



# INFORMATION QUALITY GUIDELINES OF THE U. S. DEPARTMENT OF AGRICULTURE: Report to the Office of Management and Budget

Revision of October 7, 2002

## Changes and Improvements to the Department's Quality of Information Guidelines

We are continuously seeking ways to change and improve the U.S. Department of Agriculture's Quality of Information Guidelines; anybody is welcome to submit comments. Comments should be sent to Dr. Bette Fugitt, eGovernment, Office of the Chief Information Officer, U.S. Department of Agriculture, 1400 Independence Avenue, SW, STOP 7602, Washington, DC 20250-7602. Telephone (202) 720-8020. E-mail: [Bette.Fugitt@usda.gov](mailto:Bette.Fugitt@usda.gov)

## SUMMARY

The Office of Management and Budget (OMB) has issued "Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies." Congress directed OMB to issue these guidelines in section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law 106-554); section 515 is now commonly referred to as the Data Quality Act.

OMB published its guidelines in interim final form in the Federal Register on September 28, 2001 at 66 FR 49718-49725 and updated the guidelines on February 22, 2002 at 67 FR 8452-8460. Also, after reviewing initial agency draft guidelines, OMB issued supplementary guidance that discussed important issues, identified noteworthy approaches for consideration, and provided guidance on those provisions that need to be adopted uniformly in all agency guidelines (Memorandum from John D. Graham for the President's Management Council, "Agency Draft Information Quality Guidelines," June 10, 2002; and, Memorandum from John D. Graham for the President's Management Council, "Agency Final Information Quality Guidelines," September 5, 2002).

OMB's guidelines require Federal agencies subject to the Paperwork Reduction Act (44 U.S.C. Chapter 35) to: (1) issue information quality guidelines for the information the agencies disseminate; (2) establish administrative mechanisms allowing affected persons to seek and obtain correction of information disseminated by the agencies on or after October 1, 2002 that does not comply with OMB or agency guidelines; and (3) annually report to OMB the number and nature of complaints received by the agencies regarding agency compliance with OMB and agency guidelines and how such complaints were resolved.

In compliance with OMB's guidelines, no later than August 1, 2002, each agency must submit to OMB a report providing the agency's information quality guidelines and explaining how such guidelines will ensure and maximize the quality, objectivity, utility, and integrity of information disseminated by the agency. This report also must detail the administrative mechanisms developed by the agency to allow affected persons to seek and obtain appropriate correction of information maintained and disseminated by the agency that does not comply with the OMB or the agency guidelines. Accordingly, the U.S. Department of Agriculture (USDA) is submitting this report to OMB.

## For Further Information Contact:

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## **PUBLIC COMMENT ON USDA'S DRAFT INFORMATION QUALITY GUIDELINES AND USDA RESPONSE**

As the initial step in its development of information quality guidelines, each Federal agency was required to prepare a draft report providing its guidelines and describing its administrative mechanisms for correction of information and post the draft report on the agency's website to provide an opportunity for public comment.

USDA posted its draft report for public comment on its website from May 15, 2002 to July 15, 2002. A summary of the comments received and USDA's response follows.

### **Separate Guidelines Specific to Major Categories of Information Disseminated by USDA**

USDA's draft information quality guidelines comprised separate sets of guidelines specific to six major categories of information disseminated by USDA agencies and offices. Those categories were: statistical information, scientific research information, regulatory information, general reference information, information about programs and services, and organizational information (descriptive information about USDA agency organization, functions, and administration). Some comments raised concerns about information that may not fit into one of those categories and thus would not be covered by quality standards. One commenter objected to the approach altogether, stating that OMB's guidelines identified only two types of information: general information and *influential* information. USDA agrees that completeness of coverage of all types of information is a matter of concern. In response, we have added general, inclusive guidelines that apply to all types of information disseminated by the department's agencies and offices and designated the guidelines for specific types of information as supplementary to those general guidelines. We believe that this approach provides comprehensive coverage of the department's information dissemination activities. USDA disagrees with the position that guidelines specific to different types of information are inconsistent with OMB's guidance. The OMB guidelines explicitly direct agencies to adopt specific standards of quality that are appropriate for the various categories of information they disseminate.

### **Third-Party Information**

Some commenters requested that USDA explain the manner in which information provided to the Department's agencies and offices by others is covered under USDA's Information Quality Guidelines. In response, we have added a section describing the scope of information that is covered under USDA's guidelines, which specifically discusses third-party information. The section reads as follows:

"These guidelines apply not only to information that USDA generates, but also to information that USDA disseminates that was provided by or obtained from outside parties and which USDA adopts, endorses, or uses to formulate or support a regulation, guidance, or other agency decision or position."

### **Influential Information**

USDA's draft guidelines adopted OMB's definition of "influential" information, when used in the phrase "influential scientific, financial, or statistical information," i.e., the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions. Some commenters urged USDA to be more specific in its guidelines about how USDA agencies and offices would determine which information they disseminated should be considered to be "influential." In response, we have adapted the definition of "influential" information that was developed by the U.S. Department of Transportation in its draft information quality guidelines and which OMB endorsed in its June 10, 2002 supplementary guidance.

### **Quality Principles Included in the Safe Drinking Water Act Amendments of 1996**

Concerning *influential* information, the OMB guidelines state that, "With regard to analysis of risks to human health, safety, and the environment..., agencies shall either adopt or adapt the quality principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Amendments of 1996." Several commenters pointed out that USDA had failed to mention these standards in its draft information quality

guidelines. We agree, and have adapted the quality principles and included them in our supplementary guidelines for both scientific research information and for regulatory and rulemaking information. USDA adapted the quality principles in the same manner as the Environmental Protection Agency in its draft information quality guidelines.

### **Coverage of Documents Related to Compliance with the National Environmental Protection Act (NEPA) and the National Forest Management Act (NFMA)**

Several commenters expressed concern over the failure of USDA's draft information quality guidelines to address documents related to compliance with NEPA and NFMA. USDA's draft information quality guidelines for regulatory information did refer to coverage of documents prepared under NEPA, but not to NFMA. We have added a reference to documents prepared under NFMA to those guidelines in response to the comments.

Commenters also expressed concern over the omission of a reference to NEPA and NFMA documents in the section of USDA's draft guidelines pertaining to the department's proposed procedure to seek correction of information disseminated by USDA. Such documents would be subject to the procedures described in the section entitled "Requests for Correction Concerning Information on Which USDA Has Sought Public Comment." In response to the comments, we have added a reference to NEPA and NFMA documents in that section.

### **Procedure to Seek Correction of Information Disseminated by USDA and Opportunity to Request Reconsideration of USDA's Decision**

Some commenters objected to USDA's position that affected persons who seek correction of information disseminated by USDA bear the burden of proof with respect to the necessity for correction as well as with respect to the type of correction they seek. Other commenters supported that position. OMB supports our position in its supplementary guidance of June 10, 2002. In that guidance, OMB states: "Having the burden of proof on the complainant is consistent with the OMB guidelines and will be helpful in permitting agencies to dismiss frivolous or speculative complaints. All agencies should make this clear in describing their complaint mechanism to the public." Consequently, we will retain the requirement in our guidelines that complainants bear the burden of proof.

A number of comments pertained to USDA's proposed procedure for handling requests for correction of information on which the department has sought public comment, such as in a rulemaking. The procedure states that if the request for correction of information reaches the USDA agency during the comment period for that action, the agency's response will normally be incorporated in the next document it issues concerning the matter.

