Day 32: August 17, 2010

Yep, we are still being pounded by tropical depression #5. I guess it's stalled over New Orleans. USF found oil on the bottom of the sea floor- with dispersant- on the Desoto shelf essentially where we just came from and at some point will revisit. I reviewed the known literature on the Bryde's whales and we have our work cut out for us. While they are consistently found where we were - we saw none- all of the studies were surveys done in the spring. While they are considered a resident population - no one has apparently tracked them in the summer/fall as we are- presumably because its hurricane season. So they're going to be a challenge this summer. There is not a lot of boat news today as everyone was exhausted since no one slept last night due to the rough water.

A news story came to light in a weekly periodical called the Scientist. It talks about how data and samples have been seized from independent investigators. Cathy and I had a long discussion about whether the Coast Guard could seize our samples- ultimately we have no idea and hope they do not. But maybe one of the attorney types reading this message could send me a private email with their opinion. It is now almost 10 pm and we are almost at dock in Mobile - safe and out of the crashing waves. We will refuel, change science crew, re-provision, do laundry and hope to be able to go back out this weekend.

But do read the article below. It shows if you have BP money you cannot publish your data. If you have government money- you cannot publish your data. If you are independent- they can take your samples and your data. It is remarkable to see how this whole problem is being so badly handled.

We remain independent.

John

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Article is from The Scientist

By Linda Hooper-Bui

Opinion: The oil's stain on science
An ecosystem biologist discusses how the effort to assess the oil spill's damage is stifling independent research

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Functioning as an independent researcher in and around the Gulf of Mexico these days is no simple task. I study insect and plant communities in near-shore habitats fringing

the Gulf, and my work has gotten measurably harder in the wake of the Deepwater Horizon disaster. It's not hazardous conditions associated with oil and dispersants that are hampering our scientific efforts. Rather, it's the confidentiality agreements that come with signing up to work on large research projects shepherded by government entities and BP and the limited access to coastal areas if you're not part of those projects that are stifling the public dissemination of data detailing the environmental impact of the catastrophe.

Some Gulf scientists have already been snatched up by corporate consulting companies with offers of $250/hour. Others are badgered for their data by governmental agencies. Some of us desire to conduct our work without lawyers, government officials, or corporate officers peering over our shoulders. In the end, it may be the independent, non-biased researchers who can deliver credible scientific results that perform the crucial function of assessing the damage wrought by this disaster...if we survive professionally.

Thanks to the National Science Foundation (NSF), some of us might. We don't work for BP or the government's National Resource Damage Assessment (NRDA) process, which is overseen by state, tribal and federal science agencies and is partially funded by BP. We are independent scientists who want to honestly and independently examine the effects of the oil spill.

The ants, crickets, flies, bees, dragon flies, and spiders I study are important components of the coastal food web. They function as soil aerators, seed dispersers, pollinators, and food sources in complex ecosystems of the Gulf.

Insects were not a primary concern when oil was gushing into the Gulf, but now they may be the best indicator of stressor effects on the coastal northern Gulf of Mexico. Those stressors include oil, dispersants, and cleanup activities. If insect populations survive, then frogs, fish, and birds will survive. If frogs, fish, and birds are there, the fishermen and the birdwatchers will be there. The Gulf's coastal communities will survive. But if the bugs suffer, so too will the people of the Gulf Coast.

This is why my continued research is important: to give us an idea of just how badly the health of the Gulf Coast ecosystems has been damaged and what, if anything, we can do to stave off a full-blown ecological collapse. But I am having trouble conducting my research without signing confidentiality agreements or agreeing to other conditions that restrict my ability to tell a robust and truthful scientific story.

I want to collect data to answer scientific questions absent a corporate or governmental agenda. I won't collect data specifically to support the government's lawsuit against BP nor will I collect data only to be used in BP's defense. Whereas I think damage assessment is important, it's my job to be independent -- to tell an accurate, unbiased story. But because I choose not to work for BP's consultants or NRDA, my job is difficult and access to study sites is limited.

