USDA Scientific Integrity Policy Handbook

(Guidance for Implementation of DR 1074-001)

July 10, 2013 (hyperlinks updated and added May 14, 2015)

"USDA is committed to a culture of scientific integrity. Science, and public trust in science, thrives in an environment that shields scientific data and analyses and their use in policy making from political interference or inappropriate influence. Scientific and technical findings should not be suppressed or altered for political purposes."

USDA Departmental Regulation DR 1074-001 establishes the USDA Scientific Integrity Policy and provides instruction and guidance to Departmental leadership, employees and contractors to ensure the highest level of integrity in all aspects of the Department's involvement in scientific and technical processes and analysis[1]. It includes guidance to decision makers as they develop public policies based on sound science relevant to food, agriculture, natural resources, rural development, and related issues. This information will ensure public confidence by articulating the principles of scientific integrity and roles and responsibilities of all USDA employees, including career staff and political appointees, in maintaining these principles within the Department of Agriculture.

"The policy directs employees, political and career, on both the proper use of scientific findings and the principles of conducting scientific activities consistent with the Presidential Memorandum on Scientific Integrity, dated March 9, 2009, the Office of Science and Technology Policy's 2010 guidance on scientific integrity, the Office of Management and Budget (OMB) Information Quality Guidelines[2] and the 2005 OMB Final Information Quality Bulletin for Peer Review.[3]"

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[1] This Scientific Integrity policy covers original data and formal analytic models used by agencies in Regulatory Impact Analyses (RIAs). However, the RIA documents themselves are already reviewed through an interagency review process under E.O. 12866, which involves application of the principles and methods defined in OMB Circular A-4. In that respect, RIAs are excluded from coverage by this policy, although agencies are encouraged to have RIAs reviewed by peers within the government for adequacy and completeness. This policy does not supersede or vacate the departmental requirements and procedures on regulatory decision making in DR-1512, nor is it intended to cover time-sensitive health and safety disseminations or regulatory impact analyses or risk assessments, except to the extent practicable, consistent with the exclusions laid out in the OMB Final Information Quality Bulletin for Peer Review. The policy is not intended to cover accounting, budget, actuarial, and financial information including that generated or used by agencies focusing on interest rates, banking, currency, securities, commodities, futures, or taxes.

[2]Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies, 2002; http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/reproducible2.pdf

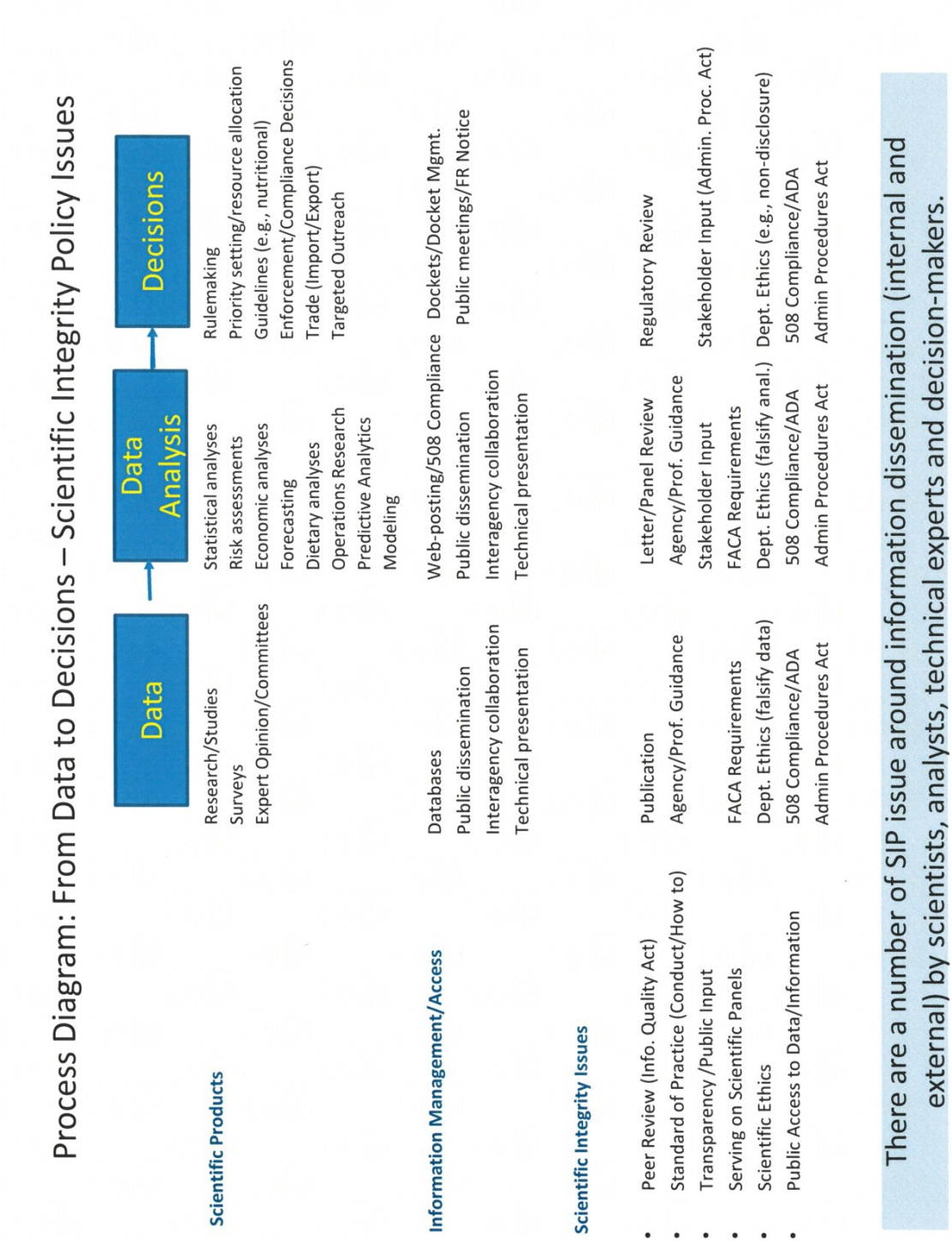
[3]On December 16, 2004, OMB, in consultation with the White Houses' Office of Science and Technology Policy (OSTP), issued its Final Information Quality Bulletin for Peer Review to the heads of departments and agencies (Available at http://www.whitehouse.gov/sites/default/files/omb/assets/omb/memoranda/fy2005/m05-03.pdf)

The diagram below (Figure 1) illustrates how scientific integrity is involved in the development of scientific data and information as well as their use in analysis and decision-making.

This Scientific Integrity Policy (SIP) Handbook describes the procedures USDA uses to carry out the Department's Scientific Integrity Policy. It is maintained and updated by the USDA Office of the Chief Scientist (at http://www.ocio.usda.gov/sites/default/files/docs/2012/DR%201074-001_0.pdf), under the direction of the USDA Science Council, which is chaired by the USDA Chief Scientist.

In each section, the policy element from DR 1074 is provided *in quotes and is italicized,* followed by further explanation and references.

Figure 1: Diagram of how the scientific integrity policy relates to the development, analysis and use of data for decision-making.



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Section1. Selection, Retention, and Code of Ethics

"It is USDA policy to select and retain candidates for scientific and technical positions at USDA based on the candidate's scientific and technical knowledge, credentials, experience, and integrity, and to hold them and their supervisors to the highest standard of professional and scientific ethics."

Policies for selection and retention of scientists are published by the Office of Personnel Management (Research Grade Evaluation Guide, *see* http://www.opm.gov/fedclass/gsresch.pdf), with agency-specific guidance maintained by USDA agencies (see Appendix B, section 1).

Scientific and technical employees and their supervisors must adhere to the Code of Scientific Ethics in Appendix A. It was adapted from, and is consistent with, agency-level policies, including:

- ARS: http://www.afm.ars.usda.gov/ppweb/PDF/129-0-ARS.pdf , Exhibit 1
- Forest Service R&D: http://www.fs.fed.us/research/pdf/fs_code_of%20_scientific_ethics.pdf
- Wildlife Services, APHIS: http://www.aphis.usda.gov/wildlife_damage/directives/1.301_code_of_ethics.pdf

The Forest Service R&D document linked above includes a Commentary that concisely explains the intent of each element in the Code.

Section 2. Use of Scientific Information

"It is USDA policy, when considering scientific or technological information in deriving policy decisions, to ensure the quality, accuracy and transparency of that information, including:

(1) Use information based on well-established scientific processes, including appropriate peer review and public input, consistent with the OMB Final Information Quality Bulletin for Peer Review;

(2) Reflect scientific information appropriately and accurately when complying with and applying relevant statutory and regulatory standards and procedures;

(3) Make scientific findings or conclusions considered or relied on in policy decisions publicly available online and in open formats, to the extent practicable, consistent with the Administration's Open Government Initiative, the Freedom of Information Act, the Administrative Procedure Act, and other applicable statutes, regulations or document handling procedures and policies; and

(4) Include information on the specific approach, data and models used to develop such scientific conclusions, including a clear explanation of underlying assumptions and uncertainties, and, where appropriate, probabilities associated with a range of projections or scenarios."

