

U.S. Environmental Protection Agency

Information Quality FY05 Annual Report

Description of the 7 Requests for Correction and 6 Requests for Reconsideration received by the U.S. Environmental Protection Agency between October 1, 2004 and September 30, 2005.



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

DEC 23 2005

OFFICE OF
ENVIRONMENTAL INFORMATION

The U.S. Environmental Protection Agency (EPA) *Information Quality Fiscal Year (FY) 2005 Annual Report* summarizes the third year of implementation of the corrections process created as part of the 2002 *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (EPA Information Quality Guidelines or IQGs).

In accordance with the Data Quality Act of 2001, EPA has developed administrative procedures for responding to requests concerning the quality of information disseminated by the Agency. To facilitate this process, EPA has established a public Web site that provides easy access to information and frequently asked questions on EPA's IQGs. If a member of the public believes EPA is disseminating information that does not meet the Office of Management and Budget and/or EPA's quality principles for objectivity, utility, and integrity of information, that person may submit a Request for Correction (RFC). Additionally, for transparency purposes, responses to the requests are also available at <http://www.epa.gov/quality/informationguidelines>

In FY 2004, EPA received 14 requests: 12 RFCs and two appeals, known as Requests for Reconsideration (RFRs). Although the total number of requests for FY 2005 (13) was consistent with FY 2004, the number of appeals rose by four, i.e., in FY 2005, EPA received seven RFCs and six RFRs. One RFC (05005) and one RFR (04025A) were rescinded by the requestors. The types of requests received covered a range of Agency disseminations, and explicitly challenged the "quality" and transparency of information disseminated on EPA's Web sites. Several of the requests challenged information in "draft," or undergoing peer review; others challenged Agency's policies and public comment processes. In response to some specific RFCs, EPA has made corrections to improve the transparency and presentation of information challenged on Agency Web sites.

EPA remains committed to sound and effective implementation of the Information Quality Guidelines to ensure that the highest quality information is disseminated to the public by this Agency.

Sincerely,

A handwritten signature in black ink, appearing to read "Kimberly T. Nelson".

Kimberly T. Nelson
Assistant Administrator and
Chief Information Officer

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I. Requests Received FY 2005

EPA received seven (7) requests for correction (RFC) and six (6) requests for reconsideration (RFR) during the FY 2005 reporting period, October 1, 2004 – September 30, 2005. None of these requests was designated as “influential”. A detailed summary of these requests can be found in Section III (a) of this report.

- National Multi Housing Council (RFR 04017A logged-in 11/09/2004)
- Perchlorate Study Group (RFR 13679A logged-in 01/04/2005)
- Dow Chemical Company (RFR 04021A logged-in 01/06/2005)
- Private Citizen (RFC 05001 logged-in 01/12/2005)
- American Chemistry Council (RFC 05002 logged-in 03/04/2005)
- American Chemistry Council (RFR 04025A logged-in 03/07/2005)
- MAA Research Task Force (RFC 05003 logged-in 03/15/2005)
- U.S. Chamber of Commerce (RFR 04019A logged-in 04/11/2005)
- National Paint and Coatings Association and Sherwin-Williams (RFR 04020A logged-in 05/27/2005)
- Metam Sodium Alliance (RFC 05004 logged-in 06/24/2005)
- Foley & Lardner, LLP and the Cement Kiln Recycling Coalition (RFC 05005 logged-in 07/05/2005)
- Washington Legal Foundation and the American Council on Science and Health (RFC 05006 logged-in 08/26/2005)
- Wood Preservative Science Council (RFC 05007 logged-in 09/02/2005)

Agency Information Quality correspondence can be found at:
<http://www.epa.gov/quality/informationguidelines/igq-list.html>

II. FY 2004 Requests Completed in FY 2005

Six (6) Requests for Correction and one (1) Request for Reconsideration were received in FY 2004 that were completed in FY 2005. One (1) of these requests was designated as "influential" (RFR 12385A). A detailed summary of these requests can be found in Section III (b)¹ of this report.

- U.S. Chamber of Commerce (RFC 04019 logged-in 05/27/2004)²
- National Paint and Coatings Association and Sherwin-Williams (RFC 04020 logged-in 06/02/2004)³

¹ Several detailed RFC summaries are included with the RFR summary in Section III (a), and are footnoted accordingly.