The agency may choose to provide an earlier response, if doing so is appropriate and will not delay the issuance of the final action in the matter. Some commenters expressed support for this approach, emphasizing that the rulemaking process provides the opportunity to challenge the quality of information. Other commenters disagreed, stating that the correction process should be separate from the rulemaking process to make it more timely. In its supplementary guidance of June 10, 2002, OMB endorsed incorporating the response in the next document that is issued concerning the matter. We also continue to believe that this is the appropriate approach.

Concerning USDA's proposed procedure for handling requests for reconsideration of USDA's decision pertaining to a request for correction of information, several commenters expressed concern over our proposal that the request for reconsideration would be decided by the agency that disseminated the information and handled the original request for correction. We are sensitive to those concerns and have revised the procedure accordingly.

Under the revised procedure, for requests for reconsideration that involve influential scientific, financial, or statistical information; regulatory information; or issues of a controversial nature, the USDA will designate a panel of officials to perform this function. Typically, such a panel would include the Reconsideration Official from the USDA agency that made the initial determination and two from other USDA agencies. For other information, the Reconsideration Official will be the Associate Administrator or comparable senior official of the agency that handled the original request for correction.

Some commenters encouraged USDA to notify the public about pending requests to correct USDA information.

We agree, and we have included in these guidelines the requirement that each USDA agency and office establish an information quality page on its website on which to post requests for corrections of information, requests for reconsideration, and actions taken by the agency in response to such requests. The information quality page will include information on who requested the correction, the nature of the request, any specific corrections made, the reason they were made, and any appropriate supporting documents.

## **THE REQUIREMENTS OF OMB'S GUIDANCE FOR FEDERAL AGENCY INFORMATION QUALITY GUIDELINES**

OMB's guidelines direct agencies to adopt a basic standard of quality as a performance goal, and take appropriate steps to incorporate information quality criteria into agency information dissemination practices. OMB defines "information" as any communication or representation of knowledge such as facts or data in any medium or form. OMB defines "dissemination" as agency initiated or sponsored distribution of information to the public. OMB defines "quality" as an encompassing term, comprising objectivity, utility, and integrity. Quality is to be ensured and established at levels appropriate to the nature and timeliness of the information to be disseminated. Agencies should adopt specific standards of quality that are appropriate for the various categories of information they disseminate.

To ensure and maximize the quality of information disseminated by Federal agencies, including its objectivity, utility, and integrity, OMB's guidelines instruct agencies to treat information quality as integral to every step of the agencies' development of information, including creation, collection, maintenance, and dissemination. This process will enable agencies to substantiate the quality of the information it has disseminated through documentation or other means appropriate to the information. Finally, the OMB guidelines require agencies to develop a process for reviewing the quality of information before it is disseminated to the public to ensure that it meets OMB's standards for objectivity, utility, and integrity.

In implementing these guidelines, USDA acknowledges that ensuring the quality of information is an important management objective that takes its place alongside other Departmental objectives, such as ensuring the success of agency missions, observing budget and resource priorities and restraints, and providing useful information to the public. This Department intends to implement these guidelines in a manner that will achieve all these objectives in a harmonious way.

### **The Objectivity Standard**

To meet the OMB objectivity standard, information disseminated by Federal agencies must be substantively accurate, reliable, and unbiased and be presented in an accurate, clear, complete, and unbiased manner. Data must be generated and analytic results must be developed using sound statistical and research methods. Agencies must identify the sources of the disseminated information, the methods used to produce it, and provide full, accurate, and transparent documentation. Information that agencies deem to be "influential scientific, financial, or statistical information" also must be reproducible to demonstrate its objectivity.

### **The Reproducibility Standard for Influential Scientific, Financial, or Statistical Information**

Under OMB's guidelines, "influential scientific, financial, or statistical information" is defined as scientific, financial, or statistical information that the agency can reasonably determine that dissemination of the information will have or does have a clear and substantial impact on important public policies or important private sector decisions. It is up to each agency to clarify which of the scientific, financial, or statistical information that it disseminates meets the criteria for influential information.

Agencies that disseminate influential scientific, financial, or statistical information must ensure a high degree of transparency about data and methods to facilitate its "reproducibility" by qualified third parties. "Reproducibility" means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision. In its guidance, OMB states: "The purpose of the reproducibility standard is to cultivate a consistent agency commitment to transparency about how analytic results are generated: the specific data used, the various assumptions employed, the specific analytical methods applied, and the statistical procedures employed. If sufficient transparency is achieved on each of these matters, then an analytic result should meet the 'capable of being substantially reproduced' standard."

### **Original and Supporting Data**

With regard to original and supporting data related to influential scientific, financial, or statistical information,

agencies may identify, in consultation with the relevant scientific and technical communities, those particular types of data that can practicably be subjected to a reproducibility requirement according to commonly accepted statistical, scientific, and financial standards, given ethical, feasibility, or confidentiality constraints.

### **Analytic Results**

With regard to analytic results related to influential scientific, financial, or statistical information, agencies should ensure sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public unless other compelling interests such as privacy, trade secrets, intellectual property, or other confidentiality protections preclude such a reanalysis. In situations where public access to data and methods will not occur due to other compelling interests, agencies must apply especially rigorous robustness checks to analytic results and document what checks were undertaken. In all cases, agencies must disclose the specific data sources, quantitative methods, and assumptions used in the analysis.

### **Analysis of Risks to Human Health, Safety, and the Environment**

With regard to analysis of risks to human health, safety, and the environment that provide the basis for the dissemination of influential information, agencies must either adopt or adapt the quality principles applied by Congress to risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996 (SDWA) (42 U.S.C. 300g-1(b)(3)(A)&(B)). The SDWA risk assessment principles are as follows:

1. To the degree that the agency action is based on science, the agency shall use:
  - a. The best available, peer-reviewed science and supporting studies conducted in accordance with sound and objective scientific practices;
  - b. Data collected by accepted methods (if reliability of the method and nature of the decision justify use of the data).
2. In the dissemination of public information about risks, the agency shall ensure that the presentation of information about risk effects is comprehensive, informative, and understandable.
3. In a document made available to the public in support of a regulation, the agency shall specify, to the extent practicable:
  - a. Each population addressed by any estimate of applicable risk effects;
  - b. The expected risk or central estimate of risk for the specific populations affected;
  - c. Each appropriate upper-bound or lower-bound estimate of risk;
  - d. Each significant uncertainty identified in the process of the assessment of risk effects and the studies that would assist in resolving the uncertainty; and
  - e. Peer-reviewed studies known to the agency that support, are directly relevant to, or fail to support any estimate of risk effects and the methodology used to reconcile the inconsistencies in the scientific data.

The OMB guidelines state that information quality standards for influential information disseminated in conjunction with risk assessments may be waived temporarily by agencies under urgent situations such as imminent threats to public health or homeland security.

### **The Utility Standard**

To meet the OMB utility standard, information must be useful to its intended users, including the public. In addition, when transparency of information is relevant for assessing the information's usefulness from the public's perspective, agencies must take care to ensure that transparency has been addressed in their review of the information.

### **The Integrity Standard**

Integrity refers to the security of the information. To meet the OMB integrity standard, information must be protected from unauthorized access or revision to ensure that it is not compromised through corruption or falsification.

### **The Requirement for Agencies to Commit to OMB and Agency Information Quality**

## Standards

After reviewing initial agency draft guidelines, OMB issued supplementary guidance that discussed important issues, identified noteworthy approaches for consideration, and provided guidance on those provisions that need to be adopted uniformly in all agency guidelines. One particularly important area of guidance is OMB's emphasis on ways in which agencies must commit to information quality standards and aspects of how those standards should be defined.

