In Brief

U.S. Department of Commerce Office of Inspector General

November 2008



Why We Did this Review

In 2006, several journal and online articles alleged that the Department and NOAA had delayed release of a research report on climate change and hurricane intensity. At the same time, NOAA and NASA scientists were complaining that their climate studies were being suppressed. A September 2006 letter from 14 senators to the Commerce and NASA inspectors general expressed concerns about possible suppression, and asked if Commerce had blocked release of a hurricane/global warming report. In response, we assessed Commerce policies regarding public release of research data, and the events surrounding the purported report.

Background

In November 2005, NOAA published an article in its online *NOAA Magazine* contending that according to NOAA research, natural occurring cycles in tropical climate were the cause of increased Atlantic hurricane activity since 1995, not the greenhouse effect of global warming. The statement drew criticism from some NOAA scientists, who believed it failed to reflect the full spectrum of the agency's research on hurricanes and global warming. In response, NOAA decided in January 2006 to prepare a fact sheet that would present a balanced view of the agency's hurricane/climate change research. The fact sheet was approved in May 2006, but was not released until the following September.

View the full report at www.oig.doc.gov/oig/reports/2008/BSD-18407.pdf.

National Oceanic and Atmospheric Administration

Personnel Inaction and Process Breakdowns Delayed NOAA's Release of Fact Sheet, But Policies Have Been Clarified (BSD-18407)

What We Found

We determined the document NOAA allegedly withheld was not a report containing new research but a two-page "state of the science" hurricane fact sheet that the agency had decided to issue in response to its own researchers' concerns about the 2005 online *NOAA Magazine* article on hurricane intensity and climate change. The fact sheet did not contain new science but was an overview of various scientific opinions within NOAA. We attributed the delay in publishing the document to three principal factors:

1. Changes in senior-level personnel at NOAA overseeing the fact sheet's development and distribution, which resulted in a lack of senior-level attention at NOAA.
2. Submission of the document through informal review channels.
3. Inaction by a senior policy advisor who provided limited assistance to NOAA in obtaining departmental clearance for the fact sheet despite being sent at least 6 drafts over a 4-month period.

We also found that at the time NOAA had prepared the fact sheet and initiated the approval process, it was operating under Commerce and NOAA communications policies that were out of date, confusing, and burdensome, and that contained conflicting guidance. These policy deficiencies resulted in delays in disseminating press releases and scientific research. The Department updated its communications policy in May 2007. NOAA issued a formal policy for preparing fact sheets that is consistent with the Department's new policy. Both give specific guidance for sharing findings from fundamental research. However, NOAA has not incorporated the fact sheet policy into the agency's directives system or publicized it agencywide.

What We Recommended

We recommended that

1. procedures developed for preparing fact sheets be incorporated into NOAA's directives system and posted to the NOAA web site, and
2. state of the science fact sheets that should be approved by the Department are routed to the Office of the Secretary Executive Secretariat.



UNITED STATES DEPARTMENT OF COMMERCE
Office of Inspector General
Washington, D.C. 20230

November 26, 2008

MEMORANDUM FOR: John J. Sullivan
Deputy Secretary

William J. Brennan, Ph.D.
Acting NOAA Administrator

FROM: *Judith J. Gordon*
Judith J. Gordon
Assistant Inspector General
for Audit and Evaluation

SUBJECT: Final OIG Report No. BSD-18407-9-0001
*Personnel Inaction and Process Breakdowns
Delayed NOAA's Release of the Fact Sheet,
But Policies Have Been Clarified*

This memorandum transmits our final report on our review regarding concerns about past political interference in the work of NOAA scientists, specifically the concern that political appointees at Commerce had blocked the 2006 publication of a state of the science fact sheet linking global warming to increased hurricane intensity. Our review found that (1) senior-level personnel changes at NOAA, (2) process breakdowns, (3) inaction by the Department reviewer, and (4) confusing Department and NOAA Public Affairs policies delayed NOAA's release of the fact sheet.

During the conduct of this review, the Department developed and issued in May 2007, a new public communications policy, Department Administrative Order (DAO) 219-1, that the Department believes will promote the broad and open dissemination of fundamental research where its scientists and researchers can freely communicate their findings with the public. We offer recommendations to NOAA on page 11, and believe that the implementation of our recommendations will improve the guidance for processing and disseminating state of the science fact sheets. We are pleased to note that NOAA, in its written response to our draft report, concurred with our recommendations and request that NOAA provide us with an action plan within 60 calendar days describing the actions taken or planned in response to the recommendations.

We appreciate the cooperation and courtesies extended to us during our review. If you would like to discuss this report or the requested action plan, please call Ronald Lieberman, Director, Business and Science Division at (301) 713-2070 or me at (202) 482-2754.