² Detail summary in Section III (a) 8.

³ Detail summary in Section III(a) 9.

- National Association of Home Builders (RFC 04022 logged-in 07/09/2004)
- NPC Services (RFC 04023 logged-in 08/31/2004)
- Geronimo Creek Observatory (RFC 04024 logged-in (09/08/2004)
- American Chemistry Council (RFC 04025 logged-in 09/15/2004)⁴
- Private Citizen (RFR 12385A logged-in 09/23/2004)

III. Requests for Correction Processed in FY 2005

Summaries of Requests for Correction (RFC) and Requests for Reconsideration (RFR) received and/or completed during FY 2005. Requests are listed in order of date received. All requests were received by the U.S. EPA.

a) Requests Received in FY 2005

1. RFR 04017A

Requestors: Dr. Eileen Lee, Ph.D., National Multi Housing Council (NMHC), National Apartment Association, Builders Owners and Managers Association International, Institute of Real Estate Management, National Association of Industrial and Office Properties, National Association of Real Estate Investment Trusts, National Association of Realtors, National Leased Housing Association, The Real Estate Roundtable, The U.S. Chamber of Commerce

Date Received: (RFC) Letter dated March 10, 2004; logged-in on March 11, 2004. Received via e-mail.

Summary of Request: The request concerns information involving ratio utility billing systems (RUBS) and other allocation billing systems disseminated by EPA in its draft memorandum on the Applicability of Safe Drinking Water Act to Submetered Properties ("Revised Policy") published in the Federal Register on December 23, 2004 (68 Fed. Reg. 74233). Specifically, the requestors claim that EPA's statement that "EPA believes that RUBS or other allocation billing systems do not encourage water conservation" (68 Fed.Reg. 74235) is erroneous.

Description of Requested Correction: NHMC requests that EPA: (1) disclose the process that the statement at issue underwent as part of EPA's internal, pre-dissemination review process; and (2) conduct a comprehensive literature review of the established studies, available in the open literature, to determine whether its statement at issue complies with the Guidelines. If EPA concludes that these utility systems do encourage water conservation, the requestors ask that EPA correct the statement in the revised policy and reissue its Revised Policy to treat RUBS and other allocation billing systems the same way it treats water submetering.

⁴ Detail summary in Section III (a) 6.

Influential: No

First Agency Response: Completed August 5, 2004.

Resolution: EPA plans to consider the information and recommendations contained in RFC in making determination of whether RUBS does or does not encourage water conservation.

Appeal Request: Letter dated November 5, 2004; logged-in November 9, 2004. Received via e-mail.

Summary of Request for Reconsideration: The requestor states, "However, since we consider the Agency to have agreed with our request, we do not believe that promising some Agency action sometime in the unspecified future is sufficient to address our request for correction."

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration was presented to an executive panel who reviewed the original request along with the request for reconsideration.

Appeal Resolution: Completed September 28, 2005. The Executive Panel upheld the RFC decision; there was no new information supporting RUBS as conserving water.

2. **RFR 13679A**

Requestor: Michael Gerard, Perchlorate Study Group (PSG)

Date Received: (RFC) Letter dated December 3, 2003; logged-in December 23, 2003. Received via mail.

Summary of Request: The request concerns the transparency and reproducibility of information regarding certain information on rat brain morphological changes contained in documents associated with the EPA draft assessment of "Perchlorate Environmental Contamination: Toxicological Review and Risk Characterization." EPA submitted the draft document to the National Academy of Sciences to assess the health implications of perchlorate ingestion.

Description of Requested Correction: PSG requests that EPA provide the study slides and data set supporting the perchlorate risk characterization study.

Influential: No

First Agency Response: Completed September 15, 2004.

Resolution: The document is an external review draft which has not been disseminated in accordance with the Information Quality Guidelines. EPA intends to consider PSG's comments with the peer review comments from the National Academy of Sciences.

Appeal Request: Letter dated December 21, 2004; logged-in January 4, 2005. Received via email.

Summary of Request for Reconsideration: "PSG seeks full disclosure by EPA of critical information necessary to reproduce the work of the Agency and its consultants." "Further, PSG seeks a clear declaration from the Agency whether it now or ever did possess copies of the high-resolution slides identified in Section 3(a) of our petition".

