

**TESTIMONY OF
Noelle F. Metting, Sc.D.**

**BEFORE THE
HOUSE COMMITTEE ON SCIENCE, SPACE AND TECHNOLOGY'S
ENERGY SUBCOMMITTEE & OVERSIGHT SUBCOMMITTEE**

**HEARING ON
Examining Misconduct and Intimidation of Scientists by Senior DOE Officials**

September 21, 2016

Good morning Mr. Chairmen, Ranking Members, and other Members of the Subcommittees on Energy and Oversight. Thank you for the opportunity to testify at this hearing.

I am a scientist, a Radiation Biologist, currently working for the Department of Energy Office of Environment, Health, Safety and Security within their Office of Public Radiation Protection (DOE/EHSS/AU-22). I am actually on detail from DOE's Office of Science, Office of Biological and Environmental Research (DOE/SC/BER), where, from the year 2001 until December of 2014, I had, among other duties, been tasked with managing DOE's Low Dose Radiation Research Program. For the previous 20 years, I had been a laboratory research scientist working at Pacific Northwest National Lab. I have a Master of Science from the University of Washington, and a Doctor of Science from Harvard University. In my remarks today I will share my personal experience of being fired by DOE, and suffering long months of unemployment, that occurred as a direct outcome of my participation in a briefing for Congressional Staff.

In a nutshell, the circumstances surrounding this intimidation and retaliation are these: Congressional staffers requested an overview of the Low Dose Program, so my immediate supervisor, Dr. Todd Anderson, asked me to prepare a PowerPoint presentation which was duly reviewed, amended, and finalized. In a pre-briefing meeting attended by myself and Drs. Anderson, Carruthers, and Huerta, it was decided that for the Congressional Staff briefing I would present my slides and handouts, and respond only to scientific questions, while Drs. Anderson and Carruthers would handle the budget and policy issues.

During the Congressional briefing the following day, Oct. 16, I presented the agreed upon material and answered accurately the many scientific questions directed to me by House Energy Subcommittee staff member and Council Mr. Aaron Weston and Senate Fellow, Dr. Ron Faibish. The staffers were very knowledgeable in the science, their questions thorough and comprehensive, showing real interest in the subjects. This deep knowledge was unexpected.

After the briefing ended and the Hill staff had left, Dr. Carruthers accused me of advocating and lobbying for the Program and of being too enthusiastic about the research results. I was shocked. During the briefing, I had answered all the questions based on my knowledge as a scientific subject-matter expert, with no intention of lobbying for the Program itself. My only motivation was to fully and truthfully inform Congress about the state of DOE's Low Dose Program research. Drs. Carruthers and Anderson repeatedly accused me of lobbying. Confronted with this unwarranted and unjustified onslaught, I reminded them that they already knew I disagreed with their plan to end support of this research field. I also mentioned my concerns as to how SC/BER management had handled a specific Congressional directive to designate an extra \$16 million to the FY2012 budget for Fukushima-related low dose research.

Thus began an unjust and painful saga of unrelenting intimidation. In just over one uncomfortable week after the briefing, Dr. Anderson removed me as Manager of the Low Dose Program and detailed me to unclassified duties. My management obviously did not want me answering any more questions about the Low Dose Program. A month later, on Dec. 4, 2014, a Notice of Proposed Removal was issued, charging me with "Insubordinate Defiance of Authority" and "Inappropriate Workplace Communication". I was put immediately on administrative leave and subsequently denied access to the contents of my former office. There followed a very long period of stressful activity at my home, alone during the usual work week, cut off from my peers, trying to build a defense to the charges and guided by my NTEU union representative.

In early January I filed a Disclosure and a Complaint with the Office of Special Council regarding the \$16 million dollar budget directive, also sending information to DOE's Inspector General.

Five months later, a final decision of Removal was issued by the Deciding Official, Dr. Steven Binkley, and effective May 16, 2015. On the next business day, Dr. Sharlene Weatherwax, Associate Director for BER, rolled a dumpster to my old office and thus began, or perhaps continued, the removal of the contents, including irreplaceable hardcopy notes, files and documents, and some of my personal possessions.

The Subcommittee may now appreciate that intimidation and retaliation in this case is self-evident.

It is revealing that after I appealed to the Merit Systems Protection Board, and just before the Appeal Hearing started, DOE reached a settlement with me. I am currently employed, but feel there is continuing intimidation. To this day I have not been granted the right to inspect the remaining materials from my old office or to retrieve missing personal possessions.

I suggest it is unacceptable that scientists are put under pressure to espouse views that are not their own, and that federal scientists are persecuted for presenting accurate information and professional opinion to those charged with providing funds for the research, Congress.

In my Written Testimony I have appended a detailed Time Line and a Statement of Facts and Issues prepared originally for my Appeal to the Merit Systems Protection Board. I also include narrative

from the Office of Special Council (OSC) Whistleblower Disclosure and the OSC Complaint of Possible Prohibited Personnel Practice forms that were filed in January of 2015, the decision letter from the OSC Disclosure Unit, and some background on DOE's Low Dose Radiation Research Program.