Section 2a. Information Quality and Peer Review

USDA has information quality guidelines and administrative mechanisms that conform to the requirements of OMB's information quality directives and guidelines. USDA's Chief Information Officer is the senior official responsible for USDA compliance with these guidelines. Key provisions that relate to the scientific integrity policy are described below. For further details, references and agency contacts, see http://www.ocio.usda.gov/policy-directives-records-forms/information-quality-activities.

These general information quality guidelines apply to all types of information that USDA agencies and offices disseminate:

- USDA strives to ensure and maximize the quality, objectivity, utility, and integrity of the information that its agencies and offices disseminate to the public.
- USDA agencies and offices adopt a basic standard of quality (including objectivity, utility, and integrity) and take appropriate steps to incorporate information quality criteria into their information dissemination practices.
- USDA agencies and offices review the quality (including objectivity, utility, and integrity) of information before disseminating it to ensure it complies with the standards set forth in these Guidelines.
- USDA agencies and offices treat information quality as integral to every step in their development of information, including creation, collection, maintenance, and dissemination.
- In accordance with OMB guidance, when collecting information that requires OMB clearance under the Paperwork Reduction Act, USDA agencies and offices demonstrate in the clearance package that the information collection would result in information that complies with OMB and USDA information quality guidelines.

In addition, the following information quality criteria which comprise the quality standards that USDA agencies and offices follow in developing and reviewing scientific research information and disseminating it to the public, is adapted in this policy.

(See http://www.ocio.usda.gov/policy-directives-records-forms/guidelines-quality-information/scientific-research)

Objectivity of Scientific Research Information

To ensure the objectivity of scientific research information that USDA agencies and offices develop and disseminate, the USDA follows these guidelines:

- Require a clear statement of the research objectives and a description of the approaches and methods used in conducting the research.
- Subject the proposed research project(s) to a high quality and objective review.
- Ensure, as applicable, the quality of research through the use of Good Laboratory Practices (40 CFR Part 160).
- Provide appropriate oversight to ensure sound scientific practices.
- Adhere to the USDA Research Misconduct Policy (DR2401-001).

- Provide research information to the public that is reliable, accurate, and clear.
- Provide an explanation that accompanies all research information that details what it is, how it was obtained, the conditions to which it applies, and the limitations or reservations to be applied in using the information.

Before releasing scientific research information, USDA agencies and offices use one or more of the following procedures:

- Conduct a peer review that meets OMB's recommended standards.
- Confirm that a reputable scientific or professional journal has peer reviewed the information to be released, and the journal has agreed to publish the same information.
- Conduct an internal review, which for the purposes of establishing transparency, ensures that the report or research product clearly states what the information and data are, how they were obtained, and any reservations or limitations on their use.

Objectivity of Influential Scientific Research Information

"Influential" scientific or statistical information is information that the agency expects will likely have an important effect on the development of domestic or international government or private sector policies, or will likely have important consequences for specific technologies, substances, products or firms. USDA agencies and offices will:

- Disseminate influential scientific information with a high degree of transparency about data and methods to facilitate its reproducibility by qualified third parties. Reproducibility means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision.
- Ensure reproducibility for original and supporting data that can practicably be subjected to a reproducibility requirement according to commonly accepted scientific standards, given ethical, feasibility, or confidentiality constraints.
- Ensure sufficient transparency for analytic results, data and methods that allows for independent reanalysis, unless other compelling interests such as privacy, trade secrets, intellectual property, or other confidentiality protections preclude such a reanalysis. Transparency in this context includes disclosing specific data sources, quantitative methods, and assumptions used in the analysis.
    - In situations where public access to data and methods cannot occur due to other compelling interests, USDA agencies and offices apply especially rigorous robustness checks to analytic results and document what checks were undertaken.
    - USDA agencies and offices should disclose the specific data sources, quantitative methods, and assumptions used in the analysis.

With respect to influential scientific information disseminated by USDA regarding analysis of risks to human health, safety, and the environment, USDA agencies and offices will ensure, to the extent practicable, the objectivity of this information by adapting the quality principles found in the Safe Drinking Water Act Amendments of 1996. The agencies and offices will:

- Use the best available science and supporting studies conducted in accordance with sound and objective scientific practices, including peer-reviewed studies where available.

- Use data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies the use of the data).
- In the dissemination of influential scientific information about risks, ensure that the presentation of information is comprehensive, informative, and understandable. In a document made available to the public, specify, to the extent practicable:
    - Each population addressed by any estimate of applicable effects.
    - The expected risk or central estimate of risk for the specific populations affected.
    - Each appropriate upper-bound or lower-bound estimate of risk.
    - Each significant uncertainty identified in the process of the risk assessment and studies that would assist in reducing the uncertainty.
    - Any additional studies, including peer-reviewed studies, known to the agency that support, are directly relevant to, or fail to support the findings of the assessment and the methodology used to reconcile inconsistencies in the scientific data.

Integrity of Scientific Research Information

To ensure the integrity[4] of the scientific research information that USDA develops and disseminates its agencies and offices will:

- Record and maintain, in accordance with record retention schedules, all experimental results, data, and analytic procedures needed to reproduce the released information in accordance with established governmental standards or, where applicable, widely recognized scientific practices.
- Protect the information from unauthorized access or revision and ensure that the information is not compromised through corruption or falsification.
- Adhere to the USDA Research Misconduct Policy (DR 2401-001).

Section 2b. Error Correction and Date of Revision

When the bulk of official communications occurred through printed text, it was common for errata to be distributed along with publications: notices to alert readers of errors that were discovered after typesetting and printing but prior to distribution. This practice is still in use, but in our current period of electronic publication – when distribution of electronic copies can far exceed printed distribution, and when some publications are never physically printed at all – errors can be discovered, corrected, and communicated without the necessity of a new print run. However, readers of publications with known errors should have an easy way to find out about and obtain revisions with the most accurate information possible. Also, people in possession of revised publications should know how their version differs from previous versions.

Indicating the date of original publication and the date of most recent revision clarifies discrepancies between versions. Including dates of original publication and most recent revision also helps readers make judgments about whether content is likely to be outdated.

[4] "Integrity" in this use relates to protection of the information from unauthorized access or revision, not the broader meaning of "integrity" in the sense of "scientific integrity."

It is therefore helpful for USDA science agencies to have policies for making revisions to previously published material including data and analysis; communicating these revisions to the public; and indicating dates of most recent revision. These policies contribute to USDA's mission of informing the public and aiding decision making in the federal government with the best current understanding of science, by ensuring the accuracy and integrity of scientific information that USDA agencies publish.

It is useful to make some distinctions:

Revisions refer to changes from earlier versions of published content, including data and analysis. Revisions include corrections due to error, discovery of new information, or new interpretation or analysis.

Error notices (or errata) should appear in revised publications near the revised text or data (*e.g.*, as a footnote, or in explanatory text beneath a table) along with a brief description or reason for the revision, and should be dated. Revisions to correct minor flaws, such as formatting or typographical errors, do not require an error notice. Agencies have the option to follow the ERS policy of posting error notices together on agency web sites, with a link to the revised publication (*see* http://www.ers.usda.gov/about-ers/information-quality/ers-error-correction-policy.aspx).

Corrections refer to revisions made at a suggestion from public comment. Policies for corrections fall under the USDA Information Quality Guidelines. (*See* http://www.ocio.usda.gov/policy-directives-records-forms/guidelines-quality-information/correction-information).

Updates refer to additional content, such as data or analysis that expands the scope of the original publication--for example, by adding data for additional periods, regions, etc. Updates are distinct from revisions in that they add to – but do not change – previously published information. Because updates represent publication of new information, they go through the same or similar review and clearance process as would a new publication. Older publications do not generally require a notice that updated information is available, but, if so the notice should include a date.

Date of publication should appear with most new publications.

Date of revision should appear when publications are revised beyond minor flaws (formatting or typographical errors, correcting a broken hyperlink, etc.). If revisions are few enough to be listed separately, the date of revision can reflect the reason or purpose for revision (*e.g.*, "Revised June 29, 2012, to correct errors in Table 1" or "Revised to include discussion of market forecast methodology").

Section 2c. Use of Scientific Information in Decision-Making

USDA relies on scientific research, technical information, and analyses of such data to guide many of its policies. Scientific studies required by Agencies as part of policy formulation, rule-making, or registration may require clearance and vetting processes in addition to normal scientific review. This vetting is not to be construed as censorship or suppression of scientific

information: rather, it should be viewed as a mechanism to assure that fair access is achieved on issues that have regulatory or legal ramifications.

Use and communication of scientific studies with no direct link to immediate policy, rule-making, or registration support, should be processed using normal standards of peer review and communication (section 2a, above, and section 4, below), and are not subject to the procedures described in this section (2c) of the Handbook.

While not all policy decisions are informed by science, some policies are legally required to be supported by specific scientific analyses. For those policies based completely or partially on science, the integrity of the science from the generation of scientific and technical data to how it is used in policy development is critical.