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration was presented to an executive panel who reviewed the original request along with the request for reconsideration.

Appeal Resolution: Completed August 19, 2005. The panel upholds the determination that the documents and materials cited in the RFC were undergoing peer review and did not represent Agency policy; they were therefore not subject to EPA's IQGs. The panel also concludes that EPA provided sufficient information to assist in accessing the requested materials.

3. **RFR 04021A**

Requestor: Anne Crochet, Taylor, Porter, Brooks & Phillips, L.L.P., on behalf of Dow Chemical Company

Date Received: (RFC) Letter dated June 14, 2004; logged in June 15, 2004. Received via e-mail.

Summary of Request: The request asks that the "Combined Quality Assurance Project Plan and General Work Plan: Potential Ground-water Flow Directions and Contaminant Fate and Transport in the Plaquemine Aquifer of Iberville Parish and West Baton Rouge Parish, Louisiana" be amended to include more specific information on the model to be developed as described in the Quality Assurance (QA) Project Plan. The request also asks that the amended QA Project Plan undergo an external peer review.

Description of Requested Correction: The requestor asks that EPA be prohibited from disseminating the model or any outputs from the model, until this RFC has been completed.

Influential: No

First Agency Response: Completed September 30, 2004.

Resolution: EPA does not consider this material to be an official dissemination under the Agency's Information Quality Guidelines. The QA Project Plan was intended as an internal EPA planning document for intra- or inter-agency use.

Appeal Request: Letter dated January 03, 2005; logged-in January 6, 2005. Received via e-mail.

Summary of Request for Reconsideration: The request claims that EPA's denial for Dow's RFC is an arbitrary exercise by discretion of the agency and that stated differently, the assertions made by EPA do not flow rationally from the facts of the situation. The requestor claims that the QA Project Plan provided to DOW and one other person qualifies as a "dissemination," although EPA may have intended that the QA Project Plan be an internal EPA planning document, it nonetheless distributed it to members of the public.

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration was presented to an executive panel who reviewed the original request along with the request for reconsideration.

Appeal Resolution: Completed June 1, 2005. The Executive Panel upheld the response to the original request.

4. RFC 05001

Requestor: Private Citizen

Date Received: E-mail dated January 10, 2005; logged-in January 12, 2005.

Summary of Request: The requestor does not believe that the process whereby the chemical atrazine was re-registered was conducted correctly under the EPA IQGs.

Description of Requested Correction: The requestor states that: 1) External peer review of the data was not performed. 2) Because the data used for the review came from the manufacturer, the requestor states that the data is biased. 3) The studies used for the review did not meet the EPA Good Laboratory Practice standards. 4) EPA listed atrazine as not carcinogenic and not an endocrine disruptor on its Web site based on faulty information. 4) The Science Advisory Board and Panel had a direct conflict of interest, being financially involved with the manufacturer.

Influential: No

First Agency Response: Completed July 7, 2005.

Resolution: "For the atrazine re-registration effort, the Agency provided several opportunities for public comment. In such cases, EPA's IQGs are not intended to provide parties with additional avenues of public comment. Your email was submitted after all of the applicable comment periods, but it does not provide any new substantive information that could not have been submitted during one of the comment periods. After reviewing your email, EPA has determined your email does not contain significant new information or analysis that would warrant reopening or reconsidering the opportunities for public comment already provided by EPA." In addition, the requestor did not cite any specific existing information that needed to be corrected. The response includes an attachment that describes the process for atrazine re-registration.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

5. **RFC 05002**

Requestor: American Chemistry Council

Date Received: Letter dated February 24, 2005; logged-in March 4, 2005. Received via mail.

Summary of Request: One "obsolete" method of producing isopropyl alcohol produces isolated intermediate substance that has been linked to upper respiratory cancer. This should be the regulated substance. Improperly reporting isopropyl alcohol instead of the strong acid process manufacturing byproduct, diisopropyl sulfonate, leads to unnecessary EPA enforcement initiatives, state listings, wasted time and money spent processing erroneous reports, dissemination of false/misleading information to the public.

