

***AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES *AMERICAN SOCIETY OF AGRONOMY
*AMERICAN SOCIETY OF LIMNOLOGY AND OCEANOGRAPHY
*COASTAL & ESTUARINE RESEARCH FEDERATION
*COUNCIL OF ENVIRONMENTAL DEANS AND DIRECTORS *CROP SCIENCE SOCIETY OF AMERICA
*ECOLOGICAL SOCIETY OF AMERICA *NATIONAL COUNCIL FOR SCIENCE AND THE ENVIRONMENT
*NATURAL SCIENCE COLLECTIONS ALLIANCE *NORTH AMERICAN BENTHOLOGICAL SOCIETY
*ORNITHOLOGICAL COUNCIL *SOCIETY FOR CONSERVATION BIOLOGY
*SOCIETY OF WETLAND SCIENTISTS *SOIL SCIENCE SOCIETY OF AMERICA**

September 15, 2010

Re: Public access to independent scientific research assessments of the Gulf

Dear Senator:

As scientific organizations, we are concerned with the issue of intellectual property rights and ownership of research results that arise in the aftermath of incidents caused by industry, most recently, the BP oil disaster in the Gulf of Mexico. The public needs access to results and conclusions not affected by legal wrangling or private ownership. We are writing specifically to request that a source of independent funding for research on actual or potential industry impacts be available and dispersed from an independent source.

After the Alaska oil spill in 1989, researchers studying its effects on natural systems were prevented from publishing or reporting on their findings, because the responsible company (Exxon) owned the research. Some steps towards a solution were taken since the Valdez spill. One is the Natural Resource Damage Assessment (NRDA) fund, administered by trustees in state and federal government agencies, usually resource agencies. Another is the Oil Pollution Trust Fund, established by the 1990 Oil Pollution Act and administered by the Coast Guard.

While these two funds do not directly place an embargo on scientists' data, there are cases where government attorneys may want to sequester data, for example, while court cases are being litigated. In addition, provisions in both funds can be overridden if court settlements between the responsible parties (the companies) and the government agencies allow restrictions on release of the data. All the legal maneuvering leads to a stringent cap on what information is released to the public until such time as the case is resolved. This should be avoided. While confidentiality agreements play an important role in a fair legal process, researchers are equally deserving of the right to an open exchange of scientific data and analysis.

Letting the research community have access to external funding through a competitive research program will help the nation develop new understanding and approaches. The National Science Foundation's (NSF) Rapid Response Research grants program (RAPID) is one such program that provides researchers with funds to study the impacts of the Gulf oil disaster on coastal and marine life in the Gulf of Mexico with quick turnaround. NSF, which has a peer-review system in place and encourages dissemination of results, has made more than 153 awards totaling \$17.8 million to track the effects of the oil and oil dispersants.

S. 3663, the Clean Energy Jobs Oil Accountability Act, would help fund research to better understand and manage the nation's waters and marine and aquatic resources, including the Gulf of Mexico. The bill proposes an independent panel composed of a mix of federal agency representatives, academics and others to review grant proposals to gain greater understanding of ocean and coastal ecosystems and marine resources.

We encourage you to support the preservation of the Senate bill provisions as well as additional statutes as needed to ensure that scientists retain their right to independent peer-reviewed study. Maintaining public access to candid, comprehensive and qualitative impact assessments will ultimately encourage better management, restoration and stewardship of all our nation's ecosystems and natural resources.

Thank you for considering these points.

Sincerely,

American Institute of Biological Sciences
American Society of Agronomy
American Society of Limnology and Oceanography
Coastal & Estuarine Research Federation
Council of Environmental Deans and Directors
Crop Science Society of America
Ecological Society of America
National Council for Science and the Environment
Natural Science Collections Alliance
North American Benthological Society
Ornithological Council
Society for Conservation Biology
Society of Wetland Scientists
Soil Science Society of America

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