The Administrative Procedure Act (APA, 5 U.S.C. § 551 *et seq*.) governs the process by which federal agencies develop and issue regulations. It is the basis in law for many of the procedures that are described below, which also serve to protect scientific integrity. In accordance with APA, to ensure the validity and objectivity of science and technical information derived and used to guide USDA policies, the following procedures apply (in addition to applicable procedures described above in section 2a, which apply to all scientific information developed and disseminated by USDA):

- Scientific or technological information must be generated by employees, contractors, committee members, and partners *(e.g*., through interagency agreements) who demonstrate they do not have a conflict of interest related to the generation of scientific or technical information for guiding USDA policies.
- Major (*i.e*., those that have an economic impact of $100 million per year in 1994 dollars) proposed rules regulating human health, human safety or the environment, must include a regulatory risk assessment and cost-benefit analysis. The USDA Office of Risk Assessment and Cost-Benefit Analysis ensures that the regulatory analysis of any such rule includes a risk assessment and cost-benefit analysis that are performed consistently and use reasonably obtainable and sound scientific, technical, economic, and other data.[5]
- Scientific and technical information provided by stakeholders (*e.g*., industry, consumer groups, academia) that is not published in the scientific or technical literature and is used to guide policy development must be clearly identified along with the source of the information and must be provided as stand-alone documents if available in open public formats unless it is confidential business information (*e.g*., dockets).
- The methodology for generating scientific and/or technical information should be published, where appropriate, in the peer reviewed scientific and/or technical literature for increased transparency and credibility of the information used in policy development.

[5] Under the 1994 Reorganization Act for the U.S. Department of Agriculture (P.L. 103-354, Title III, Section 304) and Executive Orders 12866 and 13653.

- USDA will ensure comparable access for those with disabilities to scientific and technical information used to guide policymaking consistent with the requirements of Section 508 of the Rehabilitation Act of 1973.

Section 2d. Dual-Use Research of Concern

A rare but very important situation that may warrant limiting the release of scientific or technical information is when research methods or results may have "dual use," *i.e.*, where research designed for beneficial purposes may also have the potential to be misused for harmful purposes. For instance, information from certain life sciences research can be misapplied to create dangerous pathogens for use as bio-weapons, bypass or diminish the effectiveness of medical countermeasures, or threaten in other ways the health and safety of humans, animals, plants, and the environment.

Research yielding new technologies or information with the potential for both benevolent and malevolent applications is referred to as "dual use research." Some degree of dual use potential may be inherent in a significant portion of life sciences research. However, the small subset of life sciences research with the highest potential for yielding knowledge, products, or technology that could be misapplied to threaten public health or national security is referred to as "dual use research of concern."

The U.S. Government Policy for Oversight of Life Sciences Dual Use Research of Concern can be found at:

http://oba.od.nih.gov/oba/biosecurity/PDF/United_States_Government_Policy_for_Oversight_of_DURC_FINAL_version_032812.pdf

See http://oba.od.nih.gov/biosecurity/biosecurity.html for more information on dual use research. Numerous Departments and Agencies are developing the policy and procedures for reviewing dual use research, and how to conduct risk assessment and mitigation. The National Science Advisory Board for Bio-security (NSABB) is a federal advisory committee chartered to provide advice, guidance, and leadership regarding bio-security oversight of dual use research. USDA participates in the review of the policy and procedures for dual use research and in the NSABB. As further guidance on 'dual use research becomes available, this Handbook will be updated.

Section 3. Federal Advisory Committees

Scientific Federal advisory committees (FACs) are tasked with giving scientific or technical advice. *"USDA scientific integrity policy requires that their use and control be consistent with the following procedures:*

(1) The recruitment process for new FAC members should be both transparent and practicable. When practicable and appropriate, FAC member vacancies are announced widely, including Federal Register notice inviting the public to self-nominate and to recommend other individuals for consideration;

(2) Professional biographical information of FAC appointees (including current and past affiliations) are made widely available to the public (e.g., via a website) subject to the Privacy Act, Freedom of Information Act, and other statutory/regulatory considerations;

(3) The selection of members to serve on a scientific or technical FAC is based on expertise, knowledge, and contribution to the relevant subject area. Additional factors for consideration include the availability to serve, diversity among members of the FAC, and the ability to work effectively on advisory committees. Committee membership should be fairly balanced in terms of viewpoints represented with respect to the functions to be performed by the FAC;

(4) Except when prohibited by law, USDA should make publicly available all conflict of interest waivers granted to committee members; and

(5) Except when explicitly stated in a prior agreement between USDA and a FAC, all FAC reports, recommendations, and products are treated as solely the findings of such committees, rather than of the U.S. Government and, thus, are not subject to intra- or inter-agency revision."

In addition, USDA requires each committee member to pass vetting, which includes checks on criminal history, conflicts of interest, and a validated elimination from the register of Federal lobbyists. The ban on Federal lobbyists from serving on FACs complies with the Executive Memorandum dated June 19, 2010, and final OMB guidance[6].

The Federal Advisory Committee Act (5 USC Appendix 2) governs the utilization and control of Federal advisory committees. Procedures for the above policies will be included in forthcoming revisions to the USDA Directive on USDA's Advisory Committee Management, DR-1041-001.

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[6] *See* 76 FR No. 193, at page 61756. The guidance can be found at: http://www.gpo.gov/fdsys/pkg/FR-2011-10-05/pdf/2011-25736.pdf.

In addition, OMB and USDA information quality guidelines[7] require following certain procedures before an agency can use advice from an advisory committee.

For the purpose of the Scientific Integrity policy, any group of external experts convened for the purpose of providing the agency with a peer review of USDA's scientific research, policies, or procedures is exempt from the requirements prescribed for an agency's use of advice from an advisory committee, as long as those experts each possess verified expertise germane to the documents under review.

FAC reports, recommendations, and other products are strictly advisory. An agency is not obligated to implement committee scientific recommendations.

Section 4. Communications

"It is USDA policy to support scientific integrity in the communication of scientific findings and products, including:

(1) Encouraging, but not requiring, USDA scientists to communicate with the media about their scientific findings. Scientists are expected to coordinate with their immediate supervisor and public affairs office, in accordance with the policies of their specific agencies. Agencies are expected to coordinate with the Office of Communications (OC,) which provides a centralized operational direction for communications about the work of the Department. OC's role in communications regarding research and analysis by USDA scientists and researchers is to assist with presentation, style, and logistics of the communication and to advise on potential media requests or media outreach strategies.

(2) Ensuring that scientists may communicate their research findings without political interference or inappropriate influence, while at the same time, complying with USDA policies and procedures for planning and conducting scientific activities, reporting scientific findings, and reviewing and releasing scientific products. Such communications include research on policy-related issues, when appropriate to the role of the agency and scientist; however, the scientists should refrain from making statements that could be construed as being judgments of or recommendations on USDA or any other federal government policy, either intentionally or inadvertently. Communications on such matters should remain within the bounds of their scientific findings. Such scientific and technical communications for non-USDA media (e.g., manuscripts and presentations for scientific journals, workshops, conferences and symposia) should follow agency technical review procedures and do not generally require review above the agency level.

(3) *The scientific integrity policy is not meant to limit the obligations of political appointees and agency leadership in setting research priorities that may change due to budget constraints or other challenges that may arise, such as the need to address urgent public health crises. It also is not intended to limit the ability of public affairs staff to make*

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[7] OMB Information Quality Bulletin for Peer Review (December 15, 2004) and USDA's guidelines on information quality, in response to the Information Quality Act (PL. 106-554; literally passed as, Section 515 of the Treasury and General Government Appropriations Act of 2001.)

decisions about whether or not the Department issues press releases or other external communications vehicles about research findings."

Section 4a. Communications with Media

This section implements policy for USDA employees who engage in public communications through the news and information media. The policy of *"encouraging, but not requiring, USDA scientists to communicate with the media about their scientific findings"* requires guidance about the boundaries around "scientific findings" as well as the appropriate procedures for coordinating with agency, OC, and Office of the Secretary (OSEC) officials in order to achieve coordination but avoid interference. Therefore, to provide context for the scientific integrity policy, this section of the SIP Handbook goes into detail about communications policy.

This policy is aimed at promoting broad public understanding of the Department's mission and the work of its agencies and offices. The Department is committed to keeping its constituencies and the general public informed and, through news media coverage and other forms of communications, welcomes public interest in its programs and activities. This section establishes principles for excellence in public communications and provides procedures for facilitating the flow of information from the Department to the public.

The Department supports a culture of openness with the news media and the public that values the free exchange of ideas, data, and information and that provides for the disseminating accurate scientific, scholarly, and technical information. The Department:

- Uses the news media, web-based and social media products and other communications channels to report, explain and interpret the Department's policies, programs and activities to the public;
- Uses clear, concise language, avoids jargon and limits the use of technical terms in public communications. Technical terms used must be clearly and concisely explained for a general audience;
- Ensures that information provided to the news media and the public is accurate and timely. Disclosure will be the rule, not the exception, in keeping with long-standing Departmental policy as well as both the requirements and intentions of the Freedom of Information Act;
- Ensures cooperation and coordination among the Department's program and public affairs personnel;
- Ensures that employees may, consistent with procedures in this policy and agency policies (some of which require prior clearance), speak on behalf of the Department to the news media and the public about their official work and freely and openly discuss scientific, scholarly, and technical ideas, approaches, findings and conclusions based on their official work;
- Encourages the publication of scientific, scholarly, and technical information produced as a result of activities related to Departmental projects or programs; and
- Addresses and resolves any dispute arising from a decision to proceed or not to proceed with issuing news releases or other types of public communications.