OMB's original guidelines state that, "Overall, agencies shall adopt a basic standard of quality (including objectivity, utility, and integrity) as a performance goal and should take appropriate steps to incorporate information quality criteria into agency information dissemination practices." In its supplementary guidance, OMB clarifies this requirement as follows:

"The 'information quality criteria' are set forth in the definitions of 'Quality,' 'Utility,' 'Objectivity,' and 'Integrity.' Closely related definitions are those for 'influential' information, when used in the phrase 'influential scientific, financial, or statistical information,' and for 'reproducibility.' Each agency, in structuring its information quality guidelines, must state the agency's information quality criteria (as defined in the OMB and agency guidelines) as performance goals that the agency seeks to attain. Each agency needs to adopt explicitly each aspect of each definition of quality, utility, objectivity, and integrity as an agency information quality standard. Each agency also must explicitly state that it intends to achieve each standard. Otherwise, there will be no benchmark against which a public complainant will be able to suggest non-attainment."

OMB's original guidelines state that, "As a matter of good and effective agency information resources management, agencies shall develop a process for reviewing the quality (including the objectivity, utility, and integrity) of information before it is disseminated." In its supplementary guidance, OMB discusses this requirement further: "...we stress that a mere description of current practices--however good--is not a substitute for explicit performance goals. At a minimum, each agency must embrace the OMB quality definitions as information quality standards they are seeking to attain."

With regard to agency standards for "influential scientific, financial, or statistical information" and for "reproducibility," OMB states in its supplementary guidance: "Each agency must either define its standards in ways applicable to it and consistent with the standards in the OMB guidelines, or explicitly adopt the standards from the OMB guidelines as the agency or component standards."

## Administrative Mechanisms to Allow Affected Persons to Seek Correction of Information

The OMB guidelines require agencies to establish administrative mechanisms to allow affected persons to seek and obtain correction of information disseminated by the agencies that does not comply with OMB or agency information quality guidelines. These administrative mechanisms are to be flexible, appropriate to the nature and timeliness of the disseminated information, and incorporated into agency information resources management and administrative practices. Agencies must specify appropriate time periods for agency decisions on whether and how to correct the information and notify affected persons of the corrections made.

If the person who requested the correction does not agree with the agency's decision, including the corrective action, if any, the person may file for reconsideration within the agency. Agencies must establish an administrative appeal process to review the agencies' initial decision, and specify appropriate time limits in which to resolve such requests for reconsideration.

## Effective Dates

OMB's guidelines stipulate that information that agencies first disseminate on or after October 1, 2002 must comply with OMB and agency information quality guidelines. Agency administrative mechanisms shall apply to information that the agency disseminates on or after October 1, 2002, regardless of when the agency first disseminated the information.

# GUIDELINES FOR ENSURING AND MAXIMIZING THE QUALITY, OBJECTIVITY, UTILITY, AND INTEGRITY OF INFORMATION DISSEMINATED BY USDA

The information quality guidelines and administrative mechanisms presented in this report conform to the requirements of OMB's information quality guidelines. In addition to revisions made in response to public comments, the guidelines presented in this report also include revisions to incorporate the detailed guidance contained in OMB's supplemental guidance of June 10, 2002. USDA's information quality guidelines adopt the definitions included in OMB's guidelines.

## RESPONSIBLE OFFICIALS

USDA's Chief Information Officer is the senior official responsible for USDA compliance with these guidelines. The heads of USDA agencies and offices are responsible for ensuring compliance with these departmental guidelines by their agency or office.

## INFORMATION SUBJECT TO USDA'S INFORMATION QUALITY GUIDELINES

- Except for those categories of information that are specifically exempted from coverage (see below), these guidelines apply to all information disseminated by USDA and USDA initiated or sponsored dissemination of information by USDA grantees, contractors, or cooperators on or after October 1, 2002, regardless of when the information was first disseminated.
- These guidelines apply to all media, including printed, electronic, or other form.
- These guidelines apply not only to information that USDA generates, but also to information that USDA disseminates that was provided by or obtained from outside parties and which USDA adopts, endorses, or uses to formulate or support a regulation, guidance, or other agency decision or position.
- Some information products released prior to October 1, 2002 continue to be used for decision-making or are relied on by USDA agencies or offices and the public as official, authoritative, government information. This information is, in effect, constantly being re-disseminated and is thus subject to these Guidelines. Previously released information products that do not meet these criteria are considered archived information and thus are not subject to these Guidelines.

These guidelines are not intended to be, and should not be construed as, legally binding regulations or mandates. The guidelines do not create any right or benefit, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies (including USDA or any USDA agency or office), officers, or employees or any persons.

## INFORMATION NOT SUBJECT TO USDA'S INFORMATION QUALITY GUIDELINES

Most of the categories of information listed below are exempted from coverage by OMB's guidelines. In the case of internal manuals and material presented to Congress that has been disseminated elsewhere, USDA is adding categories of information that the OMB guidelines do not specifically exempt. The following categories of information are not subject to USDA's Information Quality Guidelines.

- Views or opinions, where the presentation makes it clear that what is being offered is someone's opinion rather than fact.
- Dissemination of information by Federal employees and recipients of grants, cooperative agreements, or contracts:
  - These Guidelines do not apply to information disseminated by recipients of grants, cooperative agreements, or contracts unless a USDA agency or office represents the information as, or uses the

information in support of, an official agency position; or the grantee, cooperator, or contractor is disseminating the information at the request of the agency; or the grant or agreement requires USDA agency approval of dissemination of the information.

- These Guidelines do not apply to dissemination of any type of research by Federal employees and recipients of USDA grants, cooperative agreements, or contracts where the researcher, not USDA, decides whether and how to communicate and publish the research, does so in the same manner as his or her academic colleagues, and disseminates the research in a manner that indicates that the research does not represent USDA's official position (for example, by including an appropriate disclaimer). Distribution of research in this manner is not subject to these Guidelines even if USDA retains ownership or other intellectual property rights because the Federal Government paid for the research.
- Information for which distribution is intended to be limited to government employees, agency contractors, or grantees.
- Information that is intended only for intra-agency or inter-agency use or sharing of government information, unless the receiving agency disseminates the information to the public.
- Responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, or other similar law.
- Press releases, fact sheets, press conferences, or similar communications in any medium that announce, support the announcement, or give public notice of information that USDA has disseminated elsewhere.
- Public filings, unless USDA disseminates the information to the public in a manner that suggests that USDA endorses or adopts the information or indicates in its dissemination that the agency is using the information to formulate or support a regulation, guidance, or other decision or position.
- Correspondence with individuals, persons, or entities (regardless of media, such as electronic mail).
- Subpoenas or adjudicative processes. Excluded from the scope of these Guidelines are the findings and determinations that USDA makes in the course of adjudications involving specific parties. The exemption for adjudications is limited to adjudications that provide an opportunity to contest information quality in a timely manner. Because there are well-established procedural safeguards and rights to address the quality of factual allegations and adjudicatory decisions, and to provide persons with an opportunity to contest decisions, these Guidelines do not impose any additional requirements on USDA during adjudicative proceedings and do not provide parties to such adjudicative proceedings any additional rights of challenge or appeal.
- Archival information disseminated by USDA libraries or other similar USDA information repositories (e.g., inactive or historical materials in USDA libraries and other data collections).
- Hyperlinks from USDA websites to information that others outside USDA disseminate.
- Information presented to Congress as part of the legislative or oversight processes (e.g., testimony of USDA officials, information or drafting assistance provided to Congress in connection with pending or proposed legislation) that the agency has already disseminated to the public in some other way.
- Procedural, operational, policy, and internal manuals prepared for the management and operations of USDA that are not primarily intended for public distribution.