Attachment

cc: Mack Cato, Director, NOAA Office of Audit, Internal Control, and Information
Management
Trudy Gallic, DOC Audit Liaison

CONTENTS

Background	1
Observations and Recommendations	3
I. Senior-Level Personnel Changes at NOAA, Process Breakdowns, and Inaction by the Department Reviewer Delayed Fact Sheet’s Release by NOAA	3
II. Confusing Department and NOAA Public Affairs Policies Existed But Policies Have Been Clarified.....	13
APPENDIX I—Objectives, Scope, and Methodology.....	17
APPENDIX II—Analysis of Prior and Current Department and NOAA Communications Guidance	19
APPENDIX III—FAQ Atlantic hurricanes and climate, dated September 2006 (As of May 2006)	21
APPENDIX IV—State of the Science: Atlantic Hurricanes & Climate	23
APPENDIX V—Agency Response.....	25

BACKGROUND

In November 2005, NOAA published an article in its online *NOAA Magazine* stating that some of the agency's hurricane researchers and forecasters believed hurricane activity is cyclical. The article contended that according to NOAA research, natural occurring cycles in tropical climate were the cause of increased Atlantic hurricane activity since 1995, not the greenhouse effect of global warming. The statement drew criticism from some NOAA scientists, who believed it failed to reflect the full spectrum of the agency's research on hurricanes and the related effects of global warming. To address the scientists' concerns, NOAA officials decided in January 2006 to prepare a fact sheet that would present a balanced view of all the agency's research and findings in this area. The document was intended to be used as a reference by officials speaking publicly about the related topic. NOAA approved the fact sheet in May 2006, but it was not released until the following September, after questions about NOAA's failure to release it were raised by the press.

The article and researchers' reaction occurred at a time when scientists at NOAA and NASA were alleging the results of their climate-related studies were being suppressed. At NOAA, several scientists had complained that the agency hampered their access to the media, failed to issue timely press releases, and did not disseminate the fact sheet clarifying the agency's position on hurricane research. Complaints from these scientists as well as others at NASA prompted media interest and a GAO review of policies and procedures at NASA, NOAA, and NIST.¹ The complaints also prompted a September 29, 2006, letter from 14 senators to the Commerce and NASA Inspectors General, detailing concerns about political interference in the work of scientists. One such concern was that political appointees at Commerce had blocked the publication of a scientific research report linking global warming to increased hurricane intensity. As a result of that letter, we assessed Department and NOAA policies regarding public release of research data in general, as well as the events surrounding the November 2005 NOAA web site article and the follow-up fact sheet to determine whether the policies facilitated or hampered the sharing of scientific information. (Our detailed objectives, scope, and methodology appear in Appendix I.)

Public Affairs Responsibilities

We used policies issued by Commerce's Office of Public Affairs as the principal criteria for our review. The Office of Public Affairs is responsible for overseeing public affairs activities for the Department and all its bureaus—handling media inquiries and issuing press releases on Department-wide matters; developing communications guidance for the bureaus; keeping abreast of newsworthy issues

¹ GAO-07-653, *Policies Guiding the Dissemination of Scientific Research from Selected Agencies Should Be Clarified and Better Communicated*, May 2007.

and events involving the bureaus; and handling those that require a Department-level response.

Within the Department, each bureau has its own public affairs office. At NOAA, the Office of Communications² is headed by a director who coordinates with the Department on media and publicity activities as they relate to NOAA. Each of NOAA's program offices has a public affairs officer who is the publicity liaison for scientific researchers within that office and who reports to the Office of Communications director. Researchers typically disseminate their findings in scientific publications, presentations, press releases, media interviews, and on NOAA's web site. Policies from both the Department and the agency specify how employees should conduct these public communications.

OIG Audit Confirms GAO Findings

GAO's report on policies governing the dissemination of scientific research at NASA, NOAA, and NIST, released in May 2007, stated that those policies were in many cases unclear and contradictory, or overly burdensome and often ignored—findings that our review confirmed within the Department of Commerce. GAO recommended that the Secretary of Commerce and the NOAA administrator clarify and streamline policies, train staff to understand and follow them, and include an appeals process for disputing dissemination decisions. Prior to the OIG and GAO reviews, both NOAA and the Department had begun updating their policies to provide additional clarity and efficiency. The Department has since completed its update and NOAA has developed related implementation guidance, both of which incorporate an appeals provision. In addition, both the Department and NOAA have instituted the recommended training.

² The Office of Communications was formerly known as the Office of Public, Constituent, and Intergovernmental Affairs.

OBSERVATIONS AND RECOMMENDATIONS

I. Senior-Level Personnel Changes at NOAA, Process Breakdowns, and Inaction by the Department Reviewer Delayed NOAA's Release of the Fact Sheet

In 2006, several articles appeared in scientific journals and on web sites³ alleging that the Department and NOAA had delayed the release of a science research report about the relationship between climate change and hurricane intensity, purportedly to stifle evidence of the impact of global warming. We determined the document in question was not a report containing new research but a two-page "state of the science" hurricane fact sheet that NOAA had decided to issue in response to its own researchers' concerns about the 2005 online *NOAA Magazine* article. The fact sheet did not contain new science but was an overview of various scientific opinions within NOAA and was intended to give a balanced picture of the agency's findings on the relationship between climate change and hurricane intensity. Agency leadership approved the fact sheet for release in May 2006, but the document was not disseminated to the general public until September of that year, after questions about NOAA's failure to release it were raised by the press.

