



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

SEP 23 2003

Christopher C. Horner
Competitive Enterprise Institute
1001 Connecticut Avenue, N.W.
Suite 1250
Washington, DC 20036

Re: Information Quality Guidelines Request for Reconsideration #7428A

Dear Mr. Horner:

This letter responds to your May 21, 2003 request for reconsideration of the U.S. Environmental Protection Agency's denial of your request for correction in regards to the Climate Action Report 2002 (CAR 2002). On May 16, 2003, on behalf of EPA, Kimberly T. Nelson, Assistant Administrator for the Office of Environmental Information and Chief Information Officer, denied your request for correction of information (IQG RFC #7428) asking EPA to cease dissemination of the CAR 2002 report. That denial was based on a determination that EPA is not the appropriate agency to consider requests for correction relative to the CAR 2002 report. EPA forwarded your request to the State Department and suggested that you contact State if you wished to pursue the matter. Your May 21 letter requests that EPA reconsider the denial.

Following the process set out in EPA's Information Quality Guidelines (*Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency*), your request for reconsideration was presented to an executive panel comprised of Paul Gilman, Science Advisor to the Agency and Assistant Administrator for Research and Development, Robert Varney, Region I Administrator, and Jessica Furey, Economics Advisor to the Agency and Associate Administrator for Policy, Economics, and Innovation. The executive panel reviewed your original request to the Agency, your request for reconsideration, and your July 23, 2003 letter regarding supplemental information. This letter communicates the panel's decision regarding the request for reconsideration.

The executive panel agrees with the May 16, 2003 denial of your request for correction. Notwithstanding the participation of EPA and other agencies in the preparation of the CAR 2002 report, the State Department has the responsibility for the report and is the agency to determine if any corrective action is appropriate.

The preparation of government reports often involves extensive coordination among agencies. Formation of an interagency workgroup by the responsible agency is not unusual and does not in itself mean that the other participating agencies' information quality guidelines apply to the report. The CAR 2002 interagency workgroup convened

by the State Department included representatives from the State Department, EPA, Department of Energy (DOE), U.S. Agency for International Development (AID), Department of Interior (DOI), National Oceanic and Atmospheric Administration (NOAA), Department of Agriculture (DOA), Department of Transportation (DOT), Department of Defense (DOD), U.S. Global Climate Research Program (USGCRP), Council on Environmental Quality (CEQ), and Council of Economic Advisors (CEA).

At the request of the State Department, EPA coordinated the interagency drafting process, including publishing Federal Register notices. EPA led interagency workgroups drafting four chapters and three appendices; State, DOE, USGCRP, AID, and NOAA each led workgroups drafting other chapters. All chapters underwent interagency review and coordination. At the State Department's request, EPA coordinated the production of the final report, including arranging for printing, and providing electronic transmittal and distribution services.

Notwithstanding the State Department's use of an interagency team, the CAR 2002 report was produced by the State Department in response to a treaty obligation under the United Nations Framework Convention on Climate Change (UNFCCC). The State Department has responsibility for all submissions of any documents under treaty obligations. Thus, the final report was officially submitted on May 28, 2002 by Daniel Reifsnnyder of the State Department to Ms. Joke Waller-Hunter, Executive Secretary, UNFCCC. (See attached transmittal letter.)

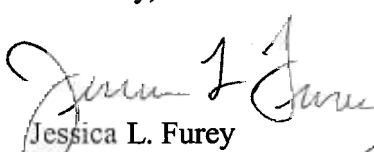
The executive panel reviewed the considerations cited in your request for reconsideration, but does not agree that these considerations should determine which is the appropriate agency to respond to a request for correction of the CAR 2002 report. For this report, which was prepared by an interagency team convened by the State Department, the decision as to which agency is the appropriate agency to consider and respond to a request for correction is a matter of internal government administration. Nothing in the Data Quality Act (Section 515, P.L. 106-554; H.R. 5658) or EPA or OMB guidelines restricts the government's ability to determine the appropriate agency to respond to a request for correction in this situation. The decision that the State Department is the appropriate agency to consider a request for correction is based on policy and procedural considerations within the discretion of the involved agencies. Moreover, both EPA and OMB guidelines anticipate coordination and consultation among agencies. The executive panel believes that because the State Department was responsible for developing and submitting the report, the State Department is the appropriate agency to respond to requests for correction.


The executive panel also notes that, although EPA's and USGCRP's are the only U.S. government web sites that distribute all or part of the CAR 2002 report, printed copies were distributed to all workgroup agencies for further distribution and the State Department distributes a compact disc version. The U.S. Government Printing Office sells printed copies.

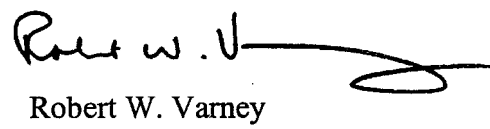
Finally, the executive panel notes that EPA has previously clarified on its web site that CAR 2002 is a State Department report. The intent of this change was to assure that the web site does not suggest that the document supports or represents EPA's viewpoint or that EPA endorses or agrees with it, and to clarify that EPA is not "disseminating" it for purposes of EPA's Information Quality Guidelines. This change was noted in EPA's response to your original request for correction. If EPA were to use information in the CAR to support a regulation or other Agency decision or position, EPA's Information Quality Guidelines would apply to that dissemination of information at that time.

In view of these factors, we deny your request for reconsideration. We reiterate that your request to EPA is more properly directed to the State Department and suggest again that you contact the State Department if you wish to pursue this matter.

Sincerely,


Jessica L. Furey
Economics Advisor
to the Agency


Paul Gilman, Ph.D.
Science Advisor
to the Agency


Robert W. Varney
Administrator,
Region I

Attachment

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

Facsimile



To: MS. JOKE WALLER - HUNTER (UNFCCC)

Cc:

Fax #: [49] (228) 815-1999

Phone #: [49] (228) 815-1000

From: DAN REIFSNYDER

Subject:

Date: MAY 28, 2002

Pages: 2, including cover sheet

Urgent

For Review

Please Comment

Please Reply

Office of Global Change
Bureau of Oceans and
International Environmental
and Scientific Affairs
2201 C Street, Room 4330
Washington, DC 20520
tel.: (202) 647-4069
fax: (202) 647-0191



United States Department of State

Bureau of Oceans and International
Environmental and Scientific Affairs

Washington, D.C. 20520

May 24, 2002

Ms. Joke Waller-Hunter
Executive Secretary
UN Framework Convention on Climate Change
Martin-Luther-King Strasse 8
D-53175 Bonn
FEDERAL REPUBLIC OF GERMANY

Joke
Dear Ms. Waller-Hunter:

We are pleased to submit the Third National Communication of the United States under the United Nations Framework Convention on Climate Change (UNFCCC) in response to the Article 12 and Decision 4/CP.5. It provides updated information on the First and Second National Communications submitted by the United States. We are providing this document to your staff electronically. Hard cover copies will be available at a later date.

If you should have any questions, please do not hesitate to contact Dr. Toral Patel-Weynand of my staff. Dr. Patel-Weynand can be reached by telephone at 202-647-3934 and by fax at 202-647-0191 or via e-mail at patel-weynandto@state.gov.

Sincerely,

Daniel Reifsnyder
Director
Office of Global Change

Attachment: As stated.

cc: Vitaly MatarSKI

This transmission includes 1 page.

TOTAL P. 02