## **USDA'S APPROACH TO DEVELOPING QUALITY GUIDELINES FOR THE INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

USDA has developed general, inclusive, information quality guidelines that apply to all types of information disseminated by USDA agencies and offices. In addition, in accordance with OMB's guidance for agencies to adopt specific standards of quality that are appropriate for the various categories of information they disseminate, USDA also has developed supplementary guidelines for major categories of information disseminated by the department. These categories include scientific research information, statistical and financial information, and information related to regulatory activities, three categories of information that are of particular importance in OMB's guidelines. Also, USDA has developed supplementary guidelines for information about the department's programs and services, general reference information, and information pertaining to the organization and administration of the department and its agencies and offices.

All USDA offices and agencies must comply with both USDA's general and supplementary information quality guidelines. Component agencies and offices also may, if they so choose and as appropriate, develop more detailed guidelines within the departmental framework for the quality of the information that they disseminate. The department's Economic Research Service and National Agricultural Statistics Service are the first USDA



organizations to develop agency-specific information quality guidelines.

## Use of Websites

USDA agencies and offices will use their websites to keep the public informed about information quality on a timely basis. Specifically, each agency and office will establish an information quality site on its website. The purpose of the information quality site will be to meaningfully inform the public about the agency's or office's information quality practices and procedures. The information quality site will include access to USDA's Information Quality Guidelines, agency/office specific guidelines (if any), and an easy-to-understand explanation of the agency's/office's procedures regarding requests for correction. The explanation will include instructions for filing a request, and subsequently, an administration appeal of the agency's response to the request. The information quality site also will contain information describing corrections that the agency has made as a result of the correction procedures.

## USDA's Definition of *Influential* Scientific, Financial, or Statistical Information

OMB's guidelines define "influential" information as information that the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or important private sector decisions. The guidelines assign to each agency the task of clarifying this term in ways appropriate to the agency and its various programs.

A clear and substantial impact is one that has a high probability of occurring. If it is merely arguable that an impact will occur, or if it is a close judgment call, then the impact is probably not clear and substantial. The impact must be on "important" public policy or private sector decisions. Even if information has a clear and substantial impact, it is not influential if the impact is not on a public or private decision that is important to policy, economic, or other decisions. The definition applies to "information" itself, not to decisions that the information may support. Even if a decision or action by a USDA agency or office is itself very important, a particular piece of information supporting it may or may not be "influential."

In rulemaking, influential information is scientific, financial, or statistical information that will have a clear and substantial impact on the resolution of one or more key issues in an economically significant rulemaking, as that term is defined in Executive Order 12866. Executive Order 12866 defines an economically significant rulemaking as one that is likely to result in a rule that may have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The reference to key issues on significant rules reflects the "important" public policy language of the guidelines.

In non-rulemaking contexts, USDA agencies and offices will consider two factors—breadth and intensity—in determining whether scientific, financial, or statistical information is *influential*. Every decision USDA makes based on disseminated information is important to someone. That does not mean that disseminated information used for each decision is *influential*, as the term is used in these guidelines. In determining whether information is *influential*, USDA agencies and offices should consider whether the information affects a broad range of parties. Information that affects a broad, rather than a narrow, range of parties (e.g., an entire industry or a significant part of an industry, as opposed to a single company) is more likely to be *influential*. USDA agencies and offices also will consider whether the information has an intense impact. Information that has a low cost or modest impact on affected parties is less likely to be *influential* than information that can have a very costly or crucial impact. Information that has an intense impact on a broad range of parties should be regarded as *influential*. Information that affects a broad range of parties, with a low-intensity impact, or information that affects a narrow range of parties, with a high intensity impact, likely is influential.

USDA agencies and offices may designate certain classes of scientific, statistical, or financial information as "influential" or not in the context of their specific programs. Absent such designations, USDA agencies and offices will determine whether scientific, statistical, or financial information is *influential* on a case-by-case basis, using the principles articulated in these guidelines.

The "influential" designation is intended to be applied to scientific, statistical, or financial information only when clearly appropriate. USDA agencies and offices should not designate scientific, statistical, or financial information as *influential* on a regular or routine basis.

## **GENERAL GUIDELINES FOR THE QUALITY OF INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

These general information quality guidelines apply to all types of information disseminated by USDA agencies and offices.

- It is USDA's policy to ensure and maximize the quality, objectivity, utility, and integrity of the information that its agencies and offices disseminate to the public.
- USDA agencies and offices will adopt a basic standard of quality (including objectivity, utility, and integrity) and take appropriate steps to incorporate information quality criteria into their information dissemination practices.
- USDA agencies and offices will review the quality (including objectivity, utility, and integrity) of information before it is disseminated to ensure that it complies with the standards set forth in these Guidelines.
- USDA agencies and offices will treat information quality as integral to every step in their development of information, including creation, collection, maintenance, and dissemination.
- In accordance with OMB guidance, when collecting information that requires OMB clearance under the Paperwork Reduction Act, USDA agencies and offices will demonstrate in the clearance package submitted to OMB that the information collection would result in information that will comply with OMB and USDA information quality guidelines.

The following information quality criteria comprise the general quality standards that USDA agencies and offices will follow in developing and reviewing information and disseminating it to the public.

### **Objectivity**

- USDA agencies and offices will ensure that the information they disseminate is substantively accurate, reliable, and unbiased and presented in an accurate, clear, complete, and unbiased manner.
- To the extent possible, consistent with confidentiality protections, USDA agencies and offices will identify the source of the information so that the public can assess whether the information is objective.

### **Utility**

- USDA agencies and offices will assess the usefulness of the information they disseminate to its intended users, including the public.
- When transparency of information is relevant for assessing the information's usefulness from the public's perspective, USDA agencies and offices will ensure that transparency is addressed in their review of the information prior to its dissemination.
- USDA agencies and offices will ensure that disseminated information is accessible to all persons pursuant to the requirements of Section 508 of the Rehabilitation Act.

### **Integrity**

- USDA agencies and offices will protect information they maintain from unauthorized access or revision to ensure that disseminated information is not compromised through corruption or falsification.
- USDA agencies and offices will secure their information security resources by implementing the programs and policies required by the Government Information Security Reform Act.
- USDA agencies and offices will maintain the integrity of confidential information and comply with the statutory requirements to protect the information it gathers and disseminates. These include: The Privacy Act of 1974, as amended; The Paperwork Reduction Act of 1995; The Computer Security Act of 1987; The Freedom of Information Act; and OMB Circulars A-123, A-127, and A-130.

## **SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF SCIENTIFIC RESEARCH INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

These supplementary guidelines apply to scientific research information that is officially used or produced by USDA agencies or offices. The following information quality criteria comprise the quality standards that USDA agencies and offices will follow in developing and reviewing scientific research information and disseminating it to the public. It should be noted that in urgent situations that may pose an imminent threat to public health or welfare, the environment, the national economy, or homeland security these requirements may be waived temporarily.

