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U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

September 23, 2016

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The Honorable Suzette Kimball
Director
U.S. Geological Survey
12201 Sunrise Valley Drive
Reston, VA 20192

Dear Director Kimball:

The Committee on Natural Resources' Subcommittee on Oversight and Investigations is conducting oversight of scientific misconduct and data manipulation at the U.S. Geological Survey (USGS). Specifically, two separate cases of continuous scientific misconduct and data manipulation were reported at the Inorganic Section of the USGS Energy Resources Program (ERP) Geochemistry Laboratory in Lakewood, Colorado (hereinafter "Inorganic Laboratory") between 1996 and 2014.

The first documented instance of scientific misconduct at the Inorganic Laboratory occurred between 1996 and 2008 when a laboratory worker improperly adjusted raw data and failed to retest samples as required.¹ The worker's data manipulation resulted in analyses "outside of acceptable standards by more than 20 percent" in "25 to 30 percent of the samples."² The errors were significant enough for ERP to "notify individual customers and publish a formal statement" to warn users of potential data inaccuracies.³ ERP, however, failed to post the notice until 2010, almost two years after the discovery of data manipulation.⁴ After another two years, in 2012, ERP contracted an external audit of the

¹ OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF THE INTERIOR, ENERGY RESOURCES PROGRAM, U.S. GEOLOGICAL SURVEY, 4 (May 13, 2015) available at <https://www.doioig.gov/sites/doioig.gov/files/CREVGSV00032014PUBLIC.pdf> [hereinafter OIG, ENERGY RESOURCES PROGRAM 2015].

² *Id.*

³ *Id.*

⁴ U.S. GEOLOGICAL SURVEY, NOTICE – QUALITY ASSURANCE UPDATE (Apr. 10, 2010) available at <http://energy.usgs.gov/Geochemistry/Geophysics/GeochemistryLaboratories/QualityAssuranceUpdate2010.aspx>.

Inorganic Laboratory's quality control practices. The external auditor's report identified 29 quality control process deficiencies,⁵ which potentially contributed to more than a decade of undetected scientific misconduct.

Overlapping with aforementioned events, additional scientific misconduct occurred at the same inorganic lab between fiscal years (FYs) 2008 and 2014. While the two cases share similar facts of repetitive, intentional data manipulation by USGS personnel and weak quality management procedures that allowed them to continue for years, the USGS describes these as separate events.

In the second occurrence, a Department of the Interior (DOI) Scientific Integrity Review Panel determined that the laboratory's line-chemist "intentionally manipulated" data derived from the Inorganic Laboratory's mass spectrometer. The panel also noted that the laboratory demonstrated a "chronic pattern of scientific misconduct" in its operations.⁶ The latter observation was reinforced by the DOI Office of Inspector General (OIG) in a June 2016 report, which summarized its investigation of the second case of chronic scientific misconduct at the Inorganic Laboratory. OIG noted that USGS employees had "suspected quality-related problems with the laboratory for many years," which was a sentiment that was also shared by many in the scientific community.⁷

The June 2016 DOI OIG inspection supplemented a May 2015 DOI OIG report, which evaluated the quality control process of ERP's science center laboratories. OIG concluded that ERP lacked an overall effective quality management system (QMS) and that it was "still developing a QMS for its science center laboratories," despite being in existence for nearly two decades.⁸ ERP's development of a formal QMS, however, is still incomplete. On September 6, 2016, USGS Deputy Director William Weskheiser sent a letter to the Subcommittee stating, "[t]he USGS Energy Resources Program is actively developing a new, improved Quality Management System (QMS) to replace existing quality management procedures"⁹ As a result of this chronic scientific misconduct, the USGS made the decision to close the Inorganic Section of the ERP Geochemistry Lakewood Laboratory, effective March 1, 2016.¹⁰

⁵ OIG, ENERGY RESOURCES PROGRAM 2015, *supra* note 1, at 4.

⁶ Scientific Integrity Review Panel Report, *cited in* OFFICE OF INSPECTOR GENERAL, U.S. DEP'T OF THE INTERIOR, SCIENTIFIC INTEGRITY AT USGS ENERGY GEOCHEMISTRY LABORATORY, 4 (June 15, 2016) *available at* <https://www.doi.ig.gov/sites/doi.ig.gov/files/2016EAU010Public.pdf> [hereinafter OIG, SCIENTIFIC INTEGRITY INCIDENT 2016].

⁷ OIG, SCIENTIFIC INTEGRITY INCIDENT 2016, *supra* note 6, at 6-7.

⁸ OIG, ENERGY RESOURCES PROGRAM 2015, *supra* note 1, at 4.

⁹ Letter from William H. Weskheiser, Deputy Dir., U.S. Geological Survey, to Hon. Louie Gohmert, Chairman, H. Comm. on Natural Resources Subcomm. on Oversight and Investigations (Sept. 6, 2016).

¹⁰ U.S. GEOLOGICAL SURVEY, NOTICE OF DATA QUALITY ISSUE FOR THE INORGANIC SECTION OF THE ENERGY GEOCHEMISTRY LABORATORY, AND CLOSURE OF THE INORGANIC SECTION (May 25, 2015) *available at* <http://energy.usgs.gov/GeochemistryGeophysics/GeochemistryLaboratories/GeochemistryLaboratoriesNotice.aspx>.