Thank you again for inviting me to share my experience.

From: Carruthers, Julie
To: Dehmer, Patricia
Subject: low dose briefing to hill staffers...
Date: Thursday, October 16, 2014 7:09:00 PM

Noelle did not stick to the discussed scope of the briefing.
Todd is going to write up a summary of the meeting for you and Sharlene, including the discussion that followed after the staffers left, which was highly inflammatory.

Julie Carruthers, Ph.D.
Senior Science and Technology Advisor
Office of Science
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585
(202) 586-1308

From: [Weatherwax, Sharlene](#)
To: [Carruthers, Julie](#)
Cc: [Huerta, Marcos](#); [Dehmer, Patricia](#)
Subject: Re: Low Dose Research Program
Date: Saturday, October 04, 2014 4:47:42 PM

Ok that's why even though he is out of town he will work hard to participate in a telecom.

From: Carruthers, Julie
Sent: Saturday, October 04, 2014 04:45 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

If the goal is to squash the prospects of Senate support for the HSST, Todd may be better at staying on message.

From: Weatherwax, Sharlene
Sent: Saturday, October 04, 2014 04:44 PM Eastern Standard Time
To: Carruthers, Julie
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

Should we let Todd do the talking rather than Noelle?

From: Carruthers, Julie
Sent: Saturday, October 04, 2014 04:36 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Huerta, Marcos; Dehmer, Patricia
Subject: Re: Low Dose Research Program

I think this is an opportunity to subtly yet firmly let the Senate know that they don't need to pursue a companion bill to the HSST bill...

From: Weatherwax, Sharlene
Sent: Friday, October 03, 2014 03:25 PM Eastern Standard Time
To: Huerta, Marcos; Anderson, Todd
Cc: Klausning, Kathleen; Dehmer, Patricia; Carruthers, Julie; Riches, Mike
Subject: RE: Low Dose Research Program

Marcos,

This is the program that Pete Lyons has always been keeping track of and asking about, because he started the program many years ago and believes its continuation is essential for the future of NE. So whenever there's a public meeting, etc, the NE community is reminded of it, and asks about it. Right now there is proposed legislation referring to this that is asking for engagement of the national academy, and development of a plan, etc.

But in terms of our program priorities, we feel we have accumulated sufficient research results to inform EPA's regulatory process. EPA has indicated that they do not require additional research information that would cause them to overturn their current regulatory limits, which are based on the extremely conservative Linear No Threshold (LNT) theory.

So we don't exactly know who in Congress is specifically advocating for this program, but the community is certainly ramping up the pressure by constantly asking about its fate.

In terms of budget, it's less than 10% of the BER budget, and it is not directly related to administration priorities of climate or clean energy. Only two DOE national labs are engaged in any research related to Low Dose.

I'm happy to discuss this with you further. When Julie gets back, she can certainly fill you in as well.

Sharlene

Thanks,

Sharlene C. Weatherwax, Ph.D.
Associate Director of Science for
Biological and Environmental Research (BER)
Office of Science
U.S. Department of Energy

-----Original Message-----

From: Huerta, Marcos
Sent: Friday, October 03, 2014 03:05 PM Eastern Standard Time
To: Weatherwax, Sharlene
Subject: RE: Low Dose Research Program

Am I remembering right that this is a program that's not a big priority for SC/BER? But (parts of) Congress loves?

From: Weatherwax, Sharlene
Sent: Friday, October 03, 2014 2:44 PM
To: Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausning, Kathleen
Subject: RE: Low Dose Research Program

Marcos,

Do you know if they are willing to do this by teleconference? Since Todd is the Division Director and knows more about the program in terms of a broader context in the division, I'd like for him to participate as well. He will be out of the office next week (Monday-Wednesday) on travel for a review, but might be able to call in.

Please advise.
Thanks,
Sharlene

Thanks,

Sharlene C. Weatherwax, Ph.D.
Associate Director of Science for
Biological and Environmental Research (BER)
Office of Science
U.S. Department of Energy

-----Original Message-----

From: Huerta, Marcos
Sent: Friday, October 03, 2014 02:05 PM Eastern Standard Time
To: Weatherwax, Sharlene
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausning, Kathleen
Subject: RE: Low Dose Research Program

Noelle, Sharlene,

CI has made contact with Aaron. This is what they want to discuss:

Overview of the program,
What is has accomplished
Expectations moving forward.

What are some times next week might this work for Noelle?

Marcos

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 4:54 PM
To: Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd; Dehmer, Patricia; Klausning, Kathleen
Subject: RE: Low Dose Research Program

Marcos,
Should Noelle tell the staffer to contact CI? Or should she reach out to CI to identify someone to help her with this inquiry?

Please advise.

Thanks,
Sharlene

From: Huerta, Marcos
Sent: Thursday, October 02, 2014 2:57 PM
To: Dehmer, Patricia; Weatherwax, Sharlene; Klausning, Kathleen
Cc: Riches, Mike; Anderson, Todd
Subject: RE: Low Dose Research Program

Yes these request really should go through CI, I'll let them know. Someone from CI should go along.