The delay created the appearance that the fact sheet was deliberately withheld from the public. We attributed the delay in publishing the document to three principal factors: (1) changes in senior-level personnel at NOAA overseeing the fact sheet's development and distribution, which resulted in a lack of senior level attention at NOAA, (2) submission of the document through informal review channels, and (3) inaction by a senior policy advisor who provided limited assistance to NOAA in obtaining Departmental clearance for the fact sheet despite being sent at least 6 drafts over a 4 month period.

Background to the delay in releasing the fact sheet

The concept for a fact sheet came from NOAA managers and scientists in January 2006, during a meeting convened by NOAA's then-Assistant Secretary⁴ to address the concerns raised by the NOAA online article. Those in attendance recommended that a one- to two-page fact sheet be developed to provide public affairs personnel and/or NOAA managers with talking points for the upcoming hurricane season. The group envisioned an easy-to-understand document that would present the diversity of NOAA's views on this subject. As agreed at the meeting, the director of the Geophysical Fluid Dynamics Laboratory (GFDL) took the lead in preparing the

³ Articles and reports appeared in a variety of venues, such as the journals *Nature* and *Climate Science Watch*, MSNBC.com, salon.com, and CNN.com.

⁴The Assistant Secretary of Commerce for Oceans and Atmosphere and NOAA Deputy Administrator, retired in March 2006.

document. He developed a template and distributed it to NOAA officials on March 9, 2006. He asked for their input by March 24. The director incorporated the input and developed a draft fact sheet, which he forwarded for comment to approximately 14 NOAA scientists on April 6 and again on April 13 for additional comments.

At some point during the fact sheet's development, NOAA officials, including the GFDL director and the public affairs deputy director, determined the document would also be a useful addition to a media kit NOAA was preparing for the Commerce Deputy Secretary's annual press conference on the upcoming hurricane season (scheduled for May 22, 2006). These officials decided to propose its inclusion in the kit.

On April 28, 2006, the fact sheet was submitted to the NOAA Executive Decision Process—a formal review mechanism through which a panel of NOAA management officials considers important or high-profile issues affecting the agency and advises the Under Secretary of Commerce for Oceans and Atmosphere on how to handle them. Based on input from the panel, NOAA's Under Secretary and Deputy Under Secretary approved the hurricane fact sheet for use as a reference document on May 11, 2006. NOAA's technical chief of staff⁵ then transmitted the NOAA approved document to the Office of the Secretary, Office of Policy and Strategic Planning (OS/OPSP) for approval to be included in the hurricane season press kit.

Because the fact sheet was not submitted through the Department's formal review process, there is no official record of the decision process once the document left the agency. Despite this, we were able to reconstruct events surrounding the fact sheet's review within the Office of the Secretary through interviews and examination of NOAA and OS documents as follows:

- May 12, 2006: NOAA's technical chief of staff sent the fact sheet electronically to the senior policy advisor in OS/OPSP for review, noting in her e-mail that the document had been approved by Admiral Lautenbacher, NOAA's Under Secretary, that the Commerce public affairs office had been briefed about its contents, and that NOAA planned to include it in the press kit.
- May 16, 2006: The senior policy advisor in OS/OPSP notified Commerce's Office of Public Affairs and NOAA that the document had cleared the Department's policy office. A Department public affairs official in turn told the senior policy advisor that she would coordinate with NOAA Public Affairs to

⁵ The technical chief of staff was the chief of staff to the former NOAA Assistant Secretary. She was involved in the discussion about preparing the hurricane fact sheet and managed the administrative processing of the document.

brief the White House's Council on Environmental Quality (CEQ)⁶ about the contents of the document while the policy advisor briefed the chief of staff to the Secretary of Commerce.

- May 16 and May 22, 2006: The Secretary's chief of staff met with Department public affairs and OPSP personnel and the chief of staff to NOAA's Under Secretary to discuss the document. The Secretary's chief of staff asked that the fact sheet not be reviewed by the Council on Environmental Quality until it had been cleared by the Department. She also stated that NOAA had already sent the fact sheet to the CEQ and told her they had done so. According to the NOAA technical chief of staff, the fact sheet was forwarded to CEQ for informational purposes as was standard practice for documents relating to climate-related issues.

The Secretary's chief of staff told us she ultimately did not clear the fact sheet for inclusion in the press kit for several reasons:

1. The fact sheet contained a disclaimer stating that the content did not express the views of NOAA, the Department, or the U.S. government. In the chief of staff's view, if the document did not reflect the opinion of the U.S. government, it should not be used in a press conference regarding the official hurricane outlook.
2. The press conference was to address the hurricane forecast for the upcoming season and community preparedness, not the issue of climate change.
3. The fact sheet was too technical to be "user-friendly" for the general public.

Once the Department decided not to include the fact sheet in the press kit for the annual press conference on the upcoming hurricane season, it did not immediately approve the document to be used for other purposes. Instead the document was subjected to a protracted ad hoc review process. While our findings address the review process, we did not find a basis to question these reasons for not including the fact sheet in the press kit.

