



***An Association of  
Private Sector  
Meteorologists***

**NCIM Response to “Proposed Clarification to NOAA’s  
“Policy on Partnerships and the Provision of  
Environmental Information” (Aug 4, 2005)**

The National Council of Industrial Meteorologists (NCIM) is pleased to submit the following comments on the “Proposed Clarification to NOAA’s Policy on Partnerships and the Provision of Environmental Information” posted by NOAA on August 4, 2005. NCIM applauds NOAA’s willingness to address concerns related to its original Policy issued in December 2004, and its interest in soliciting additional comments and engaging in discussions with the private sector on a range of partnership issues. However, we remain concerned that NOAA’s most recent policy clarification missed an opportunity to address a few key issues NCIM first raised in May 2005, perhaps most important of which was a clarification as to how NOAA would fairly and forcefully reduce competition with private sector meteorological consultants and commercial weather information and services providers.

By way of review, in May 2005, NCIM issued a position paper in response to NOAA’s original policy in December 2004, noting several areas of concern to the private sector. The position paper called upon NOAA to undertake the following steps:

1. Develop and participate in internal and external forums through which NOAA personnel interact with private meteorological entities to understand what private services are already available or being developed
2. Implement procedures to spread the knowledge of private meteorological services, especially through those sectors of NOAA, such as the National Weather Service, that frequently receive external requests for specialized

information and services that are currently available from private sector meteorologists

3. Provide adequate resources and mechanisms within NOAA to assess the impact of new product and service initiatives on private meteorological entities already providing or developing similar products and services
4. Develop and implement internal procedures to ascertain whether NOAA's regional headquarters and field offices are adhering to policies regarding cooperation and competition with private sector meteorology
5. Provide a formal and responsive mechanism through which private sector meteorologists can request and receive a review of any new NOAA products and services that infringe on existing private sector services

Following publication of the NCIM position paper, NOAA began meeting with its private sector partners, to address ongoing concerns they held regarding the December 2004 Partnership Policy. In June 2005, NOAA Deputy Under-Secretary, Brig. General (U.S. Air Force, Ret.) Jack Kelly, Jr. participated in an open and frank discussion on the policy at NCIM's annual meeting in Cocoa Beach, Florida. Subsequent to that meeting, in early August 2005, a small group of NCIM members met informally with Brig. General (U.S. Air Force, Ret.) David L Johnson (NWS Director) and Ed Johnson (NWS Director of Strategic Planning and Policy) in Washington D.C. to further the discussions that had commenced two months earlier. We note that the proposed NOAA policy clarification was issued for comment shortly after the Washington meeting, clearly reflecting NOAA's willingness to listen and respond to its partner constituency.

However additional modification of the policy is necessary. NCIM feels that the proposed policy clarification must include a rational and workable means for independent review of specific instances where NOAA is alleged to be duplicating services and products developed and marketed by private sector meteorological consultants and commercial weather firms.

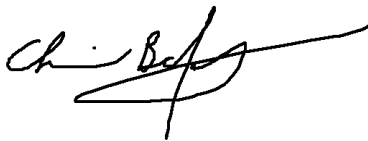
In the interest of addressing the concerns of competition, oversight and dialog between NOAA and the private sector meteorological community, NCIM has drafted the following alternative language to Policy Section 4:

4. The nation benefits from government information disseminated both by federal agencies and by diverse nonfederal parties, including commercial and not-for-profit entities. NOAA recognizes that among these non-federal entities, private sector meteorologists are NOAA's primary and most visible stakeholders and partners in providing weather

and climate services to the nation. Indeed, the private sector meteorological community constitutes the group that arguably most benefits from and is most negatively impacted by changes in NOAA policies, products and services. Therefore, it will be NOAA's expressed intention to identify and make every reasonable effort to take advantage of existing capabilities and services found within the commercial sector. Moreover, NOAA will aggressively encourage and participate in interaction and collaboration with its private sector meteorology partners through a variety of means and venues, the purpose of which would be to leverage limited federal and private resources in order to provide the nation with the best possible weather and climate information products and services. In cases where specific conflicts are alleged, NOAA and the aggrieved party or parties will agree to explore the appropriateness of binding, independent third-party dispute resolution. These actions will ensure that NOAA's federal resources are devoted to maintaining and improving core functions in accordance with NOAA's responsibilities as an agency of the U.S. government, to serve the public interest and advance the nation's environmental information enterprise as a whole.

Again, the steps initiated by NOAA to address private sector concerns regarding its recent Policy on Partnerships and the Provision of Environmental Information are to be commended. However this is an ongoing endeavor, which will require a sustained dialog between the federal and private constituents of our weather and climate enterprise. NCIM strongly urges NOAA to pursue those opportunities that would result in broader recognition of and increased cooperation with private sector meteorology — NOAA's key stakeholder and partner in the provision of this nation's weather and climate information and services.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Chris Bedford", with a long horizontal flourish extending to the right.

Christopher D. Bedford, President  
National Council of Industrial Meteorologists

October 27, 2005