Description of Requested Correction: The listing of isopropyl alcohol (IPA) on the Toxics Release Inventory (TRI) is inaccurate and misleading because the listing misstates Congress' intent. The Panel requests that EPA "1) refrain from including future isopropanol emissions report data on the TRI; and 2) correct historic TRI reports and TRI database by removing isopropanol data."

Influential: No

First Agency Response: Completed June 22, 2005.

Resolution: EPA determined that its listing of IPA on TRI is consistent with the EPA's and OMB's Information Quality Guidelines.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

6. RFC 04025/RFR 04025A

Requestor: Courtney M. Price, American Chemistry Council Aliphatic Diisocyanates Panel

Date Received: (RFC) Letter dated September 8, 2004; logged in September 15, 2004. Received via mail.

Summary of Request: Request includes suggested changes to toxicology section of the Isocyanates Profile on the EPA Office of Pollution Prevention and Toxics (OPPT) "Design for the Environment" Web page (<http://www.epa.gov/opptintr/dfe>).

Description of Requested Correction: Suggested corrective actions include: (1) remove statement that isocyanates "may affect many organ systems"; (2) distinguish carcinogenic potential of aliphatic and aromatic diisocyanates; and (3) distinguish toxicological characterizations of monomer, prepolymer, and polymer compounds, and also homo- and hetero-polymers, and accurately state monomer contents of polymers.

Influential: No

First Agency Response: Completed December 21, 2004.

Resolution: EPA will add clarification of terminology for "polymers" and "prepolymers," and also address amounts of residual monomer in prepolymers and polymers, as Editor's Notes to Toxicology section of the Profile; the Note about the terminology will also reference recent definitions published by NIOSH and also the TSCA polymer exemption rule. EPA will also delete one sentence and change one other word in the Profile.

Appeal Request: Letter dated February 23, 2005; logged-in March 7, 2005. Received via mail. Appeal withdrawn by requestor on June 22, 2005.

Summary of Request for Reconsideration: ACC requests reconsideration of denial of RFC request to revise statements concerning relative toxicity of monomers and prepolymers, and states that an error in the information added (as result of RFC) should be corrected.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Withdrawn by American Chemistry Council Aliphatic Isocyanates Panel on June 22, 2005.

7. RFC 05003

Requestor: MAA Research Task Force

Date Received: Letter dated March 8, 2005; logged-in March 15, 2005. Received via mail.

Summary of Request: "The Task Force requests correction of the calculation of the provisional oral chronic reference does (RfD) for cacodylic acid, using a more appropriate basis."

Description of Requested Correction: "The PPRTV [Provisional Peer Reviewed Toxicity Value] Support Document uses a no observed adverse effect level (NOAEL) from a subchronic study with rats to derive the chronic RfD, although multiple chronic studies containing NOAEL values exist and are available to the Agency. The NOAEL used for deriving a chronic RfD should be corrected."

Influential: No

First Agency Response: In progress.

Resolution: In progress.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

8. RFC 04019/RFR 04019A

Requestor: William Kovacs, U.S. Chamber of Commerce

Date Received: (RFC) Letter dated May 26, 2004; logged-in May 27, 2004.
Received via e-mail.

Summary of Request: The requestor stated that sixteen EPA databases contain inconsistent numerical data entries for physical-chemical constant characteristics for various chemicals that are used in commerce or occur in the environment.

Description of Requested Correction: "EPA, to the extent that it disseminates information about these chemicals and chemical mixtures and to the extent that it disseminates these databases, should assure that the databases consistently and uniformly indicate the same, correct numerical value for any listed physical or chemical property parameter associated with the identified chemicals and chemical mixtures regardless of what database is consulted (or what model is used)."

Influential: No

First Agency Response: Completed January 12, 2005.

Resolution: EPA determined that the existing EPA databases and models referred to in the RFC individually are in conformance with the EPA Information Quality Guidelines. However, two actions were taken as a result of the RFC. (1) Two sentences were added to the PBT Profiler web page to clarify the appropriate use of data from the Profiler; and (2) The Soil and Transport Fate (STF) database was removed from the web site for review to make sure that the information complies with the Information Quality Guidelines.

Appeal Request: Letter dated April 11, 2005; logged-in April 11, 2005. Received via e-mail.

