



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

## **NCIM Position Paper**

### **A Review of NOAA's Policy on Partnerships in the Provision of Environmental Information**

The overarching vision for the nation as expressed in the Strategic Plan of the National Oceanic and Atmospheric Administration (NOAA) is “an informed society that uses a comprehensive understanding of the role of the oceans, coasts and atmosphere in the global ecosystem to make the best social and economic decisions”.<sup>1</sup> The National Council of Industrial Meteorologists (NCIM) believes this vision is laudable, but is concerned about the ways in which NOAA is attempting to achieve this vision, particularly, in the area of weather and climate services. In an era of tight federal budgets, NOAA is spreading its limited resources into so many new applications and services that it may be endangering its ability to optimally perform and improve its core functions. Furthermore, efforts by NOAA to provide a wide spectrum of specialized weather and climate services directly to end-users are negatively impacting products and services available from, or being developed by, private sector meteorologists. The latter aspect is particularly troublesome to the profession of meteorology since future job growth was anticipated to occur primarily within the realm of private sector meteorology, according to the American Meteorological Society.<sup>2</sup> Instead of following a strategy in which NOAA attempts to provide all types of products and services, the NCIM recommends leveraging the joint resources of the public and private sectors of meteorology to improve weather and climate services for the nation. This position paper presents some of the concerns and recommendations of the NCIM regarding NOAA's policy on partnerships and private sector meteorology.

As part of its vital and core functions, NOAA has developed and operates large-scale weather observing networks, weather satellites, and advanced computer models for analyzing and predicting the weather and climate. NOAA's National Weather Service (NWS) Forecast Offices and other meteorological centers, such as the National Hurricane Center and Storm

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<sup>1</sup> *New Priorities for the 21st Century - NOAA's Strategic Plan (Updated for FY2005-FY2010)*, NOAA, September 2004.

<sup>2</sup> *The American Meteorological Society in 2010 - A Vision for the 1st Decade of the 21st Century*, American Meteorological Society, 1999.

Prediction Center, continually monitor weather conditions and issue forecasts for the general public, including special warnings and advisories for hazardous weather such as floods, hurricanes, tornadoes and severe thunderstorms. NOAA also performs and supports basic research that is essential to advances in weather and climate monitoring and prediction and is in the leadership role for the critically important Climate Change Science Program. All of these core functions benefit the general public, the economy and private sector meteorology, while also providing an objective standard of performance within the profession of meteorology.

Private sector meteorology, ranging in size from one-person operations to large corporations, provides and continues to develop a wide range of weather and climate products and services for the nation. These products and services include value-added dissemination of NWS weather data and forecasts, basic and applied research for public and private entities, consulting and data services targeted to specific sectors of the economy, specialized weather data collection networks, expert testimony in civil and criminal litigation, proprietary weather and climate forecasts designed for the general public and private clients, air quality modeling and monitoring, weather modification, development and production of meteorological instrumentation and data display systems, and countless other innovative products and specialized applications of weather and climate information. The overwhelming majority of the American public and private sector economy receives its weather and climate information and services from meteorologists working within the private sector. In fact, private sector meteorology can and does perform many different functions within the weather and climate enterprise and cannot be simply characterized in terms of a single role or function.

Historically, private sector meteorology and NOAA have had an excellent working relationship that is mutually beneficial. Private sector meteorologists regularly rely on data and information from NOAA's observing and modeling systems and forecast centers and add value to that data and information through research, special applications, and effective dissemination methods. Private sector meteorologists are the primary interface between NOAA and end-users of weather and climate information, serving as experts who are acutely aware of and serve the needs and interests of the general public, as well as thousands of client industries and companies within the private sector of the U.S. economy. The activities and services of private sector meteorologists heighten the public profile of the profession of meteorology and substantially contribute to public awareness and appreciation of NOAA products and information. The work of private sector meteorologists allows NOAA to focus on its core functions, rather than devoting its limited resources to satisfying the many diverse and specialized needs within the general public and broad economy.

The NWS Policy on the Weather Service/Private Sector Roles, adopted by NOAA in 1991, stated "the NWS will not compete with the private sector when a service is currently provided or can be provided by commercial enterprises, unless otherwise directed by applicable law."<sup>3</sup>

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<sup>3</sup> *Policy on the Weather Service/Private Sector Roles – The National Weather Service and the Private Weather Industry: A Public-Private Partnership*, Federal Register, Vol. 56, No. 13, Pg. 1984, January 18, 1991

The 1991 policy also stated “the overriding goal of this policy statement is to ensure that the Nation receives the full benefit of weather and hydrometeorological information to promote safety of life and property and economic prosperity. Effective partnership between the NWS and the private meteorological sector is *the* (emphasis added) means to that end.” The NCIM strongly endorses the view, expressed in the 1991 policy, that private sector meteorology and NOAA form the primary and essential partnership for providing weather and climate services to the nation.

At the request and sponsorship of the NWS, the National Research Council (NRC) recently performed a study regarding the interaction of the NWS with the private and academic sectors of meteorology. The findings and recommendations of the study committee were published in an NRC report, entitled *Fair Weather - Effective Partnerships in Weather and Climate Services*.<sup>4</sup> The *Fair Weather* study committee recognized that the NWS 1991 policy and its predecessors defined the roles of the NWS and private sector meteorology and provided guidelines for avoiding competition. The committee concluded the 1991 policy was untenable because the private sector was now doing or was capable of doing much of what the NWS does, thus theoretically restricting or reducing the proper activities of the NWS. As a result, the committee’s first recommendation was that “the NWS should replace its 1991 public-private partnership policy with a policy that defines processes for making decisions on products, technologies, and services, rather than rigidly defining the roles of the NWS and the private sector”.

