



# Center for Regulatory Effectiveness

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The Honorable IWC Secretary Dr. Nicola Grandy,  
International Whaling Commission  
The Red House, 135 Station Road, Impington,  
Cambridge, UK CB4 9NP  
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RE: IWC Reports That May Not Meet New US Quality Standards

Dear Secretary Grandy:

On behalf of The Center for Regulatory Effectiveness, I am sending you this letter to advise you of potential inconsistencies between IWC scientific report procedures and new United States government information quality standards. These inconsistencies could prevent US government agencies such as the National Marine Fisheries Service from using IWC scientific reports.

This loss of valuable information could be avoided if the IWC adjusted its procedures as needed to be consistent with the new US government quality standards. We suggest that the IWC do so. The IWC's reports are too important not to be available to US government regulatory agencies.

We note that the World Health Organization had a similar problem with its reports. Inconsistencies between WHO scientific dietary reports and US government quality standards prevented the United States Department of Health and Human Services from using them.<sup>1</sup>

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<sup>1</sup> See the Appendix to this letter for correspondence between HHS and WHO on this issue.

## Center for Regulatory Effectiveness

The primary source of the new US government quality standards is a recently passed federal statute often referred to as the “Data Quality Act.”<sup>2</sup> The Data Quality Act required the US White House Office of Management & Budget to establish new standards governing the quality of information disseminated by most regulatory agencies in the US federal government.<sup>3</sup>

After OMB published the government-wide quality standards, the individual agencies published their own agency-specific quality standards that are consistent with the OMB government-wide standards.<sup>4</sup>

The US Data Quality standards establish standards on the accuracy, reliability, reproducibility and transparency of scientific information used, endorsed or relied on by most US government regulatory agencies. These standards were discussed in the HHS letter to WHO explaining why the HHS could not use the WHO reports:

“[U]nder the U.S. Data Quality Act, USG agencies operate under guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated to the public. These guidelines require agencies to adopt a basic standard of quality as a performance goal and take appropriate steps to develop a process for reviewing the quality of information before disseminating it, and to incorporate information quality criteria into agency information dissemination practices. Each agency is to ensure and establish quality at levels appropriate to the nature and timeliness of the information to be disseminated, and agencies may adopt specific standards that are appropriate to the various categories of information disseminated....Further, information quality is to be treated as an integral step in every aspect of the information developmental process....

“The consultation process of the development of the WHO/FAO report and the resulting Report itself would not meet these current U.S. data quality standards, as the process lacked a high degree of transparency, and the data and analytic results contained within the *Report* were not subject to formal, independent, external peer review, among other criteria.”<sup>5</sup>

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<sup>2</sup> The Data Quality Act is codified at volume 44 of the United States Code, section 3516 historical and statutory notes.

<sup>3</sup> The OMB government-wide Data Quality standards are available online at <http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>.

<sup>4</sup> For example, the NMFS is subject to Data Quality standards published by the National Oceanic and Atmospheric Administration. The NOAA standards are available online at <http://www.noaanews.noaa.gov/stories/iq.htm>

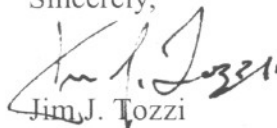
<sup>5</sup> See Appendix to this letter, at page 2 of document following HHS transmittal letter.

## Center for Regulatory Effectiveness

The CRE is currently reviewing some IWC Scientific Committee reports that may not meet the new US quality standards. We will conclude our review soon. We will then provide you with our analysis of these specific reports with a request that you inform us whether you agree with our analysis.

I thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim J. Tozzi". The signature is stylized and written over the printed name.

Jim J. Tozzi  
Member, CRE Board of Advisors

CC w/attach:

Dr. Arne Bjorge, Chair, IWC Scientific Committee

Dr. William T. Hogarth, Assistant Administrator,

National Marine Fisheries Service

David Cottingham, Executive Director, Marine Mammal Commission

Marie-Christina Van Klaveren, ACCOBAMS Permanent Secretariat

Dr. Noatabartolo di Sciara, Chair, ACCOBAMS Scientific Committee

Executive Secretary, ASCOBAMS