SCIENCESCOPE

edited by RICHARD STONE

Popovic Appeals Misconduct Charges...

Mikulas Popovic, the embattled virologist who helped prove that HIV causes AIDS, has decided to fight the misconduct charges leveled against him.

In December, Popovic and AIDS researcher Robert Gallo, his former boss at the National Cancer Institute, were found guilty of scientific misconduct by the Department of Health and Human Services (HHS) for misrepresentations in a seminal 1984 AIDS paper they coauthored. Now, in a brief filed on 28 January, Popovic's attorneys have notified HHS that he's appealing the findings. (Earlier last month Gallo informally notified HHS that he, too, would appeal.)

Popovic's three-page notice states that the HHS investigation failed to meet its burden of proof when it found him guilty of misconduct. In addition, his attorneys lambaste HHS for violating "basic principles of fundamental fairness and equal protection." They claim HHS denied Popovic access to relevant information and held him to higher standards than others under investigation. The attorneys also took a thinly veiled swipe at Representative John Dingell (D–MI), charging that the investigation "was subject to unremitting political pressure from a powerful member of Congress."

The HHS Research Integrity Adjudications Panel hopes to hold a public hearing on the Popovic case before summer.

...Meanwhile, Back at the Ranch

Science has learned that three of the most thoroughly investigated scientists in the world—David Baltimore of Rockefeller University, Robert Gallo of the National Cancer Institute, and Robert Redfield of the Walter Reed Army Institute of Research—shared supper and sob stories during an AIDS conference held two weekends ago at the Napa Valley ranch of film director Francis Ford Coppola.

AIDS activist Jesse Dobson, a member of the San Francisco-based Project Inform who put together the 2-day conference on restoring the immune systems of HIV-infected people, arranged the dinner seating. Hot topic at the table: the woes of being investigated, of course.

Dobson speaks with pride at getting the three to rub elbows. "The people who are under investigation now are the ones who we really trust," says Dobson. "Show me someone with a perfectly clean record who's able to get anything done and I might change my mind."

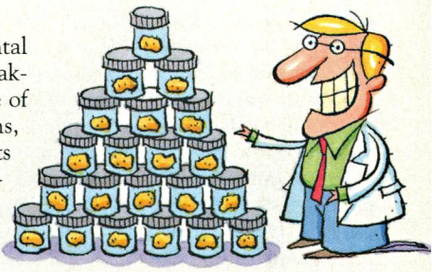
OSTP Begins to Take Shape

New White House science adviser Jack Gibbons is thinking jobs, jobs, jobs. Aside from helping fill the 70-odd science and technology posts throughout the government, he's got his own Office of Science and Technology Policy (OSTP) to staff. And so far, Gibbons has opted for familiar faces: Three top OSTP slots will go to his former aides at the Office of Technology Assessment (OTA).

Lionel "Skip" Johns, who directed the OTA energy, materials, and international security division, will become one of the four OSTP associate directors, probably covering industrial technology. He will be joined by his top aide at OTA, Henry Kelly. And Holly Gwin, the OTA general counsel, will serve in a similar capacity at OSTP. Another OSTP job, at least for now, will go to Ellis Mottur, a science adviser to Clinton during the campaign. Mottur says he will help set up OSTP while he waits to be appointed to another science post in the Administration, perhaps in the Commerce Department.

One job Gibbons may not have to help fill is that of energy research director at the Department of Energy. The current occupant, William Happer, has won much praise during his 2-year tenure in the position. And because Happer can count Gibbons among his fans, he may be one of the few Bush appointees to stay on for good with Clinton.

EPA's Fat-Loss Plan



TERRY SMITH

In a sign that the Environmental Protection Agency (EPA) is making every effort to shed some of its surplus research programs, the agency says it might sell its 22-year-old collection of human fat samples.

For years EPA scientists have tracked toxins in the environment by monitoring the amount humans store in their fat. For example, levels of DDT and some PCBs in EPA's fat samples have steadily decreased since the chemicals were banned in the late 1970s, says John Schwemberger, an EPA senior statistician-cum-fat analyzer. But last year, an EPA task force trashed fat in a report that suggested that blood should become the specimen of choice for such studies. The reason: Blood drawn from living people tells more about environmentally induced health changes than does tissue from those who die in urban emergency rooms, the primary source of the EPA fat.

That puts up for grabs EPA's 15,000 walnut-sized lumps of fat (each in a tiny glass jar) to any lipid scientist, museum caretaker, or—for that matter—anybody with an offbeat collecting interest. The going rate? Just postage and handling. Cheaper than rare stamps and coins, for sure.

Greasing the Wheels of Tech Transfer

Try this dilemma: You have a sample of a retrovirus that might be the cause of a fatal disease. You want to share the culture with other researchers, but you fear that unless you spend weeks assembling legal documents, you could end up competing with someone else for a patent derived from your sample. Do you send it out quickly and perhaps save lives, or do you opt for delay and good legal protection? Don't answer just yet—new guidelines are in the works that are designed to head off such quandaries.

Research institutions use standardized consent forms—called material transfer agreements (MTAs)—to spell out the rights of the giver and receiver of lab materials. But to many scientists, MTAs are a headache because they're so diverse, actually raising a paper barrier to the flow of knowledge. Now, after 2 years of negotiations, a consortium of tech-transfer officials in industry, academia, and government has written a set of uniform MTAs that should soon speed the transfer of biological materials.

The guidelines come in three flavors. One is a simple agreement for transfer between nonprofit institutions, including academia and government, for materials such as solvents that likely have no commercial potential. For hotter stuff, there's a uniform MTA that protects the property rights of the lender. A third format lays out rules for transfer of materials from industry to nonprofits. "We think we've come up with something that seems to satisfy everybody," says Joyce Brinton, director of Harvard University's office for technology and trademark licensing.

Her words will be put to the test later this month in Dallas, where tech-transfer officials hope to smooth out any kinks in the guidelines at their annual meeting. Another review is expected soon from National Institutes of Health (NIH) Director Bernadine Healy. From the start NIH's Office of Technology Transfer has led the pursuit of a uniform MTA, and it's hoping Healy will give the formats her stamp of approval for publication in the *NIH Guide for Grants and Contracts.*