OC:

- Provides leadership and coordination for the Department's public affairs activities, promoting a culture of openness with the news media and the public, and supporting the principles of this policy;
- Provides guidance to agencies and offices on communications policy and procedures;
- Determines which news releases and other types of public information the Department will issue nationwide, in consultation with the agencies;
- Does not restrict the right to publish technical (peer reviewed) documentation, but decides what topics to promote;
- Provides guidance on using social media and web postings;
- Responds timely to media requests, so that the work of agency scientists and researchers can be included, where appropriate, in news stories crafted under tight deadlines. This process ensures maximum coverage of agencies' work and encourages cooperation between agency and OC staff;
- The OC Director works with the appropriate Under Secretary, public affairs staff and others, as necessary, to address and resolve disputes arising from a decision to proceed or not to proceed with issuing a news release or other type of public communications at the national level. OC refers matters that may concern scientific or scholarly integrity to appropriate officials implementing the Departmental Manual chapter on "Integrity of Scientific and Scholarly Activities" as well as OMB Directives 3 and 4 on communications regarding statistical products.

Agencies:

- Implement their communications programs, adhering to Departmental policies, procedures and priorities, and coordinating public affairs and communications activities with OC and, when necessary, with the Office of Congressional Relations;
- Determine the newsworthiness of policy actions and the manner disseminating the news, with OC's concurrence;
- Refer questions to OC that have the potential to generate significant media coverage, public interest or inquiry;
- Provide guidance to employees for coordinating public affairs and communications activities as part of their official duties;
- Provide guidance to employees on using social media and web postings;
- Communicate data from statistical agencies in accordance with schedules they make publicly available and in a timely manner, in accordance with OMB Directives 3 and 4 (*see* Section 5c, below).

Employees:

- Keep supervisors and agency public affairs personnel informed of all significant actions that have the potential to generate public interest or media attention;
- Alert public affairs staff when they receive media inquiries on topics that are sensitive, to ensure that the appropriate staff responds to the request, if responding is deemed necessary, or inform public affairs staff in the event of a spontaneous interview with media, such as after a public presentation of their work at a conference;

- Understand the difference between when they are speaking in an official capacity or personal capacity, as defined in this policy and consistent with agency or office guidelines;
- Give accurate information about their work, while confining statements made in their official capacity to factual material related to their area of responsibility, not offering opinions on how their work affects policy;
- Speak about their scientific work on a factual basis only, without giving their personal opinions on the policies of their agency or other entities within and outside of government;
- Bring to the attention of their supervisor any instances where they feel public affairs or communications staff is stifling their ability to communicate about their work;
- Refer through appropriate agency channels any written releases and requests for media interviews that deal with policy matters, or that cut across Department or agency lines, for prior review and approval, consistent with this policy;
- Abide by Departmental, agency or office guidance regarding official and nonofficial use of social media and social networking, consistent with this policy; and
- Abide by Departmental, agency or office guidance on engaging in official or nonofficial communications, consistent with this policy.

Working with 21st Century media

Media in the 21st century are very different from the traditional media of the past. Traditionally, reporters worked on a common understanding of the terms "on background" (details could be given to a media outlet, but not attributed to a person through a quote or specific attribution) and "on-the-record" (details are reported verbatim, with quote attributed to person, including their title and affiliation). There are no such clear lines in media today. Many elements of the Department's scientific integrity policy are designed to help protect the integrity of our scientists and researchers in light of changing definitions of "media."

Due to the proliferation of blogs, Twitter, and other media outlets, all events, conferences, and public meetings should be considered as open to the press,. Many USDA employees discuss their work at conferences, for example, and are approached by attendees after their presentations. Whether or not they are aware of it, some of these discussions could be with a reporter or blogger who have not identified themselves as such. For this reason, employees should always follow the guidance of keeping their responses to objective description of their work or data, and not be drawn into discussions of their work's implications on policy.

Public affairs staff has a wider range of experience with media outlets than non-public affairs staff, and have valuable expertise that can be drawn upon when employees interact with the media. That is why it is preferable to have any press requests brought to the attention of agency public affairs as soon as the request is made, so that the employee can be advised about the past interests of the media outlet, its history of writing on the issue in question, and the determination of what topics are considered controversial to the Department.

USDA scientists are always welcome to talk about their science, but must not venture into political ideology or give opinions on policy. The Office of Communications, similarly, must allow the free dissemination of scientists' and researchers' work, regardless of the conclusions

discovered through such scientific inquiry, and should not interfere so as to fit a political agenda of any Administration.

Use of Social Media and Personal Web Postings

Employees should be aware of their agency or office association in online social networks. Persons identifying themselves as USDA employees, or who have a position for which their agency or office association is known to the general public, should ensure that their profile and related content (even if it is of a personal, nonofficial nature) is consistent with presenting themselves as a USDA professional and appropriate given the public trust associated with their position. Employees in these circumstances should conform to existing standards, such as the Standards of Ethical Conduct for Employees of the Executive Branch. Employees should have no expectation of privacy when using social media tools.

Before expressing personal views about their work, agency, or office policy, employees should refer to DR 1495-001. In a publicly accessible forum, employees should not discuss any agency- or office-related information that is not already considered public information. The discussion of sensitive, proprietary or classified information is strictly prohibited. This rule applies even in circumstances where password or other privacy controls are implemented. Failure to comply may result in fines and/or disciplinary action.

Further USDA communications policy regarding New Media can be found in Departmental Regulation 1495-001, New Media Roles, Responsibilities, and Authorities, at http://www.ocio.usda.gov/document/departmental-regulation-1495-001.

In an event that an employee has questions about how the usage of personal social media might conflict with ethics rules, they must contact their agency ethics official.

Section 4b. Review of Publications and Other Scientific Products

Implementing the policy of ensuring *"that scientists may communicate their research findings without political interference or inappropriate influence"* includes guidance on the development and review of publications and other scientific products (this section of the SIP handbook). Understanding these policies and procedures is important to understanding when and how scientific products should be reviewed (by agency, OC and OSEC) for proper coordination, and the need for providing due time for such review, while avoiding delays or changes that may be, or appear to be, inappropriate delay or suppression. USDA guidance for coordination and review of publications are in Departmental Regulation 1410-001 (Publications Review/Clearance Policy, http://www.ocio.usda.gov/document/departmental-regulation-1410-001) and Departmental Regulation 1440-002 (Communications Coordination and Review Policy, http://www.ocio.usda.gov/document/departmental-regulation-1440-002). In addition, a number of USDA science and technology agencies and units (*e.g.*, ARS, GIPSA, and FSIS) have their own agency- specific policies; *see* Appendix B, section 6.

USDA's mission includes providing information based on its scientific research to farmers, to the marketplace that their commodities are traded in, to policy makers, to the public and to the scientific community. Much of that information is provided through a variety of publications.

Each publication goes through internal and external reviews, and various clearance processes, depending on the audience. Reviewing and clearing scientific products is different from reviewing and clearing matters of policy, budget or management.

Scientific products are any presentation of the results of scientific activities, including the analysis, synthesis, compilation, or translation of scientific information and data into formats for use by the Department or others.

USDA publications for external distribution

OC must review and clear printed or electronic USDA publications that are distributed externally, such as magazines, reports, handbooks, brochures, and fact sheets for distribution to the general public. This requirement ensures that USDA's information publishing program is efficient, effective, and coordinated through the Department and meets the standards of the federal government's publishing program. In addition, before OC review, any USDA publication that discusses an agency's programs or policies must be reviewed by that agency for accuracy of program and policy descriptions. According to USDA publications policy, before submitting the publication to OC, the originating agency is responsible for achieving that review by other relevant agencies.

Statistical Reports and Notices

Clearance of reports from the statistical agencies and any notices regarding the public distribution of their information are covered by OMB Directives 3 and 4 (*see* Section 4c). However, depending upon the kind of report, OC may review for clarity, grammar, and plain writing. OSEC may also review certain reports under the "no surprises" policy to keep Departmental officials aware of the impending release of information that may affect policies, programs, and procedures of the Department and the larger federal government. However, OSEC cannot alter the substance or delay the release of a statistical report. Agricultural Statistics Board (ASB) reports are compiled and issued under special security conditions known as Lockup, *see* http://www.nass.usda.gov/About_NASS/ASB_and_Lockup/index.asp for more information.

Journal articles, book chapters, speeches, and presentations

Review and clearance of journal articles, book chapters, speeches, presentations, and other technical reports dealing with scientific or technical findings is generally done internally within each agency, including a peer-review process where applicable. (*See* Appendix B for links to agency-level publications policies.) However, according to USDA publications review/clearance policy, the public affairs staff at each agency is responsible for contacting OC and obtaining review and clearance, if necessary, for externally published documents dealing with USDA policies:

> USDA employees may, during duty hours, prepare books, articles, and other materials for publication by nongovernmental organizations if such preparation is within the scope of their official duties and in accordance with applicable statutes and regulations. If the material treats a subject that interprets the policies of the USDA or deals with sensitive areas of any USDA program, the originating

> agency's information head must first submit the material to OC for review and clearance. Such materials should be submitted to OC at least 10 working days before they are offered to nongovernmental organizations for publication.
>
> Articles prepared as part of an employee's official duties or while on Government time are the property of the Government. Authors must not accept payment for official articles published in nongovernmental journals, magazines, or newspapers.