Summary of Request for Reconsideration: "EPA, to the extent that it disseminates information about these chemicals and chemical mixtures and to the extent that it disseminates these databases, assure that the databases consistently and uniformly indicate the same, correct numerical value for any listed physical or chemical property parameter associated with the identified chemicals and chemical mixtures regardless of what database is consulted (or what model is used)."

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration will be presented to an executive panel. The executive panel will review the original request along with the request for reconsideration.

Appeal Resolution: In progress.

9. RFC 04020/RFR 04020A

Requestors: E. Donald Elliot, Willkie Farr & Gallagher, L.L.P. on behalf of National Paint and Coatings Association (NPCA) and Sherwin-Williams

Date Received: (RFC) Letter dated June 2, 2004; logged-in June 2, 2004. Received via e-mail.

Summary of Request: Request for correction of and peer review of data supporting the EPA Ozone Transport Commission Model Rule (Model Rule) for Volatile Organic Compounds (VOCs) for Architectural and Industrial Maintenance (AIM) Coatings

Description of Requested Correction: Sherwin Williams claims that the State Implementation Plans (SIP) are more stringent than EPA's requirements and the data underlying the Model Rule and the SIPs are flawed because they are based on the Pechan Report. They request peer review of the information submitted by E.H. Pechan & Associates that support the model.

Influential: No

First Agency Response: Completed February 25, 2005.

Resolution: EPA is not relying on the VOC emission reduction calculations of the Pechan Report, nor is it adopting nor endorsing the data or conclusions in the report. The specific amount of VOC emission reduction credits attributable to each state AIM regulation is not before the Agency for approval in this process.

Appeal Request: Letter dated May 26, 2005; logged-in May 27, 2005. Received via e-mail.

Summary of Request for Reconsideration: This RFR concerns data used by the States in implementing the State Implementation Plan (SIP) in compliance with the Ozone Transport Commission Model Rule for Volatile Organic Compounds (VOCs) for Architectural and Industrial Maintenance (AIM) Coatings. Sherwin Williams maintains that for numerous SIP approvals both proposed and recently finalized that the only data submitted by the states supporting an assessment of the air quality benefits and emissions reduction credits associated with such approvals was a report prepared in 2001 by E.H. Pechan & Associates, and related spreadsheet (Pechan Report). Sherwin Williams believes that the Pechan Report fails to meet the criteria established by the Data Quality Act. Therefore, they are requesting that prior to any adoption, endorsement or dissemination by EPA of the Pechan Report, the Agency determine whether such report violates the criteria established by the Data Quality

Act and EPA's implementing guidelines. They claim that EPA has recently approved SIP revisions pertaining to Metropolitan Washington, D.C., severe ozone non-attainment area and in support thereof indicated that it would conduct an assessment of the Pechan Report.

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration will be presented to an executive panel. The executive panel will review the original request along with the request for reconsideration.

Appeal Resolution: In progress.

10. RFC 05004

Requestor: Metam Sodium Alliance

Date Received: Letter dated June 24, 2005; logged-in June 24, 2005. Received via e-mail.

Summary of Request: The Alliance seeks the correction of information disseminated in EPA's January 31, 2005, "Human Health Risk Assessment: Metam Sodium" Risk Assessment. To the extent that similar information is contained in a revised version of the Risk Assessment, to be issued by EPA on or about June 29, 2005, the Alliance seeks the pre-dissemination correction of that information as well.

Description of Requested Correction: The RFC seeks the correction of EPA's Risk Assessment in its reliance upon the Probabilistic Exposure and Risk Model for Fumigants (PERFUM) as applied to metam sodium and in EPA's corresponding omission of any analysis based upon the demonstrably superior Fumigant Exposure Modeling System (FEMS) model. EPA's failure to address the FEMS model in the current draft Risk Assessment and to include the relevant modeling results based on FEMS is a basic error that required immediate correction, in both the January 31, 2005, document and the forthcoming revised Risk Assessment.

Influential: No

First Agency Response: Completed July 11, 2005.

Resolution: The requestor's RFC will be forwarded to the EPA Office of Pesticide Programs (to be incorporated into the docket for the metam sodium reregistration process, as part of the public comment phase of EPA's established pesticide reregistration program).

