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per: Kari Nelson

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10 February 2003

Office of Environmental Information
Information Quality Guidelines Staff, Mail Code 28221T
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

**Re: Request for Response to/Renewal of Federal Data Quality Act Petition
Against Further Dissemination of 'Climate Action Report 2002' ("RFC")**

Dear Information Officer,

Pursuant to our 4 June 2002 "Petition under Federal Data Quality Act (FDQA) To Prohibit Further Dissemination of 'Climate Action Report 2002' (CAR)" (attached), we write 1) seeking a substantive response to that Petition, and 2) to formally renew our pending request for "correction" of CAR's fatal data flaws (ceasing dissemination).

As CEI detailed both in its Petition and subsequent Comments on EPA's Proposed FDQA Guidelines (also attached), the White House Office of Management and Budget's (OMB) Interim Final Guidelines for agency compliance with FDQA requirements (66 FR 49718), finalized by OMB's January 3, 2002 Final Guidance (67 FR 369), were expressly "government-wide" (see FDQA Section 515(b)(1)). We continue our proceeding under EPA's finalized "*Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*", as an "RFC", to the extent these Guidelines further and are not in conflict with OMB's government-wide guidelines and/or FDQA.

As also earlier detailed, particularly in CEI's Comments, to the extent that the United States EPA or any subdivision, branch, or office thereof cites, refers or links to, or otherwise disseminates the CAR (<http://www.epa.gov/globalwarming/publications/car/index.html>), as a product of, *inter alia*, EPA, it is in violation of the FDQA. This is because CAR cites, relies on, and further disseminates data failing to meet FDQA's requirements (see esp. CAR "Chapter 6"). Specifically, CAR disseminates the first National Assessment on Climate Change ("National Assessment" or "NACC") (<http://www.usgcrp.gov/usgcrp/nacc/default.htm>), in violation of FDQA.

This Request, incorporating by reference and attachment both referenced prior submissions, formally reiterates the request that EPA immediately remove all electronic dissemination and cease other dissemination of the CAR, because CAR fails to meet

FDQA's requirements for the same reasons that NACC fails FDQA's requirements and, in relying in significant part upon NACC and re-circulating the discredited data as CAR Chapter 6, in effect constitutes dissemination of the impermissible NACC.

As detailed (attached), FDQA prohibits – and therefore, EPA must cease -- dissemination of CAR as the sole feasible "correction" given the errors' endemic nature and CAR's reliance upon and dissemination of the findings of the National Assessment (NACC), because of that document's rampant violations of the data quality requirements of "objectivity" (whether the disseminated information is presented in an *accurate, clear, complete and unbiased* manner and is as a matter of substance *accurate, reliable and unbiased*), and "utility" (the *usefulness* of the information to the *intended users* (per the US Global Change Act of 1990, these are Congress and the Executive Branch).

This invokes NACC's and therefore CAR's inappropriate use of and reliance upon computer models and data that upon scrutiny are demonstrably meaningless. Further, in developing the published version of NACC which CAR relies upon and further disseminates, the US Global Change Research Program (USGCRP) also admittedly failed to perform the necessary science underlying regional and sectoral analyses (that Congress contemporaneously notified USGCRP was a condition precedent to the release of even a draft National Assessment). FDQA ratifies those objections, and is violated by continued dissemination of this product by any federal agency.

As the statutorily designated steering document for policymaking – despite that the particular document at issue admittedly failed to complete the statutory mission required to qualify as a "National Assessment," and was disavowed by the White House Office of Science and Technology Policy in order to resolve litigation also brought by, *inter alia*, CEI – NACC qualifies as "influential scientific or statistical information" for purposes of FDQA. Therefore it must meet a "reproducibility" standard, setting forth transparency regarding data and methods of analysis, "as a quality standard above and beyond some peer review quality standards."

Pursuant to these prior filings and specifically CEI's pending Petition/RFC, CEI reiterates its request that EPA immediately comply with FDQA and cease dissemination of the National Assessment on Climate Change in whole or part and in any form including any product relying on NACC, *e.g.*, Climate Action Report. We therefore also request that you notify us at your earliest convenience of EPA's substantive response to the violations set forth in this series of communications and the docket number assigned.

Please do not hesitate to contact me with any questions.

Sincerely,

Christopher C. Horner

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