Scientists and editors at each agency responsible for the publication are responsible for the accuracy of the information contained in such documents.

Grant awards, announcements, and RFAs

Grant awards, announcements, and Requests for Applications (RFAs) are reviewed and cleared within the agency per their individual policies, but should be written in plain language and should not be unduly delayed or held for the purposes of achieving publicity. If Department officials wish to call attention to the grant, they are free to do so, but they must do so in a manner that does not interfere with the timely release of the grant.

Clearance schedule

In keeping with the scientific integrity policy, release of scientific information must be done in a timely manner, consistent with information quality and peer review guidelines, and should not be delayed or obstructed for political reasons by any USDA employee as part of the Departmental clearance process. Departmental Regulation 1410-001 states that "OC final-manuscript reviews normally occur within 10 workdays."

Section 4c. Statistical Agencies' Communications

USDA's National Agricultural Statistics Service (NASS) and the Economic Research Service (ERS) are two of the federal government's principal statistical agencies. They and their counterparts in the federal government have developed a Statement of Commitment to Scientific Integrity by Principal Statistical Agencies, which is on the NASS web site at: http://www.nass.usda.gov/About_NASS/ScientificIntegrityStatement.pdf and on the ERS website at http://www.ers.usda.gov/about-ers.aspx.

OMB Directives 3 and 4

OMB Statistical Policy Directives 3 and 4[8] address compiling, releasing, and disseminating statistical data and analysis that "support the decisions of governments, businesses, households

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[8] Statistical Policy Directive No. 3, Compilation, Relevance, and Evaluation of Principal Federal Economic Indicators (*see* http://www.whitehouse.gov/sites/default/files/omb/assets/omb/inforeg/statpolicy/dir_3_fr_09251985.pdf); and Statistical Policy Directive No. 4, Release and Dissemination of Statistical

and other organizations." The directives are designed to preserve the integrity of the federal statistical system and its products to ensure the cooperation of respondents, preserve the quality of statistical products and build much-needed trust between respondents, the public and the statistical agencies. Directive 4 is specifically "designed to preserve and enhance the objectivity and transparency, in fact and in perception, of the processes used to release and disseminate the statistical products of Federal statistical agencies."

OMB Directives 3 and 4 enumerate the responsibilities and parameters for communicating statistical information. Under the directives, statistical reports of the Agricultural Statistics Board (ASB) of USDA-NASS, including reports designated as leading economic indicators, and some ERS reports fall into the category of "statistical products" and must be released without any additional messaging from the administration.

Routine statistical information released by federal statistical agencies (*e.g.*, periodic demographic and economic statistics) and analyses of these data to compute standard indicators and trends (e.g., unemployment and poverty rates) is excluded from this policy. Additional communication requirements are outlined in OMB Statistical Policy Directive No. 4: Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies:

> Section 5 Notification of Release: Prior to the beginning of the calendar year, the releasing statistical agency shall annually provide the public with a schedule of when each regular or recurring statistical product is expected to be released during the upcoming calendar year by publishing it on its Web site. Agencies must issue any revisions to the release schedule in a timely manner on their Web sites…
>
> a. Outreach to the media. To accelerate and/or expand the dissemination of data to the public, statistical agencies are encouraged to issue a statistical press release when releasing their products. To maintain a clear distinction between statistical data and policy interpretations of such data, the statistical press release must be produced and issued by the statistical agency and must provide a policy-neutral description of the data; it must not include policy pronouncements. To the extent that any policy pronouncements are to be made regarding the data, those pronouncements are to be made by Federal executive policy officials, not by the statistical agency. Accordingly, these policy officials may issue separate independent statements on the data being released by the statistical agency, and policy officials of the issuing department may review the draft statistical press release to ensure that it does not include policy pronouncements…

Departmental statistical press releases, including ASB Notices, follow the content guidelines outlined in Statistical Policy Directive 4 and do not include policy statements. The communications review process should ensure timely clearance of these statistical press releases

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Products Produced by Federal Statistical Agencies (*see* http://www.whitehouse.gov/sites/default/files/omb/assets/omb/fedreg/2008/030708_directive-4.pdf).

and notices. Communication staff should coordinate and outline content of routine statistical press releases and notices to ensure they may be issued on a timely basis.

Section 5. Professional Interactions

It is USDA policy to encourage its scientists, engineers, analysts and other professionals to interact with the broader scientific community in a manner that is consistent with Federal conflict of interest statutes, Standards of Ethical Conduct, job responsibilities, and existing agency policies, including:

(1) Publication of research findings in peer-reviewed, professional, or scholarly journals;

(2) Presentation of research findings at professional meetings;

(3) Serving as editors or editorial board members of professional or scholarly journals;

(4) Participating in professional societies, committees, task forces and other specialized bodies of professional societies, to the extent and in the manner permitted by law; and

(5) Receiving honors and awards for research and discoveries with the goal of minimizing, to the extent practicable, disparities in the potential for private-sector and public sector scientists and engineers to accrue the professional recognition of such honors or awards.

However, the participants and their decision makers must be aware of the following primary Federal and USDA policies restraining these interactions which are the ethics policies, in particular:

a. Title 18, U.S. Code, Section 208 – Acts Affecting a Personal Interest
b. 5 CFR 2635, Standards of Ethical Conduct for Employees of the Executive Branch
c. 5 CFR 735, Employee Responsibilities and Conduct
d. DR 4070-735-001, Employee Responsibilities and Conduct
e. Ethics issuance No. 09-1, Ethics Issues Related to USDA Scientists
f. Ethics issuance No. 00-1, Participation in Non-Federal Organizations
g. 5 CFR Part 2640, Government Employees Serving in Official Capacity in Nonprofit Organizations: Sector Unit Investment Trusts
h. Office of Government Ethics Legal Advisory - LA-1305: 18 U.S.C.§ 208(b)(2) Exemption for Official Participation in Nonprofit Organizations

Procedures regarding publication and presentation of research findings are discussed in Section 4 of the SIP Handbook, with more detail provided in the policies referenced in Appendix B.

Section 5a. Participation in Professional Societies or other non-Federal, Nonprofit (501(c) (3)) Organizations

The Department encourages employees to participate in outside professional organizations in order to enhance their professional development, especially when that participation advances the Department's mission, programs, and operations. Departmental scientists, scholars, and other professionals should engage in scientific, scholarly, and other activities with these professional

networks in accordance with the following guidelines. In general, employees serving in their official capacity on committees, working groups, as editorial board members, or in or other positions that do not create a fiduciary duty to the non-Federal entity may do so in their official capacity after obtaining supervisory approval. Employees also should consult with an ethics counselor to ensure compliance with applicable ethics statues and regulations.

Note: Individual membership fees may not be paid by USDA funds unless the membership is a prerequisite to obtaining the professional license or official certification needed to practice in a professional area (GAO Opinion, B-302548).

For service in positions such as on boards or as elected officials that creates a fiduciary duty, a recent final rule has made it possible to perform such service in an official capacity. In March 2013, the Office of Government Ethics published a final rule, 5 C.F.R. 2640.203(m), that "….permits Government employees to participate in particular matters affecting the financial interests of nonprofit organizations in which they serve in an official capacity notwithstanding the employees' imputed financial interests….."[i] This exemption is limited in scope and applies only to the prohibition of 18 U.S.C. 208(a). In addition, the exemption does not provide independent authority to permit an employee to serve in their official capacity in a nonprofit organization. In all cases, prior to serving in their official capacity, the employee first must obtain supervisory approval. The time commitment, cost for required travel, and other resource issues should be considered by the supervisor prior to approving official participation as an elected officer or board member. Once a supervisor has approved the participation, employees must consult with the USDA Office of Ethics to ensure compliance with applicable ethics statues and regulations, In addition, the agency, and OE, may impose additional limitations on an employee's participation in activities while assigned to the nonprofit organization. For further important details on these limitations, please refer to OGE Legal Advisory, LA-13-05.

Section 5b. Awards and Honors

Awards and honorary degrees can be accepted in situations that are specified below. When they know in advance that they will be presented with an award or honorary degree, employees must contact the USDA Office of Ethics to receive guidance. When such awards are offered without advance notice, employees may accept them with the caveat that the acceptance is conditional on subsequent approval of the Department's Office of Ethics. Additional guidance on accepting awards and honorary degrees can be found in the Standards of Ethical Conduct for Employees of the Executive Branch, http://www.usda-ethics.net/science/ethical-conduct/SOEC-2009.pdf; 5 C.F.R. art 2635.204.d:

> 1) An employee may accept items with little intrinsic value, such as plaques, certificates, and trophies, which are usually personalized and intended solely for presentation.
>
> 2) For gifts that may have some intrinsic value, an employee may accept gifts, other than cash or an investment interest, with an aggregate market value of $200 or less if such gifts are a bona fide award or incident to a bona fide award that is given for meritorious public service or achievement by a person who does not have interests that may be substantially affected by the performance or nonperformance of the employee's official duties or by an association or other

organization the majority of whose members do not have such interests. Gifts with an aggregate market value in excess of $200 and awards of cash or investment interests offered by such persons as awards or incidents of awards that are given for these purposes may be accepted upon a written determination by an agency ethics official that the award is made as part of an established program of recognition:
(i) Under which awards have been made on a regular basis or which is funded, wholly or in part, to ensure its continuation on a regular basis; and
(ii) Under which selection of award recipients is made pursuant to written standards.