⁶ The Council on Environmental Quality coordinates federal environmental efforts and works closely with agencies and other White House offices in the development of environmental policies and initiatives. (Source: <http://www.whitehouse.gov/ceq/aboutceq.html>)

Changes in senior-level personnel at NOAA overseeing the fact sheet's development and distribution resulted in a lack of senior level attention at NOAA

We found that there was no designated senior person within NOAA committed to the release of the fact sheet. As a result, no one elevated the issue to the NOAA Under Secretary about the difficulties surrounding its approval, so that he might take action to obtain its release. In January 2006, the then NOAA Assistant Secretary made the decision to develop the document in response to scientists' reaction to the online NOAA Magazine article. This official was essentially the fact sheet "champion," committed to clarifying any misconceptions the article may have conveyed. However, he retired in late March 2006—while the document was still being drafted—and no top official was designated as the point person after his departure to ensure the fact sheet was issued.

To expedite Departmental clearance, the technical chief of staff to NOAA's former Assistant Secretary worked with the senior policy advisor in OS/OPSP to improve the document's readability. When clearance was not forthcoming, she elevated the matter to the chief of staff to the Under Secretary of Commerce for Oceans and Atmosphere (NOAA chief of staff). NOAA's chief of staff did interact with the Department's senior policy advisor—the individual responsible for coordinating the Department's review of the document; however, he did not follow up with the policy advisor on a consistent basis regarding the status of the fact sheet. In discussing the events leading to the posting with us, the NOAA chief of staff asserted that NOAA shared in the blame for the delay, summing up the experience this way: "Our actual incompetence [in issuing the fact sheet] has led to the perception of wrongdoing."

NOAA did not submit the fact sheet through the Department's formal review process, which kept it off the tracking system and contributed to the 4 month delay going unnoticed

We found that one reason for the delayed decision concerning release of the hurricane fact sheet was that NOAA did not have guidance or procedures for developing, approving, and disseminating such a document and thus did not submit the document through the formal review channels of the Department's Executive Secretariat.⁷ The events surrounding the vetting and decision-making for the fact sheet reveal an ad hoc process for a product that was new to the agency with a purpose that had not yet been fully defined.

Rather than make the document immediately available on the NOAA web site after the Executive Decision clearance, NOAA staff decided to seek Department clearance

⁷ DOO 15-1, *Executive Secretariat*, effective date August 23, 1995, describes the functions and responsibilities of the Executive Secretariat staff office headed by a Director who reports directly to the Secretary of Commerce.

as well. Although the Department did not have written guidelines requiring documents dealing with climate change to be cleared by the Secretary's office, the fact sheet was submitted to the Office of the Secretary (OS), Office of Policy and Strategic Planning (OPSP) for review and approval. The director of the Department's Office of Public Affairs advised us that it was normal practice to vet controversial issues through Commerce top management to keep officials up-to-date on high-profile matters relating to their area of responsibility. Issues relating to climate change had become highly controversial and of interest to the media—receiving coverage in national television news reports, local and national newspapers, and scientific journals. According to the chief of staff to the Under Secretary of Commerce for Oceans and Atmosphere, it was understood within NOAA that climate-related issues needed to be cleared by the Department before release.

On May 12, 2006, the technical chief of staff sent the fact sheet electronically to a senior policy advisor in OS/OPSP with whom she worked closely on climate-related issues rather than through the formal review channels of the Executive Secretariat. The former Director of OPSP advised that he was not personally involved in processing the fact sheet and that NOAA specific issues were handled independently by a senior policy advisor on the OPSP staff. As a result, the OPSP senior policy advisor coordinated the document with NOAA and the Office of the Secretary independent of his supervisors, which included the director of the Office of Policy and Strategic Planning and the Secretary's chief of staff.

Lacking guidance for processing fact sheets, NOAA did not submit the document to the Office of the Secretary Executive Secretariat. As the Department's central coordinating unit and housed in the immediate Office of the Secretary, the Executive Secretariat maintains a system to control all incoming written communications addressed to the Secretary or Deputy Secretary for approval and/or signature. However, because NOAA did not route the document through the Executive Secretariat, it was not entered in the system and controlled. Senior Department and agency personnel were thus not formally notified that the document was with OS for approval, thereby stalling the fact sheet's clearance.

A senior policy advisor's lack of assistance to NOAA in obtaining Departmental clearance for the fact sheet contributed to the delay

We found that the Department's inaction in making a decision to either clear the hurricane fact sheet for posting to the NOAA web site or to deny clearance and provide comments stalled the release of the document and its posting to NOAA's web site.

The Secretary's chief of staff told us that after rendering her decision not to include the fact sheet in this press kit for the rollout, she was not involved in the review process again until late September 2006, after the press reports that NOAA had not released a controversial climate change document—the fact sheet. She said she did not know why NOAA had failed to release the document since it pertained to research already completed and contained nothing new. However, we found that neither she nor the senior policy advisor communicated this view to NOAA officials at the time of the press conference, and NOAA had not explicitly requested clearance of the fact sheet for independent release at the time of the press conference, so the absence of a need to communicate this view was understandable.