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

11. RFC 05005

Requestor: Foley & Lardner, LLP and Cement Kiln Recycling Coalition

Date Received: Letter dated June 30, 2005; logged-in July 5, 2005. Received via e-mail.

Summary of Request: Request for correction of emission factor contained in the draft version of the "U.S. EPA's Inventory of Sources and Environmental Releases of Dioxin-Like Compounds in the U.S.: Year 2000 Update," undergoing external review by panel of experts. The requester stated that the emission factor methodology used by EPA to estimate dioxin/furan compounds "grossly overestimates" emissions of dioxin/furan from hazardous waste burning cement kilns. In addition to submitting the request for correction under the IQGs, he submitted the same request, via email to David Cleverly, Environmental Scientist at EPA responsible for disseminating the information on the NCEA Web site. Mr. Stoll submitted the IQG request as a "formality."

Description of Requested Correction: The requestor states that the emission factor is 13.1 g TEQ. EPA reported 68.4g TEQ. EPA's value has been corrected to 18.8 g TEQ.

Influential: No

First Agency Response: Request withdrawn by requestor in a letter dated September 26, 2005; received September 27, 2005. EPA's response to the withdrawal completed October 3, 2005.

Resolution: In response to the requestor's comment (and subsequent withdrawal of the request), EPA's National Center for Environmental Assessment acknowledged the error. EPA issued an erratum revising the emissions estimate from hazardous waste burning cement kilns for the year 2000 to 18.8 grams toxic equivalents (TEQ, replacing the 68.4 grams TEQ reported in the External Review Draft. The erratum, posted on <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=132080>, was presented to the Peer Review panel and those attending the publicly held peer review meeting. The revised values were accepted and will be incorporated in the final document.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

12. RFC 05006

Requestor: Washington Legal Foundation and the American Council on Science and Health

Date Received: Letter dated August 23, 2005; logged-in August 26, 2005. Received via e-mail.

Summary of Request: The RFC requests that EPA correct information contained in its Guidelines for Carcinogen Risk Assessment, EPA/630/P-03/001F (Mar. 2005).

Description of Requested Correction: The request asks that EPA eliminate statements in the risk assessment guidelines that indicate that a substance may properly be labeled as “likely to be carcinogenic to humans” based solely or primarily on the results of animal studies.

Influential: No

First Agency Response: In progress.

Resolution: In progress.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

13. RFC 05007

Requestor: Wood Preservatives Science Council (WPSC)

Date Received: Letter dated September 2, 2005; logged-in September 2, 2005. Received via e-mail.

Summary of Request: WPSC seeks correction of 2 documents, "Toxicological Review of Inorganic Arsenic in Support of Summary Information on the Integrated

Risk Information System (IRIS) (July 2005), and the issue paper "Inorganic Arsenic Cancer Slope Factor (July 23, 2005).

Description of Requested Correction: WPSC urges "the Agency to ensure these documents are subject to formal, external peer review. In the interim the Agency should make clear that both documents are preliminary drafts that have not been peer-reviewed, do not represent an Agency position, and should not be cited or relied upon."

Influential: No

First Agency Response: In progress.

Resolution: In progress.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

b) Requests Received in FY 2004 and Completed in FY 2005

14. RFC 04022

Requestor: Gerald M. Howard, Executive Vice President and CEO, National Association of Home Builders (NAHB)

Date Received: Letter dated July 9, 2004; logged-in July 9, 2004. Received via e-mail.

Summary of Request: NAHB requests that EPA correct information in a fact sheet concerning "US vs. Wal-Mart Stores" dated May 12, 2004, because the document contains misleading and erroneous statements about storm water runoff from construction sites being primary cause of water quality impairment. Detailed descriptions of objections are provided, along with citations from other EPA documents intended to support NAHB's assertions.

Description of Requested Correction: NAHB requests that: (1) EPA remove references to storm water runoff from construction sites as sources of pathogens, oil, grease, or heavy metals, and any implication that construction site storm water runoff is a significant source of those pollutants, (2) EPA remove any and all statements that assert or imply that storm water runoff is a primary source of water quality

impairment, (3) citations to the "1998 Report to Congress" be corrected to reflect that the report title carries a year of 1996, and (4) EPA remove a section titled "Environmental Harm and Public Health Impacts Associated with Storm Water Runoff" from this and future fact sheets connected to enforcement actions for violations of storm water permitting requirements for runoff from construction sites, on the basis that the section presents false and/or misleading statements about construction as matters of fact.