3) An employee may accept an honorary degree from an institution of higher education as defined at 20 U.S.C. 1141(a) based on a written determination by an agency ethics official that the timing of the award of the degree would not cause a reasonable person to question the employee's impartiality in a matter affecting the institution.

4) An employee who may accept an award or honorary degree pursuant to paragraph (3) of this section may also accept meals and entertainment given to him and to members of his family at the event at which the presentation takes place.

Section 6. Reporting and Resolving Concerns and Disputes

"It is USDA policy to ensure that mechanisms are in place to resolve disputes that arise from instances in which the scientific process or the integrity of scientific and technological information may be compromised."

The purpose of the USDA scientific integrity DR, this SIP Handbook, and the scientific integrity training on AgLearn is to give employees, volunteers, and contractors the information and guidance they need to act with integrity at all times. Our emphasis is on preventing as many uncertainties and violations as possible through clear guidance and expectations. Nevertheless, situations of concern may arise and must be taken seriously and addressed appropriately and consistently.

Section 6a: In General

If an employee has a concern or suspects a violation of the USDA scientific integrity policy, the employee must notify the Agency Scientific Integrity Officer (ASIO) or the appropriate contact for reporting allegations as specified by the Agency/Office of the alleged violation of the scientific integrity policy, and follow established agency procedures and chains of authority (general guidelines provided in Figure 2a and b, at the end of this section). It is advised that complainant and the reporting authority maintain the utmost level of confidentiality to protect both the person(s) making the allegation and the person(s) against whom the allegation is made. The ASIO is particularly knowledgeable about both USDA and agency-specific policies, and consults with appropriate colleagues (*e.g.*, human resources officer, ethics officer, Agency Research Integrity Officer (ARIO, *see* section 3a), if one is designated by the agency,

information integrity officer, peer review officer, public affairs officer) to determine how best to handle the concern. This consultation is important because of the wide scope of the scientific integrity policy and the differences among USDA agencies, which range from large research agencies with scientists at multiple laboratories and field stations, to small science units within agencies that have primarily implementation or regulatory roles.

The Department Scientific Integrity Officer (DSIO), appointed by the USDA Chief Scientist, serves as the ASIO for the Office of the Secretary, and also acts as a neutral point of contact (ombudsman) for receiving allegations of violations of scientific integrity against USDA employees from the Office of the Inspector General (OIG) Hotline, directly from the public, or from other sources. The DSIO will consult with the appropriate ASIOs, the Chief Scientist, and other USDA officials to determine the appropriate referral or handling of such allegations.

A member of the public who has a concern or suspects a violation should contact the ASIO for the appropriate agency (list of all ASIOs can be found at: http://www.usda.gov/ocs-agency-scientific-integrity-officers.xml) or the DSIO if unsure about the appropriate agency, or use the OIG Hotline, *see* http://www.usda.gov/oig/hotline.php.

Figure 2a: Scientific Integrity Policy Violation Reporting Structure for USDA Employee

Step 1: USDA Employee has a concern or suspects violation of Scientific Integrity.

Employee notifies the ASIO or the 'contact specified by the agency' of the alleged violation of the SI policy (ARS- follow process outlined in P&P 129 and FS- follow process outlined in Bulletin FS 686).

Step 2: ASIO acknowledges the receipt of alleged violation. (If the reporting is received by 'the contact' other than the ASIO, the alleged violation must be reported to the ASIO for handling).

Step 3: The ASIO consults with appropriate colleagues (Agency Head, Human Resources Officer, Ethics Officer, Information Integrity Officer, Peer Review Officer, or Public Affairs Officer) and determines how to proceed.

Step 4: If the alleged concern or violation can be resolved, corrected, or is determined to be unfounded, the ASIO will consult with Agency/Office Heads (following agency/office policies and procedures) and explore a solution which is satisfactory to the parties involved.

Step 5: ASIO keeps a record and

Informs the DSIO in monthly reports.

Step 4: If the alleged concern/violation cannot be resolved or corrected, the ASIO can approach the DSIO. The DSIO can convene a panel from among the ASIOs to determine the appropriate referral or handling of alleged violation.

Step 5: Alleged violations that are potentially criminal in nature must be reported by the DSIO to OIG for investigation.

The DSIO informs the Agency Head and the ASIO of the status and decision and keeps a record of the disposition of the violation/investigation.

Figure 2b: Scientific Integrity Policy Violation Reporting Structure for a Member of the Public.

Step 1: A member of Public has a concern or suspects violation of Scientific Integrity.

Step 2: The member of the public (i) notifies the ASIO of the specific agency of the alleged violation of the SI policy or (ii) notifies the USDA DSIO or (iii) uses the OIG hotline to report the violation or concern.

If the reporting is done via hotline complaint, the DSIO who receives the allegation of violation from OIG will consult with the appropriate ASIO.

Note: Step 3 – 5 are the same as in Figure 2a.

Section 6b. Research Misconduct

Research misconduct – an important subset of scientific integrity violation – is defined as fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, or in reporting research results. Research misconduct does not include honest error or differences of opinion. USDA policy and procedures for handling allegations of research misconduct are detailed in DR 2401-001 (See USDA Intramural Research Misconduct Policies and Guidelines, http://www.ocio.usda.gov/sites/default/files/docs/2012/DR2401-001_0.htm for intramural research and 7 CFR 3022, http://www.gpo.gov/fdsys/pkg/CFR-2011-title7-vol15/pdf/CFR-2011-title7-vol15- part3022.pdf, for extramural research.

Some allegations of research misconduct involving plagiarism may arise from disputes about authorship of scientific articles. Specific criteria to establish authorship can help avoid authorship and plagiarism disputes *(e.g.*, see P&P 152.2-ARS, Authorship of Research and Technical Reports and Publications, http://www.afm.ars.usda.gov/ppweb/PDF/152-02ars.pdf).

Research misconduct procedures are overseen by Agency Research Integrity Officers (ARIOs) for each of the USDA agencies that conduct or fund research, in coordination with OIG and the USDA Research Integrity Officer (USDA RIO), which is designated by the Office of the Under Secretary for Research, Education, and Economics to be the Director of OCS.

Procedures for reporting allegations of research misconduct are posted on the OIG web site (http://www.usda.gov/oig/hotline.htm) and on the OCS web site at: http://www.usda.gov/wps/portal/usda/usdahome?contentidonly=true&contentid=usda-science-research-policy.xml.

Section 6c. Protection from Prohibited Personnel Practices

"It is USDA policy to protect those who uncover and report allegations of research misconduct or other violations of scientific integrity, as well as those accused of violations of scientific integrity or research misconduct in the absence of a finding of misconduct, from prohibited personnel practices (as defined in 5 U.S.C. 2302(b))."

Prohibited personnel practices are listed at: http://www.law.cornell.edu/uscode/5/2302.html.

In addition, whenever an allegation is made or being considered, the situation and everyone involved should be treated with the utmost respect and confidentiality. Both the person(s) making or considering making an allegation, and the person(s) against whom an allegation is made or considered, deserve confidentiality and the benefit of the doubt during the time that the allegation is being considered, discussed, and investigated.

Section 6d. Whistleblower Protection

"USDA complies with the requirements of the Whistleblower Protection Act of 1989[9]*(Public Law 101-12) and its expanded protections enacted by Public Law 103-424. USDA also complies with all Department- and Agency-specific WPA regulations, rules and policies."*

A federal agency violates the Whistleblower Protection Act if agency authorities take (or threaten to take) retaliatory personnel action against any employee or applicant because of disclosure of information by that employee or applicant. Whistleblowers may file complaints that they believe reasonably 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. The Office of Special Counsel (OSC) provides a secure channel through which current and former federal employees and applicants for federal employment may make confidential disclosures. OSC evaluates the disclosures to determine whether there is a substantial likelihood that one of the categories listed above has been disclosed. If such a determination is made, OSC has the authority to require the head of the agency to investigate the matter.

U.S. OFFICE OF SPECIAL COUNSEL
1730 M STREET, N.W., SUITE 218
WASHINGTON, DC 20036-4505
PHONE: (202) 254-3640* TOLL FREE: 1-800-572-2249*
*Hearing and Speech Disabled: Federal Relay Service 1-800-877-8339

[9] 5 USC 1221, Whistleblower Protection Act of 1989

Appendix A: Code of Scientific Ethics*

• I dedicate myself to the pursuit, promotion, and advancement of scientific knowledge.

• I will design, conduct, manage, judge, and report scientific research honestly, thoroughly, and without conflict of interest.

• I will prevent abuse of all resources entrusted to me and endeavor to treat human and animal subjects humanely, following established guidelines where they are available.

• I will not willfully hinder the research of others nor engage in dishonesty, fraud, deceit, misrepresentation, or other professional misconduct.

