



Society of Environmental Journalists

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January 27, 2012

Administrator Lisa Jackson
1200 Pennsylvania Avenue NW, Room 300
Washington, D.C. 20460

VIA ELECTRONIC AND CERTIFIED MAIL

Dear Administrator Jackson,

Up until late last year, the Society of Environmental Journalists had been in discussions for nearly two years with top agency public affairs officials about concerns our members have expressed about their ability to get the information they need to do their jobs.

These talks with EPA's public affairs office broke off following Adora Andy's departure from the agency. In September, I repeatedly phoned Brendan Gilfillan to resume the quarterly conference calls and schedule a face-to-face meeting for a planned visit to Washington.

After nearly two-weeks of leaving voice mail messages on Mr. Gilfillan's office phone, an assistant phoned to say I needed to talk to Betsaida Alcantara. By then my visit to Washington was just days away. I tried to schedule a meeting with Ms. Alcantara, but never received a return call or even responses to my follow-up e-mails.

Meanwhile, two other SEJ members organizing a National Press Club event on science news and government transparency invited EPA (and other agencies) to participate as panelists.

SEJ was very disappointed that EPA declined the invitation and did not even send someone to the Oct. 3 event where journalists from SEJ, the National Association of Science Writers, Association of Health Care Journalists, Reporters Without Borders, the Associated Press, and Politico discussed how well President Obama has kept his promise for open government.

I plan to reach out again to Ms. Alcantara and Mr. Gilfillan to try to resume the SEJ-EPA Press Office talks, which initially led to some progress in addressing SEJ members' concerns.

To SEJ members who have covered EPA for several decades, the agency's current news media policies and practices are a complete reversal from the openness that prevailed prior to 2000. In fact, EPA was considered one of the most, if not the most, open agency in the federal government.

So, no group was more pleased than SEJ when President Obama declared shortly after his inauguration:

“My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration.”

While the Obama administration has taken steps to make government more open and transparent, EPA has also continued some policies and practices of the Bush administration that make it difficult for environmental journalists to do their jobs.

News media are still the principal channel through which most Americans get their information about the environment. They need access to EPA data, documents, and agency officials and scientists in order to inform the public about the many important environmental and public health issues facing our nation. Without transparency to the media, there can be no transparency to the public.

Through our discussions with your press office, news conferences are now scheduled at times convenient to reporters on both the east and west coasts and additional phone lines during news media calls now make news briefings available to more reporters. EPA also has taken dramatic steps to make data and documents about a variety of environmental issues –from coal mining permits to toxic chemicals – more easily available on the Internet for the press and the public. These are big improvements, and we thank you.

But we continue to hear on an almost daily basis from SEJ members in a variety of news outlets that they get the run-around when trying to schedule interviews, gather basic information, or get answers to important questions for their stories. While it’s clear to us that members of the major, national media organizations have quality access to you and to top EPA insiders, our members who are working for small newspapers and radio stations or toiling away as freelancers are hit with repeated hurdles when they try to do their jobs.

The standard response from EPA these days to a reporter’s request for information is for EPA to ask “what kind of story” the reporter is working on, then ask for all questions in writing, and then wait until just before deadline (or after) and send a couple of sentences in a state via e-mail that doesn’t answer the question. Seldom do most reporters get questions answered, and even more seldom are they able to interview the EPA person they would find most helpful.

A number of major concerns, SEJ raised over a year ago, remain:

- It is unreasonable and goes against basic notions of free speech and the Free Press for EPA to require agency scientists and other staffers to obtain permission from the press office to talk to news media and for representatives of the press office to be required as “minders” for all such interviews.
- When journalists are working on more in-depth stories, EPA must make available for interviews relevant and knowledgeable staffers who can answer detailed questions on the issues being covered.
- These question-and-answer sessions need to be able to occur over the phone or in person, and not just through cryptic e-mails passed through press officers.

- The presumption should always be that EPA press officials – and in fact ALL agency officials – can and will speak on the record, for attribution by name, unless the individual journalists agrees otherwise.

During a 2011 nationwide conference call on an air pollution regulation, you told reporters that topic specialists on the regulation could be made available, but only if they were speaking “on background.” Most environmental journalists are not beltway insiders who deal with those sorts of restrictions, and many smaller news outlets don’t allow anonymous sources.

Journalists were kept unfairly in the dark regarding EPA’s Final Mercury and Air Toxics Standards for Power Plants. The final rule was signed on Dec. 16, 2011, as required by a court settlement. But EPA refused to release copies of the document until it was ready to have a press conference five days later on Dec. 21, 2011.

Outrageously, reporters who inquired about the rule after it was signed -but before the big press event at Children’s National Medical Center in Washington D.C. – were given this prepared statement:

“We will make the details available when we are ready to make an announcement. As we have made clear, any standard will maximize flexibilities, while providing extensive public health protections from dangerous pollutants.”

When you took office in April 2009, you issued a memo telling all EPA employees you wanted them to live up to this principle:

Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset.

You further elaborated your intentions regarding dealing with the news media:

EPA also should be accessible to the press, which performs a vital role in informing the public about EPA’s actions. As we respond to press inquiries, the EPA staff should respect our internal deliberative processes and strive for accuracy and integrity in our communications. This will ultimately enhance public trust in the Agency. When interacting with the press in the performance of your official duties, please coordinate with the managers of your program and media relations experts in the Office of Public Affairs.

We took you – and continue to take you – at your word. But the principle and the practice remain far apart. Too often, EPA’s press office is operating as if it were running a political campaign, where its job is to push out the door the daily “message,” despite what legitimate questions the news media is asking.

We thank you for the positions you have taken in favor of transparency and changes in procedures to help journalists get access to EPA telephone briefings. But much more remains to be done to return EPA to its historical openness with journalists. We would like to meet or discuss with you ways to resolve these issues, so that our members can do their important work to inform the public about your agency’s actions.

Finally, I’m attaching comments on EPA’s Draft Scientific Integrity Policy SEJ submitted in September 2011, detailing SEJ’s concerns about EPA’s press relations policies. A link to the National Press Club event also is attached.

We will contact your office soon to try to arrange a meeting or telephone call.

Sincerely,

Carolyn Whetzel, SEJ President

Comments on EPA's Draft Scientific Integrity Policy

<http://www.sej.org/sites/default/files/EPA-ScientificIntegrityComments090211.pdf>

Science New and Government Transparency Event at National Press Club

<http://www.healthjournalism.org/transparency-webcast-100311-storify.php>