The NOAA technical chief of staff's May 12, 2006, e-mail to the policy advisor did not indicate that NOAA intended to issue the document to the public independent of the press materials but this did become one of NOAA's objectives. As a result, after the May 22, 2006, press conference, NOAA continued to work with the Department's senior policy advisor to obtain clearance for the fact sheet. The NOAA chief of staff informed us that because the document dealt with a sensitive topic, NOAA officials continued their efforts to obtain the Department's clearance for the fact sheet prior to posting it on the NOAA website even though there was no written policy that communications dealing with climate change were to be cleared through the Department before release.

- On June 2, 2006, a policy advisor in the Office of the Under Secretary of Commerce for Oceans and Atmosphere e-mailed the Department's senior policy advisor to ascertain the status of the fact sheet, and was informed that the document was not cleared.
- On July 21, August 16, and September 12, 2006, the NOAA technical chief of staff e-mailed the senior policy advisor and was again informed the document had not been cleared.

In addition, from late May through mid-September 2006, NOAA's technical chief of staff worked with the senior policy advisor to make changes to at least 6 versions of the document to facilitate Department approval. At one point during this prolonged exchange, the NOAA chief of staff remarked to the technical chief of staff that the Department was not going to move forward on the fact sheet. The senior policy advisor in the Office of the Secretary told NOAA's technical chief of staff that the document addressed a very hot topic and was a "red flag" for the Department, but he never gave her specific reasons why it was not cleared. According to the technical chief of staff, she ultimately concluded that the advisor had no real authority in the decision-making process and that political pressures had rendered the fact sheet "dead." Nevertheless, in response to persistent requests by GFDL scientists, she

continued to seek clearance from the Department so that NOAA could release the document.

During our interview with the senior policy advisor, he remarked that although NOAA continued to press for clearance, he did not feel Department approval was required. He further stated that he thought NOAA could have released the fact sheet on its own, but he was not sure whether he communicated this position to NOAA. However, the technical chief of staff stated that the senior policy advisor never informed her that NOAA could release the document on its own, which is why she continued to seek Department clearance.

We found it unlikely that a senior Department official, such as the senior policy advisor, would give repeated time and attention to a document whose purpose, use, and importance to the Department were not clear and compelling. Additionally, it is unlikely that NOAA would continue to seek approval if NOAA officials did not believe Department approval was necessary and that NOAA management could release the document on its own. Although other conclusions can be drawn from these facts, the behavior of the senior policy advisor suggests that he—understanding that NOAA wanted to post the fact sheet online and sensitive to the subject matter—intentionally delayed the process, notwithstanding his indication to us that this was not the case.

Since NOAA's request to clear the fact sheet was not being tracked by the Executive Secretariat, the document could have stayed off the "radar screen" of the Department's senior leadership indefinitely. However, on September 27, 2006—2 weeks after the technical chief of staff had again contacted the senior policy advisor to secure the document's clearance—the science journal *Nature* published an online article entitled, "Is US hurricane report being quashed?", which stated that Commerce officials had "...blocked a statement on the science behind the politically sensitive issue of hurricane activity and climate change." NOAA and Department officials immediately took action and posted the fact sheet "as is" (including the disclaimer that it did not reflect the views of NOAA, the Department of Commerce, or the U.S. Government) on the agency web site within hours of the *Nature* article's appearance. This document was the version that had been approved through the NOAA Executive Decision Process in May 2006 (see appendix III). A revised version that reformatted the document to a "state of the science" fact sheet, removed the disclaimer, and updated the science was again posted on the agency web site in late October 2006 (see appendix IV).

Policy guidance issued for scientific fact sheets outlining purpose, development, and approval should facilitate their timely release.

In December 2006, NOAA issued *Policy and Procedures for Development of State of the Science Fact Sheets* to provide clear guidance on the purpose, uses, approval, and dissemination of these documents and to avoid the confusion and problems that delayed the release of the hurricane fact sheet. Under the policy, the NOAA Research Council⁸ is responsible for managing the development and release of these products. Any NOAA employee or the Research Council may identify topics for a fact sheet. The council and NOAA “goal lead”⁹ decide whether the topic is appropriate, and assign a lead scientist who forms a team to draft the document. The council reviews and approves the fact sheet and decides whether to send it through the NOAA Executive Decision Process. The council also works with NOAA’s Office of Communications to ensure the content is clear and properly presented, and the communications office posts the document to the NOAA web site. The policy also contains a dispute resolution process to allow employees to appeal the council’s rejection of a proposed fact sheet.

Though the policy was approved in December 2006, it was never incorporated into the agency’s directives system or posted to the web site, but it was distributed by e-mail to NOAA’s deputy assistant administrators, assistant administrators, and deputy and principal office heads. Since then, the NOAA Research Council has written a more detailed policy outlining the process for preparing state of the science fact sheets and the NOAA Office of Communications has helped refine the product so that it will be consistent with the new Department Administrative Order (DAO) 219-1, *Public Communications*, issued in May 2007. However, the policy has not been incorporated into the agency’s directives system either. To ensure that all employees are aware of the official policy for preparing fact sheets, NOAA must publicize and disseminate the policy agency-wide to avoid the problems that hampered release of the hurricane fact sheet. Additionally, if NOAA’s Executive Decision Process determines that a fact sheet requires Department approval, the document should be routed to the Department’s Executive Secretariat to ensure that the review process is transparent and the document does not fall by the wayside, as the hurricane fact sheet did.

