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September 27, 2002

Ms. Kim Nelson  
Chief Information Officer  
U.S. Environmental Protection Agency  
Washington, DC 20450

DOCKET ID OEI-10014

Dear: Ms. Nelson:

On September 19, 2002, I provided detailed comments on the September 6<sup>th</sup> external review draft of EPA latest information quality guidance document entitled *Assessment Factors for Evaluating the Quality of Information from External Sources*. This document was publicly noticed in the federal register on September 9<sup>th</sup> (67 FR 57225-57226). EPA has limited public comment on this document until just September 30<sup>th</sup>, implying that the Agency intends to review comments prior to finalizing its final information quality guidelines, which are due by October 1<sup>st</sup>. As I noted in my comments, it would be difficult for EPA to conduct any such review inasmuch as its final information quality guidelines would be on display at the Office of the Federal Register on September 30<sup>th</sup> if in fact the Agency intends to meet the October 1<sup>st</sup> deadline.

At the public hearing on September 20<sup>th</sup>, Assistant Administrator Paul Gilman stated that this draft of the assessment factors document was the first of several iterations and that its development was proceeding along a separate track from EPA's information quality guidelines. If that is so, then it is not at all clear why EPA has imposed such a restrictive public comment period.

This second set of comments is provided now to accommodate both schemas even though they are mutually exclusive. EPA might not complete its final guidelines in time to meet the October 1<sup>st</sup> deadline, in which case the Agency could still incorporate these comments into its final guidelines. On the other hand, if the assessment factors effort and the final guidelines are, indeed, fully disconnected endeavors, then these comments provide a clear way for EPA to fully and completely assuage the concerns that I raised in my September 19<sup>th</sup> comments and other speakers at the public meeting on September 20<sup>th</sup> raised as well. In particular, the assessment factors document is quite persuasive that EPA intends to erect higher information quality standards on third-party information than it intends to impose on itself. Such differential standards would be transparently contrary to the Data Quality Act and OMB's government-wide implementing directive.

If, however, EPA does not intend to act illegally and the inferences I and others have drawn are incorrect, then it would appear that the Agency needs help in crafting crystal clear language that renders these concerns moot. That is the subject of this letter.

## **SPECIFIC RECOMMENDED LANGUAGE**

The following language clearly and convincingly states that EPA has no intention, nor would it ever seek to implement, any sort of differential standard that disadvantages third-party information. Ideally, EPA would incorporate language such as this within its final information quality guidelines. This language could still be included, for there is still time before the October 1<sup>st</sup> deadline and the language is not complicated. If for some reason time does not permit the inclusion of language such as this within EPA's final information quality guidelines, then EPA must incorporate such language in its assessment factors guidance document.

### *Objectivity standard for third-party information*

Third-party information disseminated or used by EPA is subject to information quality guidelines in the same manner as if it were generated by EPA. To the maximum extent practical, EPA will encourage third parties to satisfy EPA's information quality guidelines and OMB's government-wide information quality guidelines in any instance where EPA is asked or expected to rely on third-party information.

The following principles for evaluating information quality shall apply:

1. Other federal, State, local, tribal or international agencies and governmental units are third parties for the purpose of applying information quality guidelines.
2. The same quality standards shall apply to EPA information whether it is self-generated or obtained or derived from third parties.
3. Agency sources shall not be accorded special treatment or favor. EPA may defer to information from other federal agencies so long as it meets both OMB's government-wide information quality guidelines and the originating agency's information quality guidelines.
4. Agency information that is exempt from OMB's government-wide information quality guidelines or any another agency's information quality guidelines shall not supplant information that is covered.
5. Third-party information that does not meet applicable information quality standards shall not supplant information that does meet such standards.
6. Information that meets a higher relative quality standard shall be preferred even if no information available fully meets the applicable information quality standard or goal.



If EPA intends to have a level playing field such that information quality will be judged based on information quality rather than statutorily irrelevant attributes, then the Agency needs to adopt clear language such as this. However, if EPA does not include such language, then members of the public would be well-advised to infer that the Agency intends to act contrary to law.

Sincerely,

A handwritten signature in black ink that reads "R. Belzer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Richard B. Belzer, Ph.D.  
President