Following the release of the *Fair Weather* report, NOAA replaced the NWS policy of 1991 with a NOAA-wide policy<sup>5</sup> that:

- (a) makes no references to avoiding competition with private sector meteorology,
- (b) does not define a clear role for NOAA within the weather and climate enterprise,
- (c) provides no guidance for partnership with private sector meteorology, and
- (d) offers only a vague mechanism for resolving disputes between NOAA and private sector entities that are negatively impacted by existing or proposed NOAA products and services.

According to the policy, NOAA itself will resolve any disputes regarding competition and conflict between NOAA and private sector meteorology. This policy thus creates an obvious conflict of interest for the adjudicating party.

Many private sector meteorologists are concerned that NOAA is now more frequently duplicating their efforts, by developing new products and services that are specially designed for particular sectors of the economy and society. As an example of this effort, NOAA has developed a series of stakeholder meetings in which NOAA personnel meet with private non-

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<sup>4</sup> *Fair Weather - Effective Partnerships in Weather and Climate Services*, National Research Council, National Academies Press, Washington, DC, 1993.

<sup>5</sup> *Policy on Partnerships in the Provision of Environmental Information*, National Oceanographic and Atmospheric Administration, December 1, 2004.

meteorological end-users in an effort to design and produce new NOAA applied products and services that are tailored to the specific needs of these stakeholders.

The NCIM believes that the *Fair Weather* report and the subsequent policy response by NOAA have created significant confusion and potential conflict in the public-private sector partnership by eliminating a clearly defined role for NOAA and failing to provide an impartial and effective mechanism for resolving conflicts between NOAA and private sector meteorology. As a result, private sector meteorologists are concerned that:

1. NOAA will soon develop (or already has developed) free or low-cost versions of *existing* private-sector products and services, forcing weather businesses that provide substantially the same products and services into an unspecified NOAA process of “notice”, “input” and “suggestion” for lodging complaints regarding unfair competition. (As an example, the new policy endorses NOAA’s dissemination of user-friendly weather information through a wide variety of means and technologies. Many weather businesses will be placed in jeopardy if NOAA devotes more resources to expanding its dissemination methods and distribution channels, thus duplicating and infringing on existing private sector services that already provide similar weather information through the same distribution channels.)
2. Little or no guidance regarding NOAA’s *future* role in the weather and climate enterprise will ultimately discourage and endanger research and development, planning and investment within private sector meteorology.
3. NOAA will divert more of its limited resources from its core functions to develop new user-driven applications and services that private sector meteorologists currently provide to their existing clients or can provide to their prospective clients. The diversion of resources will diminish NOAA’s ability to perform and improve its core functions, especially functions that cannot easily be provided by the private sector and are essential to the general welfare of the nation.

When the role of a public agency is not defined relative to the private sector and the agency is the arbiter of possible competitive conflicts with a private sector entity, the private sector entity has little or no ability to protect its current interests and long-term investments. Furthermore, the agency itself will suffer from lack of focus and direction and will have no clear means for making decisions regarding the allocation of its limited resources.

Not only is the development of specialized products and services by NOAA inherently unfair as tax-sponsored government competition with the private sector, it does not maximize the existing and future resources of the nation regarding weather and climate services, particularly in the context of NOAA’s core functions and the constraints of a limited federal budget. The President’s proposed budget for FY 2006 states: “when the Federal Government focuses on its priorities, and limits the resources it takes from the private sector, the result is a stronger,

more productive economy”.<sup>6</sup> Private sector meteorology is *the* key partner and stakeholder of the NWS and NOAA (a fact not widely recognized or acknowledged within NOAA and other federal agencies) and is very capable and ready to work with NOAA to leverage public and private meteorological resources to best serve the interests of the nation. The NCIM strongly encourages the NWS, NOAA and Department of Commerce to recognize the essential role that private sector meteorology plays in developing and providing essential weather and climate services, making the data and information generated through NOAA’s core functions far more beneficial to the nation than otherwise possible.

In light of these concerns, the NCIM strongly urges NWS, NOAA and the Department of Commerce to develop and implement policies, procedures and mechanisms that:

1. *Recognize unequivocally* that private sector meteorologists are NOAA’s primary stakeholders and partners in providing weather and climate services to the nation and constitute the group that is most affected (positively or negatively) when changes are made in NOAA policies, products and services,
2. *Define clearly* the role of NOAA in the weather and climate enterprise to:
  - (a) Ensure that federal resources are devoted to maintaining and improving NOAA’s core functions, and
  - (b) Allow private sector meteorologists to develop and provide products and services to their clients and the nation without fear of government competition,
3. *Prohibit uniformly* within NOAA the development and dissemination of products and services that unfairly compete with the products and services of private sector meteorology,
4. *Encourage positively* NOAA’s interaction and collaboration with private sector meteorology through a variety of means and venues to leverage limited federal and private resources, in order that the best possible services will be made available to their mutual stakeholders, namely, public and private end-users of weather and climate information.

The NCIM welcomes opportunities to work with the NWS, NOAA and Department of Commerce and professional societies, such as the American Meteorological Society and National Weather Association, to develop and utilize specific means and venues that will serve to prevent competition and enhance mutual understanding and cooperation between NOAA and private sector meteorology. These efforts may include well-conceived proposals to revise or replace the Organic Act of 1890. Such joint initiatives will advance the nation toward NOAA’s vision of effective use of weather and climate information and services, a vision shared by the members of the NCIM and the profession of meteorology, in general.

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<sup>6</sup> *Overview of the President’s 2006 Budget*, Office of Management and Budget web site