⁸ The Research Council is an internal body composed of senior scientific personnel from every line office. The council provides corporate oversight to ensure that NOAA’s research activities are of the highest quality, meet long-range societal needs, take advantage of emerging scientific and technological opportunities, and shape a forward-looking research agenda.

⁹ NOAA has established individual mission goals that include ecosystem and climate; weather and water; commerce and transportation; and mission support. An individual is assigned to be the “goal lead” for each of these areas.

Recommendations

The Under Secretary for Oceans and Atmosphere should ensure that:

1. Procedures developed by the NOAA Research Council for preparing state of the science fact sheets are incorporated into NOAA's directives system and posted to the NOAA web site, and
2. State of the science fact sheets that should be approved by the Department are routed to the Office of the Secretary Executive Secretariat.

Department Response

In its response, the Department stated that the OIG report presents an isolated incident that could have been avoided if the Department's public communications policy had been updated. The response also stated that the Department was in the process of updating the policy prior to the initiation and issuance of the Hurricane State of the Science Fact Sheet so that the Department's scientists and researchers "...could freely communicate their findings with the public." The response stated that since the issuance of the hurricane fact sheet, the new public communication policy, Department Administrative Order 219-1, was finalized and became effective May 14, 2007.

NOAA Response

NOAA officials found that the OIG report was a clear and accurate portrayal of the events surrounding the development and dissemination of the Hurricane State of the Science Fact Sheet. NOAA officials concurred with both recommendations and noted the following:

1. The NOAA Research Council Executive Secretariat will work with the NOAA Office of Communications to formalize the Council's internal guidance document into a NOAA policy for inclusion into NOAA's directives system.
2. For each new state of the science fact sheet, the NOAA Research Council will specifically rule on the need for NOAA Executive Clearance. If the Council determines a state of the science fact sheet needs NOAA Executive Clearance, the document will be entered as soon as possible into the formal NOAA Executive Decision Support system for tracking. If the NOAA Executive Panel and/or NOAA Executive Council request the document receive Departmental Clearance, the NOAA Research Council will ensure the document is routed to the Office of the Secretary's Executive Secretariat and entered into the Departmental tracking system.

OIG Comments

NOAA's planned actions satisfy the intent of our recommendations. NOAA's actions, along with the Department's new public communications policy, should help facilitate the timely release of state of the science fact sheets and other fundamental research communications. We request that NOAA provide us with an action plan for implementing the recommendations within 60 calendar days.

II. Confusing Department and NOAA Public Affairs Policies Existed But Policies Have Been Clarified

Department Administrative Order (DAO) 219-1, *Public Communications*, issued in May 2007, is the first update of communications policies originally implemented at Commerce in the early 1980s.¹⁰ Prior policies were confusing, burdensome, and contained conflicting guidance resulting in delays in disseminating press releases and scientific research. The new policy should clarify communications issues as it gives specific guidance for handling media contacts, issuing press releases, and sharing findings from fundamental research.¹¹ It attempts to close the gaps in the decades-old guidance and subsequent formal and informal guidelines that concerned how NOAA scientists shared their research with the public via the press. (See the appendix for a detailed analysis of Department and NOAA communications guidance.)

Numerous formal and informal policies gave burdensome, unclear, and contradictory direction.

Under the prior policies (Commerce DAOs, Office of Public Affairs memorandums, and NOAA policies), the bureaus had to clear all press releases and proposed contacts with major media through the Department's Office of Public Affairs—a process that could take days or weeks and thus undercut the news value of the information. Several NOAA employees told us that neither the Department nor NOAA enforced the policies consistently.

In 2004, NOAA supplemented the DAOs with NOAA Administrative Order 219-6, but this directive contained some contradictory and confusing provisions and was not widely distributed. It therefore did little to improve public affairs processes or employees' understanding of them. For example, one section of the NOAA policy made the communications office responsible for coordinating and approving media communications including press releases and interviews. Another section stipulated that the communications office needed only to be notified about planned media outreach but did not need to approve the contact. Confusion was compounded by two memorandums issued by the Department's Office of Public Affairs in 2005: (1) a January memo called for Departmental approval for *all* proposed media interviews and press releases; (2) July guidance required Public Affairs' approval for all press

¹⁰ DAO 219-1, *Outside Writing and Speaking*, April 1982; DAO-219-1 *Release of News, Clearance of Speeches and Publications, and Media Coverage*, November 1980.

¹¹ "Fundamental research communication," per DAO 219-1, is public communication that deals with science or engineering research results ordinarily published and shared broadly within the scientific community. Fundamental research communications must not contain information that is proprietary, classified, or restricted by federal statute, and does not address policy, budget, or management matters.

releases but only for interviews dealing with “hot” (nationally or politically sensitive) issues that generated national attention or involved initiatives led by Commerce senior officials. NOAA staff told us this policy was sometimes changed informally as well. For example, after Hurricane Katrina in August 2005, as requests for interviews with NOAA personnel skyrocketed, the Department’s Office of Public Affairs began requiring NOAA to submit for approval *all* media requests for interviews, regardless of the topic, along with a list of potential questions and answers. NOAA enforced this requirement for all but local media requests. However, NOAA scientists told us that the time lost as a result of the public affairs review process cost the agency valuable opportunities to share information with the nation as the press turned to sources who could respond more rapidly. Researchers at the Geophysical Fluid Dynamics Lab told us that this preapproval requirement became so onerous that they began ignoring it by the beginning of 2006. Instead they would go ahead with an interview and provide a summary of it to NOAA’s Office of Communications after the fact.

