

United States Senate
WASHINGTON, DC 20510

February 13, 2012

The Honorable Ken Salazar
Secretary, Department of Interior
1849 C St., NW
Washington, DC 20240

Dear Secretary Salazar:

As we continue to investigate issues related to scientific misconduct at our federal agencies, it has been brought to our attention a concerning matter related to Jon Jarvis, Director, National Park Service (NPS). Of particular interest to our efforts are the circumstances involving a distinguished member of the National Academy of Sciences (NAS), White House science advisor Dr. John Holdren, and the serious concerns raised by Senator Dianne Feinstein.

On three occasions in 2009, while the Jarvis nomination was being vetted, Dr. Corey Goodman, an elected NAS member, submitted three letters to you detailing a case of serial scientific misconduct by Jon Jarvis and NPS officials and scientists under his direct supervision. It is our understanding that Dr. Goodman contacted you after discussing the matter concerning Jon Jarvis, Drakes Bay Oyster Company, and Point Reyes National Seashore with Dr. Holdren, Science Advisor to the President. We are in possession of the three letters dated April 27, 2009, May 10, 2009 and May 16, 2009. That a distinguished member of the NAS would need to send such letters of concern to you directly is distressing. Even more distressing is the fact that you have failed to respond.

Dr. Goodman's three letters outline significant matters of scientific integrity, that in light of President Obama's promise of "*restoring science to its rightful place*," logically would have necessitated your response and responsible steps to rectify Jarvis' work. At minimum, all of these charges should have been disclosed during Jarvis' nomination process to the White House, Senate Energy Committee and the Congress and all should have been made aware of the ongoing investigations into the work of then-Regional Director of the Pacific West Region Jarvis.

We are also aware that you asked Mr. Jarvis to respond to Dr. Goodman's 21 points outlined in his May 16, 2009 letter to you, but that Mr. Jarvis responded to only seven of those points on May 17, 2009. At Dr. Holdren's request, Dr. Goodman provided a critical review of Jarvis' partial response on May 19, 2009. Did congress have copies of Dr. Goodman's three letters, the Jon Jarvis response, and Dr. Goodman's critique of that response during the nomination process? If not, why was this information withheld?

As Senator Feinstein recently noted, "*three independent offices — the Interior Department's Inspector General, the National Academy of Sciences and the Interior Department's solicitor — uncovered errors and misrepresentations in the National Park*

Service's assessment of oyster farm operations."¹ Our question of course then would be: If the NAS, the Interior IG and DOI Solicitor properly disclosed the totality and scope of pending scientific integrity issues, and then fully disclosed his conduct to the White House and the President, would (a) Mr. Jarvis' name even have been recommended by you to the President; and (b) the President have submitted the nomination to the US Senate for confirmation?

Over the last several years we have uncovered multiple instances of scientific misconduct at the EPA and Interior. Last year, we noted some of those in a letter to Dr. Holdren. Unfortunately, Dr. Holdren flouted Congressional oversight and implicitly admitted in his response that he had not taken steps to address these very real and serious concerns. We are hopeful that you have not taken a similar "pass" on issues of scientific integrity. Accordingly, we ask for thorough and complete responses to the following:

1. What is the status of Interior's response to the three letters written by Dr. Goodman, and Goodman's critique of Jarvis' partial response?
2. Who at Interior was charged with responding to the three letters written by Dr. Goodman? Please provide all emails, memorandum or other documents related to each of Dr. Goodman's three letters.
3. Upon receipt of Dr. Goodman's complaint, did you, as Secretary, direct that an investigation be initiated to determine whether or not the Data Quality Act, White House OSTP Federal Policy on Research Misconduct, or the NPS Code of Scientific and Scholarly Conduct were violated? If not, why not?
4. Did you disclose to the White House, when the Jarvis nomination was being vetted, that three letters and 21 counts of scientific misconduct against Jarvis were pending? Did you, or anyone else at the Department of the Interior, similarly disclose these developments to the U.S. Senate? Please provide the report(s), letters, memorandum, emails and/or other documents which disclosed these circumstances to either the White House and/or the US Senate during consideration of the nomination or during the confirmation process. If any information was withheld, who at Interior or the White House determined that the information related to Mr. Jarvis' conduct did not need to be brought to the attention of the Senate during his confirmation?
5. What is the status of the permits for Drakes Bay Oyster Company?
6. Did Mr. Jarvis disclose that, in December 2007, a 77-page scientific integrity complaint had been submitted to the Director, National Park Service and never answered? What is the status of the outstanding ethics complaint against Jon Jarvis and Don Neubacher submitted to Director Bomar on December 18, 2007, and did the US Department of the Interior and/or National Park Service investigate those scientific misconduct allegations?

¹ Marin Independent Journal, *Marin Voice: Best science should be our goal*, Senator Dianne Feinstein, February 2, 2012.

7. The third of three Goodman letters detailed 21-counts of scientific misconduct by Mr. Jarvis. Immediately upon receipt, according to available information, Mr. Jarvis provided you with responses to seven of the 21 counts, and did not even address the majority of the charges. Please provide detailed responses to each of these specific charges. Why was Mr. Jarvis allowed to provide only a partial response? Why did you fail to respond to Dr. Goodman? Were Jarvis' responses provided to the White House and/or the Senate Committee on Energy and Natural Resources? Please attest to the veracity of each of the 21 points outlined in the May 16, 2009 letter from Dr. Goodman. Which of the points did Jon Jarvis respond and which did he exclude? In light of Dr. Goodman's critique of Jarvis' partial response, do you consider the Jarvis response adequate?

We concur with Senator Feinstein that "*the transparency that comes with scientific review is a good thing, even when it doesn't support an individual's agenda.*"² It remains imperative that individual agendas of federal bureaucrats lacking a scientific basis are not allowed to undermine private citizens and our economy.

If nobody has yet been charged with responding to Dr. Goodman's letters, we ask that you personally respond and that we receive copies of those responses. It is particularly troubling that Jarvis was accused of being involved in and directing a cover-up of the fabrication, falsification and/or misrepresentation of scientific misconduct. It is further frustrating that you were informed of these significant matters and it appears that nothing was done.

It does our Nation and science a disservice to allow any agency of the federal government to ignore the responsibility to investigate scientific misconduct, especially when brought to your direct attention.

Sincerely,



David Vitter
United States Senate



James Inhofe
United States Senate

² *Id.*