While the Subcommittee appreciates the July 22, 2016 and September 6, 2016 briefings, the findings of the OIG and the DOI Scientific Integrity Review Panel remain extremely troubling. In both of the briefings to the Subcommittee the USGS briefers could not assess the entirety of the damage attributable to the intentional, chronic scientific data manipulation with requisite specificity. Therefore, in order to assist the Subcommittee's oversight, please produce the following documents and information as soon as possible, but no later than 5:00 p.m. on October 7, 2016:

1. Documents sufficient to show the names and titles of personnel currently responsible for the retention of scientific data at the ERP Lakewood Laboratory;
2. Documents sufficient to show the names and titles of personnel responsible for the preservation of scientific data for fiscal years (FYs) 2008 through 2014 as per the Subcommittee's August 29, 2016 letter to USGS Director Suzette Kimball;
3. Organizational charts that show employee names, titles, and lengths of tenure for the ERP Lakewood Laboratory's Inorganic Section between January 1, 1996 and the Section's closure;
4. Documents sufficient to show all adverse personnel actions, including reassignments, taken against any employees attributable to the scientific integrity incidents at ERP Lakewood Laboratory's Inorganic Section;
5. Any and all USGS Employee Performance and Appraisal Plans (or equivalent) and personnel records for former ERP Lakewood Laboratory chemists, [REDACTED];
6. Documents sufficient to show the required training for USGS employees at the ERP Lakewood Laboratory through DOI Learn courses and other training management systems from January 1, 1996 through present;
7. Transcripts and completion certificates of all DOI Learn and other training management systems courses completed by [REDACTED];
8. Documents sufficient to show the policy requiring all USGS employees to complete annual Records Management Training, and the completion rates from January 1, 1996 through present;
9. Documents sufficient to show the policy requiring all USGS employees to complete Scientific Integrity Training, and the completion rates from August 1, 2015 through present. Please also provide the completion rates for all USGS Senior Executives, scientists, Science Center Directors, and their

subordinate managers/ supervisors mandated to complete this training every two years;

10. All documents and communications, including but not limited to, internal memoranda, referring or relating to the scientific integrity incidents occurring at the ERP Lakewood Laboratory from January 1, 1996 through March 1, 2016;
11. Documents sufficient to explain the procedures applied to intentionally manipulate data at the ERP Lakewood Laboratory from January 1, 1996 through December 31, 2008, and for FYs 2008 through 2014;
12. Copies of all work notes and notebooks authored by [REDACTED] during FYs 2008 through 2014, including but not limited to, materials currently stored in Building 20 at the Denver Federal Center;
13. Documents sufficient to show a complete inventory of analytical equipment housed at the ERP Lakewood Laboratory's Inorganic Section from January 1, 1996 through the Section's closure;
14. Documents sufficient to show the name(s) and contact information for the USGS employee(s) who requested the ERP Lakewood Laboratory's Inorganic Section to perform specimen analyses related to uranium;
15. Documents sufficient to explain whether or not the Northern Arizona Proposed Withdrawal Final Environmental Impact Statement (EIS) relied on data analyzed by the USGS laboratories at the Denver Federal Center;
16. Documents sufficient to show which USGS laboratory tested and analyzed samples collected between August 24, 2009 and October 7, 2009 from six sites within the North Segregation Area in the Kanab Creek area north of Grand Canyon National Park;
17. Documents sufficient to show all federal and state statutes or regulations implemented which were based, in any part, on data that was derived from the ERP Lakewood Laboratory's Inorganic Section from January 1, 1996 through December 31, 2014;
18. Documents sufficient to show all projects and their customers that utilized data derived from the ERP Lakewood Laboratory's Inorganic Section from January 1, 1996 through December 31, 2014;
19. Copies of all contracts and grants for projects undertaken by or affiliated with the ERP Lakewood Laboratory's Inorganic Section from January 1, 1996

through the Section's closure, accompanied by an explanation of how each contract was affected by manipulated data;

20. All documents and communications from USGS to ERP Lakewood Laboratory customers referring or relating to the data manipulation incidents from January 1, 1996 through December 31, 2014, and for FYs 2008 through 2014;
21. Documents sufficient to show all reviews and certifications of the ERP Lakewood Laboratory's Inorganic Section standard operating procedures (SOPs) from January 1, 1996 through the Section's closure;
22. Documents sufficient to show all ERP Lakewood Laboratory SOPs in effect from January 1, 1996 through present;
23. Documents sufficient to explain USGS processes used to certify SOPs for individual laboratories and the frequency of their review;
24. A copy of the 2009 report by an internal review team that assessed the ERP Lakewood Laboratory's quality assurance and quality control protocols;
25. A copy of the 2012 external audit report referenced in the May 2015 DOI OIG report (Report No. CR-EV-GSV-0003-2014);
26. A copy of the DOI Scientific Integrity Review Panel report referenced in the June 2016 DOI OIG report (Report No. 2016-EAU-010);
27. Documents sufficient to show the dates of implementation of the external auditor's recommendations for the ERP Lakewood Laboratory as referenced in the May 2015 DOI OIG report. For any outstanding recommendations, please provide USGS's justification for their non-implementation;
28. All documents and communications, including but not limited to, work orders, from USGS to the General Services Administration referring or related to the ERP Lakewood Laboratory's Inorganic Section from January 1, 1996 through the Section's closure;
29. Copies of all stop work and record preservation orders that were issued in relation to all scientific integrity incidents at ERP Lakewood Laboratory's Inorganic Section; and
30. The names and titles of all USGS employees who participated in the July 22, 2016 briefing with Committee staff.

Please deliver your response to room 1324 of the Longworth House Office Building. The Committee prefers, if possible, to receive your response in electronic format. An

The Honorable Suzette Kimball

September 23, 2016

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attachment contains additional instructions for responding to the Committee's request. Please contact Christopher Santini or Sang Yi of the Subcommittee staff at (202) 225-7107 with any questions about this request. Thank you for your attention to this matter.

Sincerely,



Louie Gohmert

Chairman

Subcommittee on Oversight and Investigations

Enclosure

cc: The Honorable Debbie Dingell, Ranking Member, Subcommittee on Oversight and Investigations