



September 28, 2021

MEMORANDUM FOR: The Record

FROM: Craig McLean  
NOAA Chief Scientist, Acting

SUBJECT: FY 2020 Scientific and Research Misconduct Annual Report

NOAA is publishing the following report in accordance with NOAA Administrative Order 202-735D.2: Scientific Integrity, Section 10: Communication, Oversight, Review, and Reporting. During Fiscal Year 2020 (starting on October 1, 2019, ending September 30, 2020) NOAA received one allegation of scientific misconduct involving NOAA employees. The status of allegations is as follows:

#### Allegations in Progress

2020-001 and 2020-002Q – Two outside organizations alleged scientific misconduct and loss of scientific integrity by multiple political and career employees with respect to the Biological Opinion and IHAs issues in conjunction with seismic exploration permits for oil and gas companies on the Atlantic shelf off the east coast of the United States. Given the similarity of the two allegations, the Scientific Integrity Officer (SIO) decided to consolidate these and jointly refer them to inquiry. The SIO further identified two particular individuals to review.

2020-003Q - A NMFS employee alleged scientific misconduct and loss of scientific integrity by a subordinate regarding falsification of bycatch fisheries data collected in support of a stock assessment. The SIO referred the matter to inquiry.

#### Allegations Closed

2018-009V – A private citizen alleged scientific misconduct and loss of scientific integrity by National Ocean Service (NOS) employees who worked as co-authors of an external publication, and, scientific misconduct and loss of scientific integrity of a National Marine Fisheries Service employee who served as an editor of the external publication. The case was referred for inquiry; the Inquiry Team completed its report and sent it to the Determining Official (DO). The DO referred to investigation one NOS employee, and the SIO convened an Integrity Review Panel (IRP) to further investigate the matter. The IRP completed its investigation and found that there was no scientific misconduct but that there was damage to the scientific record (publication). However, the journal publishing the work had already published a correction to the article acknowledging the Complainant's contributions. In response to the IRP's findings, NOS created a policy on internal review of peer-reviewed publications and communicated this policy to all NOS employees.

2019-007, 2019-008, 2019-009, 2019-010 V – Two NOAA employees, an outside organization, and a US Congressman alleged scientific misconduct and loss of scientific integrity by two political employees of the agency regarding a communication on the Twitter platform and a subsequent NOAA press release. Given the similarity of the four allegations, they were consolidated and jointly referred for inquiry by the SIO. Because of the high level of the political employees who were identified, the SIO recommended the inquiry and investigation be conducted by an outside organization, the National Academy of Public Administration (NAPA). NAPA convened a panel of experts and delivered a report to NOAA, with a recommendation for a finding of scientific misconduct, and the DO concurred. Additionally, the outside panel’s report noted that several political employees of the Department of Commerce were also involved in this matter and could likely be found to have violated the scientific misconduct policy. NOAA’s scientific integrity policy does not apply to those outside of the agency, so this matter could not be pursued by NOAA. A similar allegation was filed with the Department of Commerce Office of the Inspector General, which separately reviewed the matter.

2019-001Q – A NMFS employee alleged scientific misconduct and loss of scientific integrity by a subordinate regarding falsification of recreational fisheries data collected in support of stock assessments. The SIO referred the case to inquiry. The Inquiry Team completed its report and, based on its findings, the DO found that scientific misconduct had occurred, but noted that the violating employee had already departed the agency. To restore scientific integrity, NMFS withdrew the data collected by the employee from the stock assessment and put in place statistical protocols to detect similar incidents in the future.

### Consultations

The NOAA Scientific Integrity Officer engaged in six consultations in 2020, none of which resulted in a formal allegation of scientific misconduct.