In southern Alabama back in late May, my PhD student's ant samples were taken away by a US Fish and Wildlife officer at a publicly accessible state Wildlife Management Area because our project hadn't been approved by Incident Command (also called the Deepwater Horizon Response Unified Command -- which is a joint program of BP and federal agencies, such as the Coast Guard, the Department of the Interior, and the Bureau of Ocean Energy Management, assembled to respond to problems related to the April 20 blowout).

We've had similar experiences in south Louisiana, where our research trip was halted after driving more than 150 miles to a study site. On the way to our sampling sites in Grand Isle, LA, were turned away by a sheriff's deputy blocking the road who said that he was told to allow no one who wasn't associated with BP or NRDA to pass that point. We've also been blocked by the Wisner Trust, one of the largest private land owners of marsh habitat in Louisiana, who in the past allowed LSU researchers access to their property. The lawyer representing the trust indicated that they are coordinating over 700 different people associated with BP and NRDA and that they simply cannot approve access for anyone else.

People at the NSF think the work I conduct with my graduate students and eight collaborators on coastal food webs is important enough to fund through their Rapid Proposal Program. The truth is that we used our meager discretionary funds to hurriedly collect data in May before our study sites were oiled. Our group was lucky we weren't turned away by BP, sheriff's officers, or Coast Guard at that time. Now we're seeking a source of independent funding once again.

I've been doggedly pursued by NRDA for data our team has and will be collecting. Three different people from the Louisiana Department of Natural Resources (LDNR) indicated interest in our data in repeated requests. In fact, I'll be going to a meeting with LDNR next Thursday (August 12) to further discuss my data. If I were to agree to submit my data, thus officially participating in NRDA, I would be required to sign a confidentiality agreement that lacks an officially specified end date. Exactly when my students or I would be able to publish any results from this research would be determined by the Department of Justice (DOJ), which would make that decision based on the status of a civil suit brought against BP. Were I to accept research funding directly from BP or from one of their contractors, I'd have to sign a contract that includes a three-year no publication clause. If I signed either a contract to work with NRDA or to work under BP or one of their contractors, I would have virtually unlimited access to study sites and more research support.

But the price of the secrecy involved with participating in NRDA or conducting research under the auspices of BP is too high. My student and I couldn't discuss our data, results or experiences for three years or until the litigation against BP is settled. More importantly, we couldn't publish any of our results. I couldn't write this essay. The data could be tied up for years in litigation just like that of the scientists who participated in NRDA after the Exxon Valdez incident.

Every day it takes resolve to continue on the path of honest and open science on the effect of stressors on the smallest creatures on the coast. If current trends continue, I fear that the independent researcher may be added to the list of species that will be endangered by this ecological disaster.

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Linda Hooper-Bui is an ecosystem biologist at Louisiana State University A&M and the LSU Agricultural Center who specializes in disturbance ecology of ants and other arthropods. She coauthored a chapter called "Consequences of Ant Invasions" in the book Ant Ecology, published this year. She loves to spend time mentoring students and has an active undergraduate and graduate student research program.

Editor's note - Pete Tuttle, USFWS environmental contaminant specialist and Dept of Interior NRDA coordinator, told The Scientist that he was unaware of any samples being taken or access to study sites being restricted by federal, state, or tribal officials associated with NRDA. He did, however, confirm that researchers wishing to formally participate in NRDA must sign a contract that includes a confidentiality agreement. Tuttle said that the agreement prevents signees from releasing information from studies and findings until authorized by the Department of Justice at some later and unspecified date. "This is a civil lawsuit [against BP]," Tuttle said. "We are protecting our interests and our case. It's not designed to squelch anything, but just to ensure that the integrity of the case is protected." The Scientist contacted a BP representative to respond to Hooper-Bui's claims, but BP declined to comment.