

# Congress of the United States

## House of Representatives

COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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February 10, 2022

President Joseph R. Biden, Jr.  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear Mr. President:

We are writing to express our concern about the conduct of Dr. Jane Lubchenco, Deputy Director for Climate and Environment at the Office of Science and Technology Policy, while serving as an editor for the Proceedings for the National Academy of Science of the United States of America (PNAS). We believe that her actions may violate the Administration's principles of scientific integrity.

As an editor at PNAS, Dr. Lubchenco demonstrated a clear disregard for rules meant to prevent conflicts of interest in publishing peer-reviewed studies. Now, Dr. Lubchenco is playing a leading role in developing and overseeing this Administration's best practices for scientific integrity. Her violation of one of the core tenets of scientific integrity makes her current leadership role very troubling.

On January 6, 2020, PNAS received a research article for review, entitled, *A global network of marine protected areas for food* (Cabral et al.), which concluded that a global network of marine protected areas (MPAs) could significantly improve future fisheries catch.<sup>1</sup> Specifically, the authors stated that "strategically expanding the existing global MPA network to protect an additional 5% of the ocean could increase future catch by at least 20%."<sup>2</sup> Dr. Lubchenco served as the editor of this submission, responsible for determining the suitability of the work for publication.<sup>3</sup> Following her editorial review, PNAS published this article on October 26, 2020.<sup>4</sup>

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<sup>1</sup> Cabral et al., *A Global Network of Marine Protected Areas for Food*, 117 PROCEEDINGS OF THE NAT'L ACAD. OF SCI. OF THE U. S. OF AM., 28134 (2020).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

Prior to that, on December 19, 2019, *Nature* received a submission for publication, entitled, *Protecting the global ocean for biodiversity, food, and climate* (Sala et al.).<sup>5</sup> The article noted “an emergent movement to protect at least 30% of the ocean by 2030” and stated that “our results lend credence to this target.”<sup>6</sup> Dr. Lubchenco helped author *Sala et al.*, along with the authors of *Cabral et al.* and some additional contributors.<sup>7</sup> *Sala et al.* cites *Cabral et al.* as a source of data<sup>8</sup> and reportedly utilizes the same models.<sup>9</sup> Thus, the credibility of *Sala et al.* and Lubchenco’s work depended on the successful publication of *Cabral et al.*

In summary, in order to validate her work, Dr. Lubchenco had an obvious stake in having *Cabral et al.* be accepted for publication. By serving as the editor responsible for determining whether *Cabral et al.* should be published, Dr. Lubchenco was engaged in a clear conflict of interest.

As publications such as *National Geographic* and the *Washington Post* cited the conclusions of these articles, they garnered additional scrutiny from other researchers.<sup>10</sup> After reviewing the merit of the work, PNAS retracted *Cabral et al.*<sup>11</sup> In the statement on the retraction by Editor-in-Chief Mary Berenbaum, the authors noted that “[f]ollowing publication, we were informed of a data error,” and that they were “informed that the changes to our results arising from the data error have cast doubt over the outcome of the peer review process, ultimately leading to the retraction of this paper.”<sup>12</sup> The statement also concluded, “the article’s editor, [Jane Lubchenco], recently published a related paper [(*Sala et al.*)] with the article’s authors and has a personal relationship with one of the authors, both of which are disallowed by PNAS editorial policies.”<sup>13</sup> The *Retraction Watch* website reported that Dr. Berenbaum stated that the conflicts of interest in this case “would have been sufficient cause for retraction absent the data error.”<sup>14</sup>

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<sup>5</sup> Sala et al., *Protecting the Global Ocean for Biodiversity, Food, and Climate*, NATURE 592, 397 (2021) (last visited Jan. 18, 2022);

<sup>6</sup> Sala et al., *Protecting the Global Ocean for Biodiversity, Food, and Climate*, NATURE 1, 6 (2021), available at <https://static1.squarespace.com/static/57e1f17b37c58156a98f1ee4/t/605dd0f167ae086028c94d53/1616761083432/Sala+et+al.+2021+Protecting+the+global+ocean+biodiversity+food+and+climate.pdf>.

<sup>7</sup> See *id.*; Cabral et. al, *supra* note 1.

<sup>8</sup> Sala et al., “*Protecting the Global Ocean for Biodiversity, Food, and Climate: Supplementary Information*” 1, 2 (2021), available at

[https://figshare.com/articles/preprint/Global\\_Effects\\_of\\_Marine\\_Protected\\_Areas\\_on\\_Food\\_Security\\_Are\\_Unknown/16709362?file=30942070](https://figshare.com/articles/preprint/Global_Effects_of_Marine_Protected_Areas_on_Food_Security_Are_Unknown/16709362?file=30942070); see Sala et al., *supra* note 6, at 7 (citing *Cabral et al.*).

<sup>9</sup> Max Mossler, *Retraction of Flawed MPA Study Implicated Larger Problems in MPA Science*, SUSTAINABLE FISHERIES, Dec. 8, 2021, <https://sustainablefisheries-uw.org/flawed-mpa-science-retracted/>.