## Objectivity of Scientific Research Information

To ensure the objectivity of scientific research information developed and disseminated by USDA, its agencies and offices will:

- Require a clear statement of the research objectives and a description of the approaches and methods that will be used in conducting the research.
- Subject the proposed research project(s) to a high quality and objective review.
- Where applicable, ensure the quality of research through the use of Good Laboratory Practices (40 CFR Part 160).
- Provide appropriate oversight to ensure that sound scientific practices are followed.
- Adhere to the Research Misconduct Policy promulgated by the Office of Science and Technology Policy on December 6, 2001, in the Federal Register (65 FR 76260). (See <http://www.ostp.gov/html/misconduct.html>.)
- Provide research information to the public that is reliable, accurate, and presented clearly.
- Provide an explanation that accompanies all research information detailing how it was obtained, what it is, the conditions to which it applies, and the limitations or reservations that should be applied in using the information.

Before releasing scientific research information, USDA agencies and offices will use one or more of the following procedures:

- Conduct a peer review that meets the standards recommended by OMB.
  - Where appropriate, subject the information to formal, independent, external peer review to ensure its objectivity. If data and analytic results have been subjected to such a review, the information may generally be presumed to be of acceptable objectivity. However, in accordance with the OMB standard, this presumption is rebuttable based on a persuasive showing by a petitioner in a particular instance, although the burden of proof is on the complainant.
  - If agency-sponsored peer review is employed to help satisfy the objectivity standard, the review process should meet the general criteria for competent and credible peer review recommended by OMB. OMB recommends that (a) peer reviewers be selected primarily on the basis of necessary technical expertise, (b) peer reviewers be expected to disclose to agencies prior technical/policy positions they may have taken on issues at hand, (c) peer reviewers be expected to disclose to agencies their sources of personal and institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner.
- Confirm that the information to be released has been peer reviewed by a reputable scientific or professional journal, and the journal has agreed to publish the same information.
- Conduct an internal review, which for the purposes of establishing transparency, ensures that the report or research product clearly states what the information and data are, how they were obtained, and any reservations or limitations on their use.

## Objectivity of *Influential* Scientific Research Information

To ensure the objectivity of *influential* scientific information disseminated by USDA, its agencies and offices will:

- Disseminate *influential* scientific information with a high degree of transparency about data and methods to facilitate its reproducibility by qualified third parties. Reproducibility means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision.
- With regard to original and supporting data related to *influential* scientific information, USDA agencies and offices will ensure reproducibility for those particular types of data that can practicably be subjected to a reproducibility requirement according to commonly accepted scientific standards, given ethical, feasibility,

or confidentiality constraints.

- With regard to analytic results related to *influential* scientific information, USDA agencies and offices will ensure sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public unless other compelling interests such as privacy, trade secrets, intellectual property, or other confidentiality protections preclude such a reanalysis.
  - In situations where public access to data and methods will not occur due to other compelling interests, USDA agencies and offices will apply especially rigorous robustness checks to analytic results and document what checks were undertaken.
  - In all cases, USDA agencies and offices will disclose the specific data sources, quantitative methods, and assumptions used in the analysis.

With respect to *influential* scientific information disseminated by USDA regarding analysis of risks to human health, safety, and the environment, USDA agencies and offices will ensure, to the extent practicable, the objectivity of this information by adapting the quality principles found in the Safe Drinking Water Act Amendments of 1996. The agencies and offices will:

- Use the best available science and supporting studies conducted in accordance with sound and objective scientific practices, including peer-reviewed studies where available.
- Use data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies the use of the data).
- In the dissemination of *influential* scientific information about risks, ensure that the presentation of information is comprehensive, informative, and understandable. In a document made available to the public, specify, to the extent practicable:
  - Each population addressed by any estimate of applicable effects.
  - The expected risk or central estimate of risk for the specific populations affected.
  - Each appropriate upper-bound or lower-bound estimate of risk.
  - Each significant uncertainty identified in the process of the risk assessment and studies that would assist in reducing the uncertainty.
  - Any additional studies, including peer-reviewed studies, known to the agency that support, are directly relevant to, or fail to support the findings of the assessment and the methodology used to reconcile inconsistencies in the scientific data.

## Utility of Scientific Research Information

To ensure the utility of the scientific research information developed and disseminated by USDA, its agencies and offices will:

- Depending on the purpose of the research, ensure that the research is relevant to the needs of the agency's customers, stakeholders, partners, or mission.
- When transparency of information is relevant for assessing the information's usefulness from the public's perspective, USDA agencies and offices will take care to ensure that transparency has been addressed in its review of the information before it is disseminated.

## Integrity of Scientific Research Information

To ensure the integrity of the scientific research information developed and disseminated by USDA, its agencies and offices will:

- Record and maintain, for an appropriate period of time, all experimental results, data, and analytic procedures needed to reproduce the released information in accordance with established governmental standards or, where applicable, widely recognized scientific practices.
- Protect the information from unauthorized access or revision and ensure that the information is not compromised through corruption or falsification.
- Adhere to the Research Misconduct Policy promulgated by the Office of Science and Technology Policy on December 6, 2001, in the Federal Register (65 FR 76260). (See <http://www.ostp.gov/html/misconduct.html>.)

## **SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF STATISTICAL AND FINANCIAL INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

These supplementary guidelines pertain to statistical and financial information disseminated by USDA agencies and offices that is obtained from original data collections, administrative records, or compilations of data from primary sources, as well as estimates and forecasts derived from statistical models, expert prediction, or a combination of the two. The following information quality criteria comprise the quality standards that USDA agencies and offices will follow in developing and reviewing statistical and financial information and disseminating it to the public.

### **Objectivity of Statistical and Financial Information**

To ensure the objectivity of statistical and financial information disseminated by USDA, its agencies and offices will:

- Design information collection, compilation, and creation activities based on sound statistical methods or generally accepted professional and industry standards.
- When collecting statistical or financial information:
  - Conduct sample surveys or other data collections using sound statistical, survey, and data collection methodologies that are consistent with generally accepted professional and industry standards.
  - Design information collection activities to minimize respondent burden balanced against the need and value of the information to be obtained.
  - When collecting information that requires OMB clearance under the Paperwork Reduction Act, demonstrate in the clearance package submitted to OMB that the information collection would result in information that will comply with OMB and USDA information quality guidelines.
- When compiling and using statistical or financial information from administrative data files and records or original sources:
  - Use the most reliable data and the most reliable data sources available.
  - Validate the data against other information where practicable.
- When creating estimates or forecasts that are derived from existing data sources using models or other techniques:
  - Use sound statistical methods that conform to accepted professional standards.
  - Document models and other estimation or forecasting techniques to describe the data sources used and the methodologies and assumptions employed.
- As a matter of good statistical practice, provide transparent documentation of data sources, methods, and sources of error when disseminating original or supporting statistical or financial data.
- Include quality assurance processes as an integral part of all phases of data collection or compilation, processing, and analysis, and conduct an appropriate quality evaluation of the statistical or financial information before it is disseminated.
- In analyzing and reporting statistical or financial information:
  - Use sound analytical techniques, maintain objectivity and professionalism, and present the data impartially in ways that are easy to understand.
  - Provide a clear explanation data sources, methodologies used, and assumptions made.
- Where appropriate, subject statistical and financial information and analysis thereof to formal, independent, external peer review to ensure its objectivity. If data and analytic results have been subjected to such a review, the information may generally be presumed to be of acceptable objectivity. However, in accordance with the OMB standard, this presumption is rebuttable based on a persuasive showing by a petitioner in a particular instance, although the burden of proof is on the complainant.
- If agency-sponsored peer review of statistical or financial information or the analysis thereof is employed to help satisfy the objectivity standard, the review process should, where appropriate, meet the general criteria for competent and credible peer review recommended by OMB. OMB recommends that (a) peer reviewers be selected primarily on the basis of necessary technical expertise, (b) peer reviewers be expected to disclose to agencies prior technical/policy positions they may have take on issues at hand, (c) peer reviewers be expected to disclose to agencies their sources of personal and institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner.

