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Association Representing Weather Companies Endorses Bill to Strengthen Public Access to Weather Information *Commercial Weather Services Association Says S.B. 786 Assures Both Public and Industry Access*

April 29, 2005 – The Commercial Weather Services Association (CWSA) announced today its support for Senate Bill 786, “The National Weather Services Duties Act of 2005.” S.B. 786, one of three related bills now before Congress, will benefit both the public and the private sector.

The new legislation would require the National Weather Service (NWS) to distribute government generated weather information “in real-time, and without delay . . . in a manner that ensures that all members of the public have the opportunity for simultaneous and equal access.” No such requirement currently exists. This will mandate that the public, including users like pilots, boaters and farmers, and the private sector, will all have unrestricted real-time access to government information.

The bill will also update the 115-year-old mission of the NWS to fit within the American weather framework of today, in which both the agency and the Commercial Weather Industry now play important parts in providing weather products, services, systems, networks and communications to the nation.

“Through more than 55 years of innovation by the Commercial Weather Industry and a policy of free and open exchange of government information, the American public has become the beneficiary of the best weather information available anywhere in the world,” said Steven Root, President of the Commercial Weather Services Association (CWSA). “Unfortunately, the performance of the National Weather Service in fulfilling its key tasks of collecting and disseminating government information has not always kept pace with public and private needs and critical information the agency possesses is not always reaching the public in time.”

CWSA has noticed an increasing number of occurrences where the NWS has not provided timely, key information during hurricanes, floods, and severe snowstorms, exposing the public to heightened and serious danger. Just as alarming, this key information was not made available to the public or the Commercial

Weather Industry including the media. Such delayed or missing information has included real-time cooperative observer and snow intensity reports delayed up to twelve hours during a blizzard, hurricane reconnaissance reports delayed during an intensifying storm, and missed flood warnings.

S.B. 786 will provide for better information and warnings to the public by requiring NWS to focus on a defined core mission and adhere to its own non-competition/non-duplication policy, which NWS has had in effect, in one form or another, for over 55 years. The National Oceanic and Atmospheric Administration (NOAA), the parent organization of the NWS, unilaterally repealed this policy in December 2004. This NOAA action is not in accord with long-standing government policies and programs designed to encourage private-sector investment and development of products, services, systems, networks, and communications facilities beneficial to the nation. Root added, "Government duplication of existing products and services readily available from the private sector is unnecessary and detracts from the NWS mission of saving lives and property."

The result of the December repeal has been a growing uncertainty and risk for private sector firms engaged in the weather enterprise and threats to jobs throughout the industry. Accordingly, this NOAA action also endangers the very existence of free weather information to the public, an estimated 95% of which comes from the Commercial Weather Industry including the media.

The bill requires the Secretary of Commerce, which directs and controls the operations of NOAA and NWS, to determine what those competitive and duplicative activities are and requires oversight reports to Congress. The bill does not target any particular government activity for elimination.

S.B. 786 endorses the concept of encouraging private-sector activities and investment, rather than government expenditures, in the American weather sector, a principle that was jointly adopted with bipartisan support in both the House and Senate in November 2004 as part of the appropriations legislation funding the National Weather Service (Conference Report to H.R. 4818). The non-duplication provision of S.B. 786 is also in line with NWS's prior policy and the philosophy of national policies on space transportation and other government activities.

"CWSA believes that the public safety and well-being of the nation would best be served by NWS concentrating on its long-standing and critical core missions including disseminating government-generated weather information and issuing severe weather warnings for the protection of life and property of the public. The NWS is the only source of official government weather warnings, government data and computer models, all relied upon by numerous users in government, industry and the public," said Root. "Activities that shift the NWS focus away from this mission by duplicating products, services, systems, networks and communications

that are already widely available from the private sector, many free to the public, do not represent appropriate stewardship of public funds.”

S.B. 786 was introduced April 14, 2005 by Senator Rick Santorum (R-PA). It is one of three bills currently before Congress that would reexamine and redefine the structure and mission of the National Weather Service and its parent NOAA.

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About the Commercial Weather Services Association

The Commercial Weather Services Association is the trade association for professionals who make weather their business. Its members collect, interpret and disseminate weather information to weather-sensitive businesses as well as the general public. In addition, CWSA members engineer a variety of hardware and software systems, including weather sensors and meteorological workstations and operate weather information networks.

For more information about the Commercial Weather Services Association, please visit:

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Pending Legislation Affecting the National Weather Service

Background Information

The National Weather Service (NWS) was created by an Act of Congress in 1890, 115 years ago. Congress has been working for a decade to develop a new NWS governing policy.

Three bills are now being considered by Congress to restructure the National Oceanic and Atmospheric Administration (NOAA), which was created by Executive Order under President Nixon.

A bill drafted by NOAA and recently sent to Capitol Hill would create an Organic Act for NOAA and essentially dissolve the National Weather Service as a distinct agency and integrate it within NOAA, possibly as “NOAA’s Weather Service,” diluting its focus.