• I will welcome constructive criticism of my personal scientific research and offer the same to my colleagues in a manner that fosters mutual respect amid objective scientific debate.

• I will recognize past and present contributors to my research and will neither accept nor assume unauthorized and/or unwarranted credit for another's accomplishments.

• I will claim authorship for a research product only if I am willing to be held responsible for both the interpretation of the data and the conclusions as presented.

• I will claim authorship for a research product only if I have made a major intellectual contribution (as part of conception, design, data collection, data analysis, or interpretation) and made significant contributions to its preparation (write, review, or edit).

• I will not publish or use original ideas, research data, or unpublished findings of others without written approval.

• I will refrain from duplicative publication of the same research findings as original.

• I will show appropriate diligence toward preserving and maintaining resources, such as data records, that are entrusted to me.

* http://www.fs.fed.us/research/pdf/fs_code_of%20_scientific_ethics.pdf

Appendix B: Summary of Links to Policies

Scientific Integrity Policy Topics	Activities	Organization	Example Policies
Section 1. Selection, Retention, and Code of Ethics			
	Selection and Retention for Scientists	OPM Guidance	http://www.opm.gov/fedclass/gsresch.pdf
	Selection and Retention for Scientists	USDA/Research, Education and Economics Guidance	http://www.afm.ars.usda.gov/ppweb/pplist.htm
	Selection and Retention for Scientists	ARS Guidance	http://www.afm.ars.usda.gov/ppweb/PDF/129-0-ARS.pdf
	Selection and Retention for Scientists	Forest Service Guidance	http://www.aphis.usda.gov/wildlife_damage/directives/1.301_code_of_ethics.pdf
	Selection and Retention for Scientists	APHIS Guidance	http://www.aphis.usda.gov/wildlife_damage/directives/1.301_code_of_ethics.pdf
Section 2. Use of Scientific Information Section 2a. Information Quality and Peer Review			
	Final Information Quality Bulletin for Peer Review	OMB Guidance	http://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf
	USDA Information Quality Activities	USDA Guidance	http://www.ocio.usda.gov/policy-directives-records-forms/information-quality-activities
	Quality of Information/ Peer Review	Agricultural Marketing Service	http://www.ams.usda.gov/AMSv1.0/ams.fetchTemplateData.do?template=TemplateN&navID=InformationQuality&rightNav1=InformationQuality&topNav=AboutAMS&leftNav=&page=InformationQuality&resultType=&acct=AMSPW
	Quality of Information/ Peer Review	Agricultural Research Service	http://www.ars.usda.gov/Main/docs.htm?docid=8040
	Quality of Information/ Peer Review	Animal and Plant Health Inspection Service	http://www.aphis.usda.gov/wps/wcm/connect/APHIS_Content_Library/SA_Our_Focus/SA_Science/SA_Peer_Reviews
	Quality of Information/ Peer Review	Center for Nutrition Policy and Promotion	http://www.cnpp.usda.gov/information-quality

	Quality of Information/ Peer Review	Departmental Management	http://www.dm.usda.gov/info_quality.htm
	Quality of Information/ Peer Review	Economic Research Agency	http://www.ers.usda.gov/about-ers/peer-reviews.aspx
	Quality of Information/ Peer Review	Farm Service Agency	www.fsa.usda.gov/.../FSA_File/qc_requirements_review_process.doc
	Quality of Information/ Peer Review	Food and Nutrition Service	http://www.fns.usda.gov/fns/information_quality.htm
	Quality of Information/ Peer Review	Food Safety and Inspection Service	http://www.fsis.usda.gov/wps/portal/footer/policies-and-links/information-quality http://www.fsis.usda.gov/wps/portal/footer/policies-and-links/information-quality/peer-review-agenda-and-plans
	Quality of Information/ Peer Review	Foreign Agricultural Service	http://www.fas.usda.gov/infoquality.asp
	Quality of Information/ Peer Review	Forest Service	http://www.fs.fed.us/qoi/;http://www.fs.fed.us/qoi/peerreview.shtml
	Quality of Information/ Peer Review	Grain Inspection, Packers, and Stockyard Administration	http://www.gipsa.usda.gov/info_quality.html
	Quality of Information/ Peer Review	National Agricultural Statistics Service	http://www.nass.usda.gov/About_NASS/Information_Quality_Guidelines
	Quality of Information/ Peer Review	National Resource Conservation Service	http://www.nrcs.usda.gov/wps/portal/nrcs/detailfull/national/about/?cid=nrcsdev11_000881
	Quality of Information/ Peer Review	Office of the Assistant Secretary for Civil Rights	http://www.ascr.usda.gov/information_cr.html
	Quality of Information/ Peer Review	Office of the Chief Economist	http://www.usda.gov/oce/about_oce/peer_review.htm
	Quality of Information/ Peer Review	Office of the Inspector General	http://www.usda.gov/oig/qltyguidelinesrev.htm
	Quality of Information/ Peer Review	Risk Management Agency	http://www.rma.usda.gov/aboutrma/qoi/ ; http://www2.rma.usda.gov/aboutrma/qoi/index.html#peerreview

	Quality of Information/ Peer Review	Rural Development	http://www.ocio.usda.gov/policy-directives-records-forms/information-quality-activities
	Stakeholder/ Public Review of Science for Rulemaking	Presidential Executive Order 13536	http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf
Section 2b. Error Correction and Date of Revision	Error Correction	Economic Research Service	http://www.ers.usda.gov/about-ers/information-quality/ers-error-correction-policy.aspx)
Section 2c. Use in Decision-Making	Requirements for Risk Assessments in Rulemaking	Department of Agriculture Reorganization Act of 1994 (PL 103-354)	http://www.usda.gov/oce/risk_assessment/
	Requirements for science in rulemaking (EO 12866; EO 13563)	Presidential Executive Orders	http://www.archives.gov/federal-register/executive-orders/pdf/12866.pdf http://www.gpo.gov/fdsys/pkg/FR-2011-01-21/pdf/2011-1385.pdf
	Requirements for Seeking Stakeholder Input	Administrative Procedure Act Section 553 (c)	http://www.archives.gov/federal-register/laws/administrative-procedure/
	Requirements for Seeking Public Input	Federal Register Act	http://www.archives.gov/federal-register/laws/federal-register/
	Requirements for Scientific Surveys	Paperwork Reduction Act	http://www.gpo.gov/fdsys/pkg/PLAW-104publ13/html/PLAW-104publ13.htm
	Requirements for Scientific Analyses Considering Impact on Small Business	Regulatory Flexibility Act	http://www.gpo.gov/fdsys/pkg/STATUTE-94/pdf/STATUTE-94-Pg1164.pdf
	Requirements for Negotiated Rulemaking	Negotiated Rulemaking Act	https://www.law.cornell.edu/topn/negotiated_rulemaking_act_of_1990

Section 3. Reporting and Resolving Concerns and Disputes			
Section 3a. Research Misconduct	Handling Allegations of Intramural Research Misconduct	USDA Guidance	http://www.ocio.usda.gov/document/departmental-regulation-2401-001
	Handling Allegations of Intramural Research Misconduct	Forest Service Guidance, Research Misconduct	www.fs.fed.us/dirindexhome/fsm/.../4080.doc
	Handling Allegations of Intramural Research Misconduct	ARS Guidance, Research Misconduct	http://www.afm.ars.usda.gov/ppweb/PDF/129-0-ARS.pdf
	Authorship	ARS Guidance, Authorship	http://www.afm.ars.usda.gov/ppweb/PDF/152-02ars.pdf
	Handling Allegations of Extramural Research Misconduct	Code of Federal Regulations	https://www.federalregister.gov/articles/2010/08/13/2010-20109/united-states-department-of-agriculture-research-misconduct-regulations-for-extramural-research
	Reporting Allegations of Research Misconduct	USDA Guidance	http://www.usda.gov/oig/hotline.htm
Section 3b. Protection from Prohibited Personnel Practices	Code of Federal Regulations: Prohibited Personnel Practices	OPM Guidance	http://www.opm.gov/omsoe/prohibit/legal.htm
Section 3c. Whistleblower Protection	Federal Law: Whistle Blower Retaliation	Code of Federal Regulations (5 U.S.C. §2302(b)(8))	http://www.law.cornell.edu/uscode/text/5/2302
		USDA OIG Guidance	http://www.usda.gov/oig/webdocs/whistle1989.pdf
	Reporting of Violations of Laws and Regulations	USDA OIG Guidance	http://www.usda.gov/oig/hotline.htm