<sup>10</sup> See, e.g., *id.*

<sup>11</sup> Cabral et al., *supra* note 1 (noting the retraction in a statement on a cover page for the online article).

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> Ivan Oransky, *Leading Marine Ecologist, Now White House Official, Violated Prominent Journal’s Policies in Handling Now-Retracted Paper*, RETRACTION WATCH (Oct. 8, 2021), <https://retractionwatch.com/2021/10/08/leading-marine-ecologist-now-white-house-official-violated-prominent-journals-policies-in-handling-now-retracted-paper/>.

This potential violation of scientific integrity is alarming given Dr. Lubchenco's position as Deputy Director for Climate and Environment. As you know, a January 27, 2021 Presidential Memorandum ordered the Director of the Office of Science and Technology Policy to convene an interagency task force of the National Science and Technology Council (NSTC) to review agency scientific integrity policies, publish a report on these policies, and develop a framework for the improvement of agency scientific integrity policies and practices to help ensure agencies adhere to scientific integrity principles.<sup>15</sup> Dr. Lubchenco, as a member of the NSTC, led the development and publication of the report, *Protecting the Integrity of Government Science*,<sup>16</sup> which describes a number of best practices and potential threats to government scientific integrity.

In identifying challenges, the report stated, "scientific integrity can be undermined by poor scientific practice, including issues with...peer review," and "[i]t can also be undermined by bias or conflicts of interest."<sup>17</sup> The report also emphasized the importance of minimizing conflicts of interest, including personal and professional conflicts, in government science.<sup>18</sup> According to the report, "Violations of scientific integrity can substantially undermine science and ultimately harm decision making and public trust in government."<sup>19</sup> It also concluded that "efforts to protecting scientific integrity...are an essential ingredient in building public trust in Federal science and decisions guided by it."<sup>20</sup>

Therefore, it appears that Dr. Lubchenco has violated the very principals of peer review and conflicts of interest she has identified as crucial to Federal scientific integrity. The NSTC's report states, "Fostering an organizational culture of scientific integrity starts from the top, with effective leadership and modeling of appropriate behaviors."<sup>21</sup> Based on this incident, we are concerned that Dr. Lubchenco cannot uphold the Administration's own policies, let alone be a model of appropriate behavior.

This incident also raises questions about whether the public can trust Dr. Lubchenco's objectivity in making decisions that could potentially impact their livelihoods. For example, on November 17, 2020, Dr. Lubchenco testified before the House Committee on Natural Resources in support of H.R. 8632, the Ocean-Based Climate Solutions Act.<sup>22</sup> Her written testimony cited *Cabral et al.* in touting the value of Fully and Highly Protected MPAs and argued that "at least

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<sup>15</sup> Presidential Memorandum, Memorandum on Restoring Trust in Government Through Scientific Integrity and Evidence-Based Policymaking § 2 (2021).

<sup>16</sup>NAT'L SCI. AND TECH. COUNCIL, PROTECTING THE INTEGRITY OF GOVERNMENT SCIENCE (Jan. 2022), available at <https://www.whitehouse.gov/ostp/news-updates/2022/01/11/white-house-office-of-science-technology-policy-releases-scientific-integrity-task-force-report/>.

<sup>17</sup> *Id.* at 7.

<sup>18</sup> *Id.* at 24.

<sup>19</sup> *Id.* at 6.

<sup>20</sup> *Id.* at 6.

<sup>21</sup> *Id.* at xii.

<sup>22</sup> *Legislative Hearing on Ocean Climate Action: Solutions to the Climate Crisis: Hearing Before the H. Comm. on Natural Res.*, 116<sup>th</sup> Cong. 9 (2020) (statement of Dr. Jane Lubchenco, Distinguished University Professor, Oregon State University).

30% of the ocean should be safeguarded in Fully and Highly Protected MPAs.”<sup>23</sup> Dr. Lubchenco did not disclose either her relation to one of the authors or her role as editor of the paper.

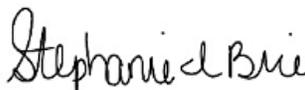
We respectfully encourage you to consider whether Dr. Lubchenco’s leading role in the Administration’s scientific integrity efforts undermines public confidence in future policy decisions. We also encourage you to consider if Dr. Lubchenco should continue to be involved in developing a framework for the improvement of agency scientific integrity policies and practices when she has violated the very policies she is tasked with imposing on Federal agencies. If the executive branch cannot or will not uphold the practices of scientific integrity, then Congress will have to assume a greater role in oversight of these matters.

Thank you for your attention to this matter and for your careful consideration of our concerns.

Sincerely,



Frank Lucas  
Ranking Member  
Committee on Science, Space,  
and Technology



Stephanie Bice  
Ranking Member  
Subcommittee on  
Environment



Jay Obernolte  
Ranking Member  
Subcommittee on Oversight  
and Investigations

cc: The Honorable Eddie Bernice Johnson, Chair, Committee on Science, Space, and Technology.

The Honorable Mikie Sherrill, Chair, Subcommittee on Environment.

The Honorable Bill Foster, Chair, Subcommittee on Investigations and Oversight.

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<sup>23</sup> *Id.* at 14.