## Objectivity of *Influential* Statistical and Financial Information

To ensure the objectivity of *influential* statistical and financial information disseminated by USDA, its agencies and offices will:

- Disseminate *influential* statistical and financial information with a high degree of transparency about data and methods to facilitate its reproducibility by qualified third parties. Reproducibility means that the information is capable of being substantially reproduced, subject to an acceptable degree of imprecision.
- With regard to original and supporting data related to *influential* statistical or financial information, USDA agencies and offices will ensure reproducibility for those particular types of data that can practicably be subjected to a reproducibility requirement according to commonly accepted statistical or financial standards, given ethical, feasibility, or confidentiality constraints.
- With regard to analytic results related to *influential* statistical or financial information, USDA agencies and offices will ensure sufficient transparency about data and methods that an independent reanalysis could be undertaken by a qualified member of the public unless other compelling interests such as privacy, trade secrets, intellectual property, or other confidentiality protections preclude such a reanalysis.
  - In situations where public access to data and methods will not occur due to other compelling interests, USDA agencies and offices will apply especially rigorous robustness checks to analytic results and document what checks were undertaken.
  - In all cases, USDA agencies and offices will disclose the specific data sources, quantitative methods, and assumptions used in the analysis.

## Utility of Statistical and Financial Information

To ensure the utility of statistical and financial information disseminated by USDA, its agencies and offices will:

- Ensure that general-purpose statistical and financial information products meet user needs by identifying the users of the information, staying informed of their information needs, and developing new statistical and financial information and/or data products to meet those needs.
- Ensure that statistical and financial information developed for use by USDA, other Federal agencies, and the Congress in making management or policy decisions and to implement and assess regulations and programs is disseminated to the public with a high degree of transparency about data sources and methods.
- Make statistical and financial information disseminated by USDA agencies and offices widely available and easily accessible.
- Ensure that the statistical and financial information disseminated by USDA is accompanied by supporting documentation to aid its understandability. As appropriate, provide an explanation of data sources, definitions and concepts, and methodology. Provide contact information for a knowledgeable person with each publication and each data set to allow feedback and questions from data users.

## Integrity of Statistical and Financial Information

To ensure the integrity of statistical and financial information disseminated by USDA, its agencies and offices will:

- Ensure statistical and financial information maintained by USDA agencies and offices is secure from unauthorized internal access or revision.
- Ensure statistical and financial information maintained by USDA agencies and offices is secure from unauthorized external access or revision.

## **SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF REGULATORY INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

These supplementary guidelines pertain to information disseminated to the public by USDA agencies and offices in conjunction with their regulatory activities, rulemaking activities, and program implementation activities that are subject to rules. Such information includes economic, cost/benefit, scientific, environmental, risk assessment,

reporting and record keeping, and other pertinent analyses prepared or presented by agencies in support of those activities. Information that is subject to the guidelines under this section includes the following:

- Economic analyses prepared in accordance with Executive Order 12866.
- Other cost/benefit analyses prepared in support of rulemaking efforts.
- Scientific analyses (meaning natural sciences-plant pathology, animal physiology, etc.) and risk assessments prepared in support of agency rulemaking efforts as well as risk assessments of a non-regulatory nature.
- Regulatory flexibility analyses or certifications of no significant impact prepared in accordance with the 1980 Regulatory Flexibility Act.
- Environmental assessments, environmental impact statements, and associated documents prepared under the National Environmental Policy Act (NEPA).
- Land and resource management plans, program and project-related information, and other documents prepared under the National Forest Management Act (NFMA).
- Biological evaluations and biological assessments prepared to comply with the Endangered Species Act.
- Any other substantive analyses, documents, or procedures prepared in support of agency rulemaking activities or enforcement.

The following information quality criteria comprise the quality standards that USDA agencies and offices will follow in developing and reviewing regulatory information and disseminating it to the public. It should be noted that in urgent situations that may pose an imminent threat to public health or welfare, the environment, the national economy, or homeland security these requirements may be waived temporarily.

## Objectivity of Regulatory Information

To ensure the objectivity of information disseminated by USDA agencies and offices in conjunction with their rulemaking activities, the agencies and offices will:

- Use sound analytical methods in carrying out scientific and economic analyses and in preparing risk assessments.
- Use the most reliable and timely data and information available (e.g., collected data such as from surveys, compiled information, and/or expert opinion).
- When using the best available data obtained from or provided by third parties, ensure transparency in its dissemination by identifying known sources of error and limitations in the data.
- Evaluate data quality and, where practicable, validate the data against other information when using or combining data from different sources.
- Ensure transparency of the analysis by:
  - Presenting a clear explanation of the analysis to the intended audience.
  - Providing transparent documentation of data sources, methodology, assumptions, limitations, uncertainty, computations, and constraints.
  - Explaining the rationale for using certain data over other data in the analysis.
  - Presenting the model or analysis logically so that the conclusions and recommendations are well supported.
- Clearly identify sources of uncertainty affecting data quality.
- For quantitative assessments, clearly state the uncertainty of final estimates to the extent practicable. Data and data collection systems should, as far as possible, be of sufficient quality and precision that uncertainty in the final estimates is appropriately characterized.
- For qualitative assessments, provide an explanation of the nature of the uncertainty in the analysis.
- Where appropriate, subject the analysis to formal, independent, external peer review to ensure its objectivity. If analytic results have been subjected to such a review, the information may generally be presumed to be of acceptable objectivity. However, in accordance with the OMB standard, this presumption is rebuttable based on a persuasive showing by a petitioner in a particular instance, although the burden of proof is on the complainant.
- If agency-sponsored peer review of the analysis is employed to help satisfy the objectivity standard, the review process should, where appropriate, meet the general criteria for competent and credible peer review recommended by OMB. OMB recommends that (a) peer reviewers be selected primarily on the basis of necessary technical expertise, (b) peer reviewers be expected to disclose to agencies prior technical/policy positions they may have taken on issues at hand, (c) peer reviewers be expected to disclose

to agencies their sources of personal and institutional funding (private or public sector), and (d) peer reviews be conducted in an open and rigorous manner.

## Objectivity of *Influential* Regulatory Information

With respect to *influential* scientific information disseminated by USDA regarding analysis of risks to human health, safety, and the environment, USDA agencies and offices will ensure, to the extent practicable, the objectivity of this information by adapting the quality principles found in the Safe Drinking Water Act Amendments of 1996. The agencies and offices will:

- Use the best science and supporting studies conducted in accordance with sound and objective scientific practices, including peer-reviewed science and studies where available.
- Use data collected by accepted methods or best available methods (if the reliability of the method and the nature of the decision justifies the use of the data).
- In the dissemination of *influential* scientific information about risks, ensure that the presentation of information is comprehensive, informative, and understandable. In a document made available to the public, specify, to the extent practicable:
  - Each population addressed by any estimate of applicable effects.
  - The expected risk or central estimate of risk for the specific populations affected
  - Each appropriate upper bound or lower-bound estimate of risk.
  - Each significant uncertainty identified in the process of the risk assessment and studies that would assist in reducing the uncertainty.
  - Any additional studies, including peer-reviewed studies, known to the agency that support, are directly relevant to, or fail to support the findings of the assessment and the methodology used to reconcile inconsistencies in the scientific data.