According to NOAA researchers and public affairs officials, the Department’s requirement that all press releases be submitted to the Office of Public Affairs for clearance prior to release delayed dissemination of these time-sensitive communications. NOAA further complicated the process by issuing, in March 2006, a 13-step process for approving draft press releases. A public affairs officer at GFDL told us that press releases of research findings are newsworthy for only 24 hours following a study’s release, and that in a recent case, agency clearance took 6 to 7 weeks. Researchers stated that review process delays have discouraged them from attempting to publicize their findings. In some instances, researchers have encouraged their coauthors from other agencies or institutions to issue the press release so that it would be timely and relevant.

Streamlined guidance should clarify communications issues.

The Department’s revised policy on public communications and NOAA’s guidance for implementing it should eliminate the obstacles and confusion that have previously impacted scientists’ efforts to publically communicate the results of their research. DAO 219-1 explicitly defines fundamental research communications and gives scientists broad latitude for discussing the findings of such studies with the media. However, if a communication also contains matters of policy, budget or management, it is not a fundamental research communication. Written materials relating to fundamental research must still be approved through existing agency channels, but the policy does not permit “... approval or non-approval to be based on the policy, budget, or management implications of the research.” The DAO outlines employees’ rights of appeal should a request to publicize these materials be denied or if an author believes that changes to a fundamental research communication affect its scientific accuracy. The DAO considers all news releases, including those

announcing the results of fundamental research, as official communications and requires that they be submitted to the head of the operating unit and to the appropriate public affairs office for timely approval. The DAO states, “The role of the public affairs office is to assist with presentation, style, and logistics of the communication, not to alter its substance.”

NOAA’s implementation guidance states that researchers do not need agency approval for media interviews regarding fundamental research and promises a maximum 4-day turnaround for clearing press releases through its Office of Communications, when feasible. Given the time sensitivity of ensuring that a press release is issued concurrently with the research publication, it is critical that researchers work closely with the Office of Communications to ensure that the proposed release is provided for review sufficiently in advance of publication. The implementation guidance also notes that scientists are encouraged but not required to use the agency’s public affairs expertise when promoting their research or interacting with the media.

Recommendations

OIG has no recommendations at this time regarding these revised policies and related training because it is too early to evaluate their effectiveness. Once they have been in place for a reasonable length of time, we may assess the extent to which the public communications process has improved.

Department Response

The Department’s response stated that prior to the OIG review, it had been working to bring the public communications policy into the 21st century. According to the response, the scientists’ concerns over the delay in publishing the Hurricane State of the Science Fact Sheet accelerated the Department’s efforts to overhaul outdated policies, resulting in the issuance of the revised Department Administrative Order 219-1. The response stated that the Department involved affected parties from both headquarters and field offices, including scientists and researchers, to produce a new, improved policy that “...is robust, comprehensive, and unprecedented in the encouragement and protection of fundamental research communications.” The response noted that the DAO does the following:

- (1) Consolidates contradictory and outdated policies, and brings the policy into the modern era of public communications;
- (2) Articulates the differences between public communications, official communications, non-official communications in which the Department has a legitimate interest, and fundamental research communications;
- (3) Provides a specific “carve-out” for fundamental research communications; and

- (4) Establishes strong dispute resolution mechanisms that provide recourse for employees who feel the policy is being implemented improperly.

OIG Comments

The OIG recognizes the Department's efforts to update public communications policy and its commitment to ensuring the dissemination of fundamental research communications.

APPENDIX I

OBJECTIVES, SCOPE, AND METHODOLOGY

We had three objectives in conducting our evaluation:

1. Identify the policies within Commerce and NOAA that govern the creation, review, and dissemination of scientific research, particularly press releases and fact sheets.
2. With regard to the hurricane fact sheet released on NOAA's web page in September 2006, determine
 - whether the document's creation, review, and release was consistent with NOAA and/or Department policies;
 - why NOAA decided to create the document and what purpose the document was intended to serve;
 - who participated in the creation and review of the document and how it evolved from initial draft to the final version posted on NOAA's web site;
 - whether the document was intended to be a public document; and
 - if any efforts were made to delay or prevent the document's release to the public.
3. Assess whether NOAA and the Department chose not to issue press releases in certain cases and if those decisions were consistent with policies in place at the time.¹²

We performed our fieldwork from November 2006 to August 2008 at Commerce headquarters in Washington, DC; NOAA headquarters in Silver Spring, Maryland; the Geophysical Fluid Dynamics Laboratory in Plainsboro, New Jersey; and the National Hurricane Center in Miami, Florida.