	Related to USDA Programs		
Section 4. Federal Advisory Committees			
	U.S. Federal Regulations Governing Use and Control of Federal Advisory Committees	FR Notice	http://www.gpo.gov/fdsys/pkg/FR-2011-10- 05/pdf/2011-25736.pdf
	Guidance for Establishment, Operation and Use of Federal Advisory Committees	GSA Guidance	http://www.gsa.gov/portal/content/104514
	USDA's Advisory Committee Management Directive	USDA Guidance	http://www.ocio.usda.gov/document/departmental-regulation-1041-001
Section 5. Communications			
	Administrative Procedure Act	Federal Law	http://www.archives.gov/federal-register/laws/administrative-procedure
	Pre-Dissemination of Information	OMB Guidance	https://www.whitehouse.gov/sites/default/files/omb/fedreg/iqg_oct1notice.html
	Clear separation of release of statistics and policy statements	OMB Guidance	Statistical Policy Directive No. 4, Release and Dissemination of Statistical Products Produced by Federal Statistical Agencies
		OMB Guidance	Statistical Policy Directive No. 3, Compilation, Relevance, and Evaluation of Principal Federal Economic Indicators
	Regulatory Review and clearance of technical reports and science for external	USDA Guidance	http://www.ocio.usda.gov/document/departmental-regulation-1041-001

	audience		
	Clearance of technical report	Grain Inspection, Packers and Stockyards Administration	http://www.gipsa.usda.gov/laws/admin_dir/fgis1410-2.pdf
	Clearance of electronic/media publications	ARS Guidance	113.1-ARS: Publishing (Print and Electronic Material), http://www.afm.ars.usda.gov/ppweb/2010/113-1-ARS.pdf
	Clearance and authorship of journal and book chapter Publications	ARS Guidance	152.1-ARS: Procedures for Publishing in Non-USDA Media (Outside Publishing), http://www.afm.ars.usda.gov/ppweb/PDF/152-1-ARS.pdf
			152.2-ARS: Authorship of Research and Technical Reports and Publications, http://www.afm.ars.usda.gov/ppweb/PDF/152-02ars.pdf
	Press Releases	ARS Guidance	150.1-ARS: Dissemination of Public Information by ARS, http://www.afm.ars.usda.gov/ppweb/PDF/150-01.pdf
	Communicating with External Entities	FSIS Guidance	http://www.fsis.usda.gov/wps/wcm/connect/aabdfaf6-484b-4ccf-a3b2-5561b9823ba0/1240.1.pdf?MOD=AJPERES
	Interaction with Media	USDA Guidance	http://www.ocio.usda.gov/document/departmental-regulation-1440-002
	Social media	USDA Guidance	http://www.ocio.usda.gov/document/departmental-regulation-1495-001
		ARS Guidance	113.5-ARS, Social Media Use and Communication, http://www.afm.ars.usda.gov/ppweb/PDF/113-5.pdf
Section 6. Professional Interactions			
Section 6a. Participation in Professional Societies or other non-Federal, Nonprofit (501(c)(3)) Organizations	**Participation in Activities Outside USDA (committees, adjunct professors, grants, letters of support, participation in professional associations, and acceptance of awards)**	USDA Guidance	http://www.usda-ethics.net/rules/rule38.htm

Section 6b. Awards and Honors	**Financial Disclosure**	USDA Guidance	http://www.usda-ethics.net/science/financial-disclosure/index.htm
	Acceptance of Non-Federal Awards and Recognition	REE Guidance	http://www.afm.ars.usda.gov/ppweb/PDF/468-05.pdf

Appendix C. Definitions

Advisory Committee. Any committee, board, commission, council, conference, panel, task force, or other similar group, which is established by statute, or established or utilized by the President or by an agency official, for the purpose of obtaining advice or recommendations for the President or on issues or policies within the scope of an agency official's responsibilities. This does not include peer review panels for grants.

Agency Research Integrity Officer (ARIO). The individual appointed by a USDA Agency that conducts research and who is responsible for overseeing Agency responsibilities and activities related to research misconduct.

Agency Scientific Integrity Officer (ASIO): The individual appointed by a USDA Agency that is responsible for overseeing Agency responsibilities and activities related to scientific integrity.

Allegation: A disclosure of possible research misconduct or other violation of scientific integrity through any means of communication. The disclosure may be by written or oral statement, or by other means of communication to an institutional or USDA official.

Conflict of Interest: Any financial or non-financial interest which conflicts with the actions or judgments of an individual when conducting scientific activities because it: (1) could impair the individual's objectivity; (2) could create an unfair competitive advantage for any person or organization; or (3) could create the appearance of either (1) or (2).

Decision-Makers: Employees who: (1) Develop policies or make determinations about policy or management; (2) Make determinations about expenditures of USDA funds; (3) Implement or manage activities that involve, or rely on, scientific activities; or (4) Supervise employees who engage in scientific activities.

Designated Federal Officer (DFO): An individual designated by the agency head, for each advisory committee for which the agency head is responsible, to implement the provisions of sections 10(e) and (f) of the Federal Advisory Committee Act and any advisory committee procedures of the agency.

Fabrication: Making up data or results and recording or reporting them.

Falsification: Manipulating research materials, equipment, or processes, or changing or omitting data or results such that the research is not accurately represented in the research record.

Fiduciary: A fiduciary is a legal or ethical relationship between two or more parties and it also refers to a person who undertakes to act on behalf of another person or organization with full trust and confidence

Fiduciary Duty: Is the highest standard of care at either equity or law which comes with an obligation to act in the best interest of another person, or party.

Financial Conflict of Interest: Individual participation in any matter affecting a personal financial interest or a financial interest imputed to the individual. The financial interests imputed to an individual include, but are not limited to, the individual's spouse or minor child(ran); general partners; an organization in which the individual serves as an officer, trustee, general partner, or employee; and any person or organization with whom the individual is negotiating or arranging for employment.[10]

Inappropriate influence: The attempt to shape the production of a scientific or statistical product against the judgment of a nonpartisan and apolitical scientific or statistical agency. More specifically, it includes: (1) the suppression of an agency's responsibility to offer its best judgment on how to most accurately and reliably study or measure a given phenomenon; (2) the decision to prevent an agency from using "state-of-the-art" science; and (3) the insistence on preclearance (internal peer review) of a major statistical product or a scientific or technical manuscript or presentation that is based on "state-of-the-art" science; (4) the suppression, alteration or delay of the release of a statistical or scientific product for any reason other than technical merit as determined through standard agency procedures.

Non-Financial Conflict of Interest: Individual participation in a matter that involves financial interests of an individual's household members or those with whom the individual has a "covered relationship" if they are, or represent, a party to that matter. "Covered relationship" includes business and financial relationships; close relatives; organizations in which a spouse, parent, or dependent child serves as a fiduciary; an individual's non-Federal employers in the last year; and organizations in which the individual is an active participant.[11]

Plagiarism: The appropriation of another person's ideas, processes, results, or words without giving appropriate credit.

Political interference: The attempt to gain partisan or regional advantage by shaping the production of a statistical or scientific product against the judgment of a nonpartisan and apolitical statistical or scientific agency. More specifically, it includes: (1) the politically motivated suppression of an agency's responsibility to offer its best judgment on how to most accurately and reliably measure a given phenomenon; (2) the politically motivated decision to prevent an agency from using "state-of-the-art" science; and (3) the politically motivated insistence on preclearance of a major statistical or scientific product that is based on state-of-the-art science.

Research: All basic, applied, and demonstration research in all fields of science, technology, engineering, and mathematics. This includes, but is not limited to, research in economics, education, linguistics, medicine, natural sciences, psychology, social sciences, statistics, and research involving human subjects or animals regardless of the funding mechanism used to support it.

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[10] See 18 U.S.C. §208.
[11] See 5 C.F.R. 2635.502(b).

Research Misconduct: Is fabrication, falsification, or plagiarism in proposing, performing, or reviewing research, and/or in reporting research. Research misconduct does not include honest error or differences of opinion.

Scientific Activities: Activities that involve inventorying, monitoring, observations, experimentation, study, research, analysis, integration, modeling, scientific assessment and technology development.

Scientific Assessment: Evaluation of a body of scientific or technical knowledge that typically synthesizes multiple factual inputs, data, models, and assumptions, and implies the use of best professional judgment to bridge uncertainties in the available information.

Scientific Integrity: The condition resulting from adherence to professional values and practices when conducting and applying the results of science that ensures objectivity, clarity, and reproducibility, and that provides insulation from bias, fabrication, falsification, plagiarism, interference, censorship, and inadequate procedural and information security.

Scientific Product: Presentation of the results of scientific activities including the analysis, synthesis, compilation, or translation of scientific information and data into formats for the use by the Department or others. Official policy, budget, or management documents or other components/supporting documents of a regulatory decision making, are not considered scientific products.

Statistical Agency: A federal statistical agency is a unit of the federal government whose principal function is the compilation and analysis of data and the dissemination of information for statistical purposes.

Statistical Press Release or Notice: An announcement to media of a statistical product release that contains the title, subject matter, release date, and Internet address of, and other available information about the statistical product, as well as the name of the statistical agency issuing the product, and may include an executive summary or key findings section as shown in the statistical product.

Transparent (Transparency): Characterized by visibility or accessibility of information (the quality or state of being transparent); providing information and supporting data in an easy-to-use format.

USDA Research Integrity Officer (USDA RIO). The individual designated by the Office of the Under Secretary for Research, Education, and Economics (REE) who is responsible for overseeing USDA and its research agencies' development and implementation of research misconduct policies and procedures.

USDA Science Council: A group representing USDA Mission Areas and Offices, chaired by the USDA Chief Scientist, to facilitate cross-Department coordination and collaboration among all USDA agencies.

USDA Departmental Scientific Integrity Officer (DSIO): The individual designated by the USDA Chief Scientist who is responsible for implementing the USDA scientific integrity policy under the direction of the Chief Scientist and the USDA Science Council.