## Utility of Regulatory Information

To ensure the utility of information disseminated by USDA agencies and offices in conjunction with their rulemaking activities, the agencies and offices will:

- Clearly state the purpose of the exercise and the intended audience.
- Ensure that the final product meets the users' needs.

## Integrity of Regulatory Information

To ensure the integrity of information disseminated by USDA agencies and offices in conjunction with their rulemaking activities, the agencies and offices will:

- Ensure that the information is secure and protected from manipulation and/or falsification.
- Ensure against unauthorized internal and external access to the information.
- Ensure the confidentiality of individually identifiable information, in accordance with statutory requirements and departmental directives.

# SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF GENERAL REFERENCE INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES

These guidelines pertain to general reference information disseminated by USDA agencies and offices that helps the public in its daily activities. Examples include informational pamphlets and brochures on good nutrition, safe handling of food, and good farming practices. The information quality criteria included in USDA's General Information Quality Guidelines comprise the quality standards that USDA agencies and offices will follow in developing and reviewing general reference information and disseminating it to the public. These supplementary guidelines focus largely on making the information useful to the public.



- **Information should be relevant.**  
Reference information should provide value to its intended users and effectively address the purpose for which it is produced. Identify the intended audience and the issues of concern to them to identify relevant topics of interest.
- **Information should be presented clearly.**  
Assess the level of knowledge of the target audience and present the information appropriately. Present the information in a clear, complete manner so that its intended audience can easily understand it. Keep language as simple as the subject permits. Use graphical materials in preference to additional text or statistical tables to communicate the message. Provide a point of contact to which users of the information may refer questions.
- **Information should be current.**  
Reference information should be as current as possible as of the date of its dissemination, and the text should indicate appropriate dates such as date of collection, compilation, and release. Review the information periodically as appropriate to ensure that it continues to meet quality standards and is appropriately categorized.
- **The source of the information should be documented.**  
Reference information that is based on the results of scientific studies, analyses, or statistical activities should identify the source of the information. Also, clearly identify the originating agency or office and provide a point of contact for questions or additional information.
- **Information should be accessible.**  
Make reference information easily accessible to its intended audience and make it available in media-print, electronic, visual, audio, etc.-, which are appropriate to accomplish that objective.

## **SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF INFORMATION ABOUT PROGRAMS AND SERVICES DISSEMINATED BY USDA AGENCIES AND OFFICES**

These guidelines pertain to information about the programs and services that USDA agencies and offices provide to the public. The information quality criteria included in USDA's General Information Quality Guidelines comprise the quality standards that USDA agencies and offices will follow in developing and reviewing information on USDA programs and services and disseminating it to the public. These supplementary guidelines focus largely on making the information useful to the public. As such, this type of information should be customer driven and meet customers' needs.

- **Information should be comprehensive.**  
Information describing the programs and services available from USDA agencies should include all pertinent information customers need to effectively use the programs and services and obtain benefits. Examples of this information include a description of the program's objectives, the benefits it provides, criteria for eligibility, how and where to apply, how acceptance and amount of benefits are determined. The information also should include instructions for contacting national, regional, and/or local personnel directly. Pertinent deadlines should be clearly cited and set to afford customers sufficient time to respond.
- **Information should be timely and reflect the most current information available.**
- **Information should be presented clearly.**  
Present the information clearly and completely so that the intended audience can easily understand it. Keep language as simple as the subject permits. Provide a point of contact to which clients may refer questions.
- **Information should be accessible.**  
Make the information available in media-print, electronic, audio, video, etc.-appropriate to the client population of the program or service. As appropriate and necessary, make the information available in languages other than English.

## **SUPPLEMENTARY GUIDELINES FOR THE QUALITY OF ORGANIZATIONAL AND ADMINISTRATIVE INFORMATION DISSEMINATED BY USDA AGENCIES AND OFFICES**

These guidelines pertain to descriptive information about USDA, its component agencies and offices, and their

administrative processes. Examples include the agencies' history, functions, and legislative authorities; their organization charts, the offices within the agencies and their functions; the agencies' strategic and performance plans; and information pertaining to the agencies' administrative processes. The information quality criteria included in USDA's General Information Quality Guidelines comprise the quality standards that USDA agencies and offices will follow in developing and reviewing organizational information and disseminating it to the public. These supplementary guidelines focus largely on making the information useful to the public.

- **Information should be comprehensive.**

The information should include all pertinent information to allow the public to understand the agency's legislative authorities, mission, activities, organization, strategic plan, performance plan, and performance accomplishments.

- **Information should be timely and reflect the most current information available.**

- **Information sources should be documented.**

Where appropriate, users should be provided with additional documentation or with method(s) to access supporting documentation by reference (e.g., citations) or by electronic means (e.g., "links").

- **Information should comply with applicable public laws, rules, regulations, and departmental directives, instructions and guidelines.**

All information should comply with current departmental policies and guidelines that govern dissemination of administrative materials to the public. The information also should comply with the requirements of applicable public laws, such as the Government Performance and Results Act of 1993.

- **Information should be accessible.**

Make the information easily accessible to the public, make it available in media-print, electronic, visual, audio, etc., which are appropriate to accomplish that objective.

## **PROCEDURE TO SEEK CORRECTION OF INFORMATION DISSEMINATED BY USDA**

### **BACKGROUND**

USDA has developed administrative mechanisms to allow affected persons to seek and obtain correction of information disseminated by USDA on or after October 1, 2002, regardless of when the information was first disseminated, that they believe does not comply with OMB or USDA Information Quality Guidelines. Requestors seeking a correction should follow the procedure described below.

The USDA Information Quality Guidelines correction mechanisms are not intended to imply any rights of individuals to request amendment of their own records beyond those permitted by the Privacy Act of 1974 or other organization specific laws.

### **CONSULT WITH THE CONTACT PERSONS LISTED IN USDA REPORTS AND PRODUCTS BEFORE FILING A FORMAL REQUEST FOR CORRECTION**

Most USDA publications, reports, and data files include the names, telephone numbers, and/or email addresses of knowledgeable staff who can assist users in understanding the information presented there and in determining whether, in fact, there is an error that warrants action via the formal correction process. Users of USDA information should consult first with the USDA contact person listed in the product before filing a formal request for correction. If no specific contact person is listed, users should contact the agency.

### **WHERE TO SUBMIT A FORMAL REQUEST FOR CORRECTION**

All requests for correction of USDA information must be submitted by letter, fax, or email to the Information Quality Official of the USDA agency or office that disseminated the information (henceforth in these procedures, the term "USDA agency" shall mean "USDA agency or office"). The final USDA procedure to seek correction of

information disseminated by USDA will provide the name and address of the Information Quality Official for each USDA agency with links to the information quality pages on their web sites. That list is not provided with this draft.

## **Information That Should Be Submitted to the Appropriate USDA Agency with a Request for Correction**

Requests for correction of information should include the following elements:

- **Statement that the Request for Correction of Information is Submitted Under USDA's Information Quality Guidelines**
- **Requestor Contact Information**  
The name, mailing address, telephone number, fax number (if any), email address (if any), and organizational affiliation (if any) of the person requesting the correction.
- **Description of Information to Correct**  
The name of the USDA publication, report, or data product; the date of issuance or other identifying information such as the URL of the web page; and a detailed description that clearly identifies the specific information contained in that publication, report, or data product for which a correction is being sought.
- **Explanation of Noncompliance with OMB and/or USDA Information Quality Guidelines**  
An explanation that describes how the information fails to meet either the OMB or USDA Information Quality Guidelines.
- **Explanation of the Effect of the Alleged Error**  
An explanation that describes the requestor's use of the information in question and how the requestor is affected by the alleged error.
- **Recommendation and Justification for How the Information Should Be Corrected**  
The requestor should state specifically how the information should be corrected and explain why the corrections should be made. A request for correction that is specific and provides evidence to support the need for correction is likely to be more persuasive than a request that is general, unfocused, or that simply indicates disagreement with the information in question.