We interviewed officials, science researchers, and staff at Department and NOAA headquarters, the National Hurricane Center, and the GFDL. We reviewed Department and NOAA e-mails and documents from 2001 to the present relating to media policies and the creation, review, and release of the hurricane fact sheet; various scientific journal articles; and the following policies and materials:

- Department of Commerce
 - DAO 219-1, *Outside Writing and Speaking; Departmental Approval*, dated April 1982 (rescinded May 2007)
 - DAO 219-1, *Public Communications*, dated May 2007
 - DAO 219-2, *Release of News, Clearance of Speeches and Publications, and Media Coverage*, dated November 1980 (rescinded May 2007)
 - DOC Office of Public Affairs Memorandum, dated January 2005
 - DOC Office of Public Affairs Memorandum, dated July 2005

¹² At the start of our review, we planned to sample the press release process; however, as our review progressed we determined that policy regarding issuing press releases was outdated and was not being followed. As a result, we did not conduct any sampling. As this objective related directly to policy, it has been combined with the first objective and is addressed in the report's second observation.

- NOAA
 - NOAA Administrative Order 219-6, *NOAA Media Policy*, dated June 2004 (rescinded May 2007)
 - Policy and Procedures for Development of State of the Science Fact Sheets, dated December 2006
 - Guidance for NOAA Employees Regarding Implementation and Interpretation of DAO 219-1, dated July 2007
 - NOAA Hurricane FAQ Sheet, issued September 2006
 - NOAA online article, *NOAA Attributes Recent Increase in Hurricane Activity to Naturally Occurring Multi-decadal Climate Variability*, dated November 2005

We conducted this review in accordance with the *Quality Standards for Inspections* issued by the President's Council on Integrity and Efficiency, dated January 2005, and under the authority of the Inspector General Act of 1978, as amended, and Department Organizational Order 10-13, dated August 31, 2006.

APPENDIX II

**ANALYSIS OF PRIOR AND CURRENT DEPARTMENT AND NOAA
COMMUNICATIONS GUIDANCE**

<i>Communication</i>	<i>Media Interviews</i>	<i>Press Releases</i>
DAO-219-1, <i>Outside Writing and Speaking; Departmental Approval</i> Dated 1982 (Rescinded 5/2007) DAO-219-2, <i>Release of News, Clearance of Speeches and Publications, and Media Coverage</i> Dated 1980 (Rescinded 5/2007)	Commerce Office of Public Affairs (OPA) clears proposed contacts with major media.	Agencies submit all news releases to Department OPA for clearance, comments, and recommendations.
DOC Office of Public Affairs Memo dated 1/05 (Superseded by DAO 219-1, Dated 5/2007)	OPA clears all media contacts. Notification through bureau public affairs offices needed. Summary describing all interviews required daily.	OPA clears all materials going to the press.
DOC Office of Public Affairs Memo dated 7/2005	Agencies direct all media inquiries on hot issues of national interest to OPA. OPA approval of local media requests is not necessary. Summary of all interviews and contacts required to be sent to bureau public affairs office regularly.	OPA clears all materials going to the press.
NAO 219-6, <i>Administrative Management and Executive Secretariat</i> Dated 2004 (Rescinded 5/2007)	Employees “notify” servicing public affairs office before responding to media contacts regarding items of national news interest, regulatory actions, controversial issues, release of scientific papers with policy implications. Employees “refer” requests from news media for conferences, interviews regarding NOAA programs or activities, or official and non-official scientific papers.	Conflicting guidance: One section states that NOAA Office of Communications * is responsible for announcing official scientific and technical papers; another section states that the office must only be notified about a paper’s release.
NOAA Informal Practices	Prior to Hurricane Katrina (9/2005), Commerce OPA did not enforce existing policy and was not heavily involved in approving contacts. Post Katrina, NOAA sent all interview requests to OPA for approval using a <i>Clearance Interview Form</i> with anticipated questions and answers. NOAA communications office chose not to clear local, non-	Line office public affairs office reviews all news releases and clears controversial releases through NOAA’s 13-step review process.

	controversial contacts with OPA. Beginning in 2006, researchers conducted interviews, then provided summary to NOAA communications office.	
DAO 219-1, Public Communications Dated 5/2007	Identifies fundamental research communication (FRC) as one that promotes free flow of scientific and technical information. Head of operating unit notifies unit's public affairs office of pending FRC, if necessary. Includes appeals provision giving employees the right to appeal rejection of a proposed communication or changes that affect the communication's scientific accuracy.	All news releases and similar documents are official documents. News releases must be submitted to the head of the operating unit or designee and to the appropriate Public Affairs office for approval in a timely manner.
NOAA Implementation Guidance for DAO 219-1 Dated 7/2007	Researchers may participate in media interviews regarding FRC without prior approval and without submitting anticipated Q and As. Appeal rights outlined.	News releases submitted for review will undergo an approval process not to exceed four business days when practicable (a goal of two business days at the respective line office and two business days at NOAA headquarters.)

*The Office of Communications was formerly known as the Office of Public, Constituent, and Intergovernmental Affairs.

APPENDIX III

APPENDIX IV

APPENDIX V