Marcos

From: Dehmer, Patricia
Sent: Thursday, October 02, 2014 2:28 PM
To: Weatherwax, Sharlene; Klausning, Kathleen; Huerta, Marcos
Cc: Riches, Mike; Anderson, Todd
Subject: RE: Low Dose Research Program

Kathleen,

Looping in Marcos who will help with this. You are correct that CI needs to be informed. They may also send someone along.

Pat.

Patricia Dehmer
Acting Director, Office of Science
U.S. Department of Energy
1000 Independence Avenue, S.W.
Washington, DC 20585-1290
Phone: (202) 586-5430 in Forrestal
Phone: (301) 903-5316 in Germantown
Fax: (202) 586-4120 in Forrestal
E-mail: patricia.dehmer@science.doe.gov

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 2:25 PM
To: Dehmer, Patricia; Klausning, Kathleen
Cc: Riches, Mike; Anderson, Todd
Subject: FW: Low Dose Research Program

Dear Pat and Kathleen,
Congressional staffers are requesting to meet with Noelle next week. Both Todd and I will be out at the GLBRC review during their suggested time. I assume we need to contact someone in Congressional affairs to set up anything anyways.

Please advise.

Thanks,
Sharlene

From: Weatherwax, Sharlene
Sent: Thursday, October 02, 2014 2:23 PM
To: Anderson, Todd
Cc: Riches, Mike; Thomassen, David; Metting, Noelle
Subject: RE: Low Dose Research Program

I believe any arrangement for a meeting needs to go through CI. I'll check who our rep is.

From: Anderson, Todd
Sent: Thursday, October 02, 2014 2:22 PM
To: Weatherwax, Sharlene
Cc: Riches, Mike; Thomassen, David; Metting, Noelle
Subject: FW: Low Dose Research Program

Sharlene,
Noelle received an email below from Congressional staffers (House and Senate) regarding a meeting.
How should we handle this?

Todd

From: Metting, Noelle
Sent: Thursday, October 02, 2014 2:17 PM
To: Anderson, Todd
Subject: FW: Low Dose Research Program

Todd,

How would you like me to handle this? My calendar is free Monday afternoon and all day Wednesday.

Noelle

NF Metting, Sc.D.
Voice: 301-903-8309
Fax: 301-903-0567
noelle.metting@science.doe.gov

From: Weston, Aaron [<mailto:Aaron.Weston@mail.house.gov>]
Sent: Wednesday, October 01, 2014 5:36 PM
To: Metting, Noelle
Cc: Ron Faibish (Ron_Faibish@energy.senate.gov)
Subject: Low Dose Research Program

Good afternoon, Dr. Metting:

Ron Faibish (Senate Energy & Natural Resources Republican staff) and I would like to ask you a few

questions and get an overview of the Low Dose Radiation Research Program. Are you available next week (Monday – Wednesday) for a meeting or call?

Regards,

-Aaron

Aaron T. Weston

Counsel

Subcommittee on Energy

Committee on Science, Space, and Technology

U.S. House of Representatives

(202) 225-0222

From: Anderson, Todd
To: Weatherwax, Sharlene
Subject: RE: Metting Proposal
Date: Wednesday, December 03, 2014 2:52:00 PM

Yup. Checking with Rich about today.

From: Weatherwax, Sharlene
Sent: Wednesday, December 03, 2014 2:51 PM
To: Anderson, Todd
Subject: RE: Metting Proposal

We have interviews on Friday. Cannot do it then.

From: Anderson, Todd
Sent: Wednesday, December 03, 2014 2:49 PM
To: Weatherwax, Sharlene
Subject: RE: Metting Proposal

...thinking similarly.

Always knew this would come in at an inconvenient time. Let me check with Rich about today.

From: Weatherwax, Sharlene
Sent: Wednesday, December 03, 2014 2:47 PM
To: Anderson, Todd
Subject: RE: Metting Proposal

I think Friday just puts us another day out, and you and I are not in all next week.

From: Anderson, Todd
Sent: Wednesday, December 03, 2014 2:46 PM
To: Weatherwax, Sharlene
Subject: RE: Metting Proposal

Or Friday morning. Tomorrow is awful with the party and All Hand's meeting.
Not sure if Rich is prepared for today but I could ask.

From: Weatherwax, Sharlene
Sent: Wednesday, December 03, 2014 2:43 PM
To: Anderson, Todd
Subject: FW: Metting Proposal

Should we do it today? Tomorrow is the holiday party--awkward

From: Drury, Rich (CONTR)
Sent: Wednesday, December 03, 2014 2:27 PM
To: Anderson, Todd
Cc: Weatherwax, Sharlene
Subject: Metting Proposal

Todd,

I have an approved final letter back from OGC. I would suggest we deliver it tomorrow if that works for you logistically. Feasible?

Rich

Richard Drury

Senior Advisor, Chickasaw Advisory Services, LLC

Contractor to DOE Office of Science, SC-48

Room E-159, 19901 Germantown Rd

Germantown, MD 20874

Richard.Drury@science.doe.gov

(301) 903-0392/office ♦ 240-422-0079/mobile