Influential: No

First Agency Response: Completed December 22, 2004.

Resolution: Fact Sheet was revised; end-noted version posted to the EPA Web site and foot-noted version sent to NAHB.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

15. RFC 04023

Requestor: Reed Rubinstein, Greenberg Traurig, L.L.P. on behalf of NPC Services

Date Received: Letter dated August 30, 2004; logged-in August 31, 2004. Received via e-mail.

Summary of Request: Request states that EPA should disclose the data and methods needed to determine whether "influential" information disseminated by EPA regarding the National Priorities List (NPL) listing of Devil's Swamp Lake in Louisiana meets the Information Quality Guidelines and that EPA should correct certain disseminated influential information that does not appear to meet statutory and OMB IQGs.

Description of Requested Correction: Request asks that the EPA produce the data and methods needed to determine whether influential information disseminated by EPA regarding the National Priorities List listing of Devil's Swamp Lake in Louisiana meets IQG requirements and at the same time, EPA retract the cited disseminated information until further review is conducted by EPA.

Influential: No

First Agency Response: Completed December 16, 2004.

Resolution: EPA will consider the RFC as a comment on the proposed rule (69 FR 10646, March 8, 2004) and will address it in a support document that the Agency will publish concurrently with the final rule.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

16. RFC 04024

Requestor: Forrest Mims III, Geronimo Creek Observatory

Date Received: E-mail request dated September 8, 2004; logged-in September 8, 2004.

Summary of Request: Request states that the description of formation and sources of ozone and nitrogen oxides on the EPA Urban Air Web page contains erroneous information.

Description of Requested Correction: Request asks that EPA replace "erroneous statements" with "scientifically correct statements" and "find objective scientific peer reviewers to review and correct all EPA Web pages."

Influential: No

First Agency Response: Completed March 10, 2004.

Resolution: EPA took the requestor's suggestions into account while bearing in mind that EPA's goal is to present information in a way that is objective and accessible to the general public. Two Web pages were modified.

Appeal Request: Not applicable.

Summary of Request for Reconsideration: Not applicable.

Type of Appeal Process Used: Not applicable.

Appeal Resolution: Not applicable.

17. RFR 12385A

Requestor: David A. Smith, GDT Corporation

Date Received: (RFC) Electronic submission received August 18, 2003; logged-in August 18, 2003.

Summary of Request: Requestor identified ten (10) documents and/or Web pages, including the EPA Integrated Risk Information System (IRIS) file, that describe bromate in all forms as a carcinogen. The requestor contended that only potassium bromate is carcinogenic and not sodium bromate. The requestor pointed to supporting studies contained in the IRIS file that evaluate the effects of potassium bromate only.

Description of Requested Correction: The requestor asked that EPA correct the documents on its Web site, set the Maximum Contaminant Level (MCL) for bromate to 1.0 mg/L, and establish a preliminary limit on the amount of potassium in drinking water.

Influential: Yes

First Agency Response: Completed April 28, 2004.

Resolution: EPA upheld its characterization of bromate as a likely human carcinogen based on its analysis of available scientific data.

Appeal Request: E-mail dated September 20, 2004; logged-in September 23, 2004.

Summary of Request for Reconsideration: The requestor was dissatisfied with the Agency response that upheld its characterization of bromate as a likely human carcinogen. The requestor also states that, "My RFC was directed at all US EPA Web pages and revisable documents that present bromate as a carcinogen, not just the few originally referenced."

Type of Appeal Process Used: Following the process set out in the EPA Information Quality Guidelines, the request for consideration was presented to an executive panel who reviewed the original request along with the request for reconsideration.

Appeal Resolution: Completed June 9, 2005. The Executive Panel determined that the RFR does not warrant a change to the existing classification of bromate as a carcinogen at the present time. The Executive Panel reaffirmed the Agency's determinations in the April 28, 2004, response to the initial Request for Correction (RFC). EPA has established that the determination of bromate carcinogenicity and

references to its toxicological effect on Agency Web pages are consistent with the intent and purpose of EPA's IQGs.