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To: See the distribution list at the bottom of this message
cc:
Subject: EPA has faxed response to CEI

For your information - EPA has this afternoon sent the following document via fax and mail to CEI in response to their letter on the Climate Action Report.

(See attached file: EPA KNelson Response 7428.pdf)

We posted this response on the EPA IQG site this afternoon as well. Here's a link to that site (see item 7b):
http://www.epa.gov/oei/qualityguidelines/af_req_correction_sub.htm

Finally, we have modified several pages on our website where necessary to cite the Climate Action Report as a State Department document. See, for example, the main page listed below:

<http://yosemite.epa.gov/OAR/globalwarming.nsf/content/ResourceCenterPublicationsUSClimateActionReport.html>

Reid



- EPA KNelson Response 7428.pdf

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
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MAY 16 2003

OFFICE OF
ENVIRONMENTAL INFORMATION

Christopher C. Horner
Competitive Enterprise Institute
1001 Connecticut Avenue, NW, Suite 1250
Washington, D.C. 20036

Re: Information Quality Guidelines Request for Correction #7428

Dear Mr. Horner:

The purpose of this letter is to respond to your February 10, 2003, request to the U.S. Environmental Protection Agency (EPA) under the Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency (Information Quality Guidelines) (IQG RFC #7428). You requested that EPA cease dissemination of the U.S. Climate Action Report 2002. This letter also responds to your June 4, 2002, letter requesting that EPA cease dissemination of the Report.

The U.S. Climate Action Report 2002 is the U.S. Third National Communication that was prepared and submitted by the United States pursuant to its obligations under the United Nations Framework Convention on Climate Change (UNFCCC). Since the UNFCCC was ratified by the U.S. in 1992, the State Department has been responsible for developing and submitting each of the U.S. national communications under the UNFCCC (i.e., in 1994, 1997, and 2002). In 2002, as in previous years, the State Department convened an interagency team to draft the document. This team included staff from the Office of Management and Budget, Council on Environmental Quality, Environmental Protection Agency, the Departments of State, Energy, Interior, Commerce, Defense, and Transportation, the US Global Change Research Program, U.S. Agency for International Development, and other federal agencies. The document was submitted by the State Department to the UNFCCC Secretariat on May 28, 2002.

EPA subsequently made the document available on its Web site because of its advanced web hosting capability, which may have been interpreted as an indication that this was an EPA report. The State Department has the responsibility within the U.S. Government for developing and distributing the document to the UNFCCC Secretariat and to other Parties to the Convention. The document clearly states (on the inside cover page) that the Climate Action Report is a U.S. State Department publication.

Therefore, EPA has determined that it is not the appropriate agency to consider Information Quality Guidelines requests for correction relative to the Climate Action Report. The EPA Information Quality Guidelines apply to information EPA disseminates to the public

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that is prepared by the Agency to support or represent an EPA viewpoint or to formulate or support a regulation, guidance or other Agency decision or position. Furthermore, the EPA Information Quality Guidelines apply if EPA distributes information prepared or submitted by an outside party in a manner that reasonably suggests that EPA endorses or agrees with it; if EPA indicates in its distribution that the information supports or represents EPA's viewpoint; or if EPA in its distribution proposes to use or uses the information to formulate or support a regulation, guidance, policy, or other Agency decision or position. In this instance, EPA hosts the Climate Action Report on its Web site solely to assist the State Department in providing public access to the Report. While EPA did participate in the interagency drafting effort for the document, EPA is not using it to support or represent an EPA viewpoint or otherwise adopting or endorsing it. Accordingly, EPA is not "disseminating" information in the document, as that term is used in the EPA Information Quality Guidelines. Because the correction process under the EPA Information Quality Guidelines is limited to requests for correction of information disseminated by EPA, EPA Information Quality Guidelines correction and reconsideration processes do not apply to the information in the Climate Action Report, as described in your request.

In view of these considerations, we have forwarded your request to the State Department for their information, and we suggest that you contact the State Department if you wish to pursue this matter. EPA has made several changes to its Web site to state prominently that the U.S. Climate Action Report 2002 is a State Department publication.

If you are dissatisfied with EPA's decision that the information described in your request is not covered by the EPA Information Quality Guidelines, you may submit a Request for Reconsideration (RFR). EPA recommends that this request be submitted within 90 days of the date on this letter. To do so, send a written request to the Agency's Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Staff, Mail Code 28220T, U.S. EPA, 1200 Pennsylvania Ave., NW Washington, D.C., 20460), electronic mail (quality.guidelines@epa.gov) or fax (202 566-0255). The RFR should reference the request number assigned to the original request for correction (identified in the first sentence/first paragraph of this response). Additional information that should be included in the request is listed on Information Quality Guidelines Web site (<http://www.epa.gov/oci/qualityguidelines/>).

Sincerely,



Kimberly T. Nelson
Assistant Administrator and
Chief Information Officer

cc: Dan Reifsnnyder, Director, Office of Global Change, U.S. State Department
Jeffrey R. Holmstead, Assistant Administrator for Air and Radiation, U.S. EPA