A second bill, HR 50, would also create an Organic Act for NOAA, and recognizes the National Weather Service as an agency within NOAA, but without a well defined mission.

The third bill, S.786, introduced by Senator Santorum of Pennsylvania, would recognize and continue the National Weather Service as a distinct agency, revising and modernizing its 1890 Organic Act.

The Santorum Bill Guarantees Unfettered Public Access

Of the three pieces of legislation now before Congress, the Santorum bill is the only bill that would guarantee unfettered public access to “all data, guidance, forecasts, and warnings received, collected, created, or prepared by NOAA or NWS.” (Sec.2.(c)(1))

Additionally, it would continue the current methods of distribution of this information (1) through data portals for large volume users and (2) to the public using the methods as determined by the Commerce Department under existing federal law, including the Internet, as is now the case. (Sec.2.(c)(2))

Opponents of the bill have asserted that the under the bill, control of government data and information would be shifted to the Commercial Weather Industry and that citizens would have to pay twice for the data and information. This is false.

In fact, the Santorum bill is the only bill before Congress that specifically requires the data be released to the public in real time.

Without the Santorum bill, no one can point to a specific requirement in federal law that weather information be released to the public in real time. Nothing prevents the NWS or NOAA (if NWS is absorbed into NOAA) from bottling up the information, as it has done on various occasions, releasing some information and failing or refusing to release other information.

Santorum Bill Reestablishes NWS's Previously Existing Non-Compete Policy

The Santorum bill reestablishes the NWS's own non-competition policy, which NWS has had in effect, in one form or another for over 55 years. (Sec.2.(b))

That policy, repealed by NOAA in December 2004, has been the underlying support for the growth in the Commercial Weather Industry in the United States. That policy has led to free and widely available weather products and services for the public through all forms of media, including cable weather channels, television weather presenters, newspaper weather pages, radio weather personalities, and an explosion of private sector weather and portal web sites. It is estimated that 85 to 95 percent of the weather information reaching the public comes from the Commercial Weather Industry.

That policy is also what has led to the development of specialized weather services at reasonable prices tailored to the needs of business, industry, agriculture, transportation, emergency management, government and many other applications. These services have greatly enhanced the efficiency of weather-affected operations nationwide. It is estimated by the government that almost a third of the economy is affected by weather and the Commercial Weather Industry is the primary source relied on for weather information within that part of the economy.

In November 2004, the House and Senate, with bipartisan support, jointly adopted a position similar to S.786 in regard to non-competition in the provision of weather services (Conference Report to H.R. 4818). The Santorum bill is also in line with the new national policy on space transportation that states that the government must "refrain from conducting activities with commercial applications that preclude, deter, or compete with U. S. commercial space transport activities..."

The Bill Requires NWS Information to be Fully Available to the Public

Some have attacked the Santorum bill with the argument that it would place control of federally collected data within the hands of the private sector and cause American citizens to have to pay twice for data, information and forecasts the government collects and generates. This is false. The bill, for the first time in history, would legislatively require all NOAA/NWS information produced to be fully available to the public directly from the agency. (Sec.2.(c)(1))

In fact, the Santorum bill is the only bill pending that requires NOAA/NWS information to be “issued in real time, without delay, in a manner that ensures that all members of the public have opportunity for simultaneous and equal access.” (Sec.2.(c)(1))

No such requirement currently exists and NOAA/NWS currently can, and sometimes does, delay and withhold information from the public and the Commercial Weather Industry, including the media. Among the information sometimes withheld are real-time snowfall accumulation reports, cooperative observer reports, hurricane reconnaissance reports, and other critical information. Withholding such information can endanger lives and property.

The Bill Provides for the Widest Possible Distribution of Information

Some have said the Santorum bill would prohibit information being made available on the Internet by government. This is false. The bill envisions the widest possible distribution and has no restriction relating to the Internet.

The Bill Causes the NWS to Focus on Its Core Mission of Saving Lives and Property

The Santorum bill requires the National Weather Service to focus on a core mission, including protection of the public through a mandated requirement of providing severe weather forecasts and warnings for the protection of life and property. (Sec.2.(a)(1))

The Bill Brings the NWS in Line with Federal Requirements for Other Agencies

Lastly, the Santorum bill brings NOAA/NWS into line with the rules that apply to other federal agencies, by requiring uniform release to the nation of “any weather data, information, guidance, forecast or warning that might influence or affect the market value of any product, service, commodity, tradable, or business...,” and at the same time prohibiting individual government employees from providing specialized personal or “insider” agency information to some citizens and not to others. (Sec.2.(d))

This would, for example, prohibit NWS employees from providing information, except through full, timely public release, which might influence money and market transactions. Such employees are already prohibited from investing in weather futures by Commerce Department letter policy, because of these concerns.

The interests of the public and the Commercial Weather Industry are aligned on all of these issues.

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