This guidance for the content of requests for correction of information is not intended to constitute a set of legally binding requirements. However, USDA may be unable to process, in a timely fashion or at all, requests that omit one or more of the requested elements. Requestors bear the "burden of proof" with respect to the necessity for correction as well as with respect to the type of correction they seek. USDA will base its decision on the merits of the information provided by the requestor.

## **USDA REVIEW OF THE REQUEST FOR CORRECTION**

The request for correction will be processed by the USDA agency that disseminated the information or information product in question. Based on the explanation and evidence submitted with the request for correction, the USDA agency will conduct a thorough review of the information being challenged, the processes that were used to create and disseminate the information, and the conformity of the information and those processes with both OMB's and USDA's Information Quality Guidelines.

After it has completed its review, the USDA agency will determine whether a correction is warranted, and, if so, what corrective action it will take. USDA agencies are not required to change, or in any way alter, the content or status of information simply because a request for correction has been made. If duplicative requests for correction are received, USDA agencies will consolidate them into one request for response. USDA agencies will dismiss requests for correction of information that is not subject to USDA's Information Quality Guidelines, requests that are frivolous or made in bad faith, and requests that refer to issues that have been the subject of prior complaints and have been resolved.

In determining whether to respond to a request for correction, the USDA agency also will consider whether the information or the request for correction is stale. If the USDA agency did not disseminate, or continue to disseminate, this information recently (i.e., within one year of the request), or it does not have a continuing significant impact on the agency's projects or policy decisions or on important private sector decisions, the USDA agency may regard the information as stale for purposes of responding to the correction request.

## USDA RESPONSE TO THE REQUEST FOR CORRECTION

After the responsible USDA agency has made its final determination pertaining to a request for correction of information, that agency will respond to the requestor in writing by letter, e-mail, or fax, normally within 60 calendar days of receipt. The response will explain the findings and the actions the agency will take (if any) in response to the complaint.

If the request requires more than 60 calendar days to resolve, the agency will inform the complainant within that time period that more time is required, and the reasons for the delay, and an estimated decision date.

## REQUESTS FOR CORRECTION CONCERNING INFORMATION ON WHICH USDA HAS SOUGHT PUBLIC COMMENT

Information on which USDA has sought public comment includes, but is not limited to: notices of proposed rulemaking (NPRM); advance notices of proposed rulemaking; studies cited in an NPRM; regulatory evaluations or cost-benefit analyses pertaining to a NPRM; environmental assessments, environmental impact analyses, and other documents prepared under the National Environmental Protection Act (NEPA); land and resource management plans and other documents prepared under the National Forest Management Act (NFMA); and notices of availability and requests for comment on risk assessments.

If the request for correction of information reaches the USDA agency during the comment period for that action, the agency's response will normally be incorporated in the next document it issues concerning the matter. For example, if a request for correction of information pertains to a document referenced in a NPRM, the response would normally be provided in the final rule document. The agency will notify the requestor that it will respond to the request in this manner. If the request for correction of information reaches the agency too late to be addressed in this manner, the request will be processed in the same way as described above for non-rulemaking situations.

In cases where the agency disseminates a study, analysis, or other information prior to the final agency action or information product, requests for correction will be considered prior to the final agency action or information product in those cases where the agency has determined that an earlier response would not unduly delay issuance of the agency action or information product and the complainant has shown a reasonable likelihood of suffering actual harm from the agency's dissemination if the agency does not resolve the complaint prior to the final agency action or information product.

## OPPORTUNITY TO REQUEST RECONSIDERATION OF USDA'S DECISION

If the requestor disagrees with the USDA agency's denial of the request or with the corrective action the agency intends to take, the requestor may file a Request for Reconsideration with the USDA agency. The USDA agency that processed the request for correction will provide instructions in its final determination communication to the requestor for the procedure to request reconsideration of USDA's decision.

### Procedure for Requesting Reconsideration of USDA's Decision

Persons who wish to file a Request for Reconsideration should submit the request by letter, fax, or email to the Reconsideration Official identified in the final determination of the request for correction that the requestor receives from USDA. For requests for reconsideration that involve *influential* scientific, financial, or statistical information, regulatory information, or issues of a controversial nature, USDA will designate a panel of officials to perform this function. Typically, such a panel would include the Reconsideration Official from the USDA agency that made the initial determination and two from other USDA agencies.

Persons requesting reconsideration should submit written material to support their case for reconsideration, as well as a copy of the information originally submitted to support the request for correction and a copy of USDA's

response. Requests for Reconsideration must be filed with the appropriate designated Reconsideration Official (postmarked, shipped by an overnight delivery service, or sent by email) within 45 days after the date that the USDA agency transmitted its decision on the original request for correction. Requests for Reconsideration that are filed after the 45-day deadline may be denied as untimely.

### **USDA Review of the Request for Reconsideration**

The Reconsideration Official (or panel) will ensure that the initial agency review of the Request for Correction was conducted with due diligence. The Reconsideration Official (or panel) will review the material submitted in support of the Request for Reconsideration, the material submitted with the original request for correction, and the results of the USDA agency investigation of the matter and then arrive at a decision regarding the Request for Reconsideration.

If the Request for Reconsideration involves information on which USDA has sought public comment and the USDA agency has an existing process for handling requests for the reconsideration of the final rule or similar regulatory action, the agency will use that process. Otherwise, the Request for Reconsideration will be handled the same as information on which USDA has not sought public comment.

### **USDA Response to the Request for Reconsideration**

After the Reconsideration Official (or panel) has made his or her (or its) decision pertaining to a Request for Reconsideration, the Official will respond to the requestor by letter, email, or fax. The response will explain the Reconsideration Official's (or panel's) decision and the actions the USDA agency that disseminated the information will take (if any) in response to the Request for Reconsideration. USDA agencies will respond to all requests for appeals within 60 calendar days of receipt. If the request requires more than 60 calendar days to resolve, the agency will inform the complainant that more time is required and indicate the reason why and an estimated decision date.

## **PUBLIC DISCLOSURE OF REQUESTS FOR CORRECTION OF INFORMATION DISSEMINATED BY USDA AND REQUESTS FOR RECONSIDERATION OF USDA DECISIONS**

Each USDA agency will establish an information quality page on its website on which it will post requests for corrections of information, requests for reconsideration, and actions taken by the agency in response to such requests. The information quality page will include information on who requested the correction, the nature of the request, any specific corrections made, the reason they were made, and any appropriate supporting documents.

## **Privacy Act Statement**

USDA is authorized to obtain certain information under Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Public Law No. 106-554, codified at 44 U.S.C. 3516, note). Information is needed by USDA to process the request for correction and allow USDA to reply accordingly. This information is needed by USDA to respond to the requestor and initiate follow-up contact with the requestor if required.

Requestors should not send USDA their Social Security Number. Requestors are advised that they do not have to furnish the information but failure to do so may prevent their request from being processed. The information requestors furnish is almost never used for any purpose other than to process and respond to their request.

However, USDA may disclose information to a congressional office in response to an inquiry made on behalf of the requestor, to the Department of Justice, a court, other tribunal when the information is relevant and necessary to litigation, or to a contractor or another Federal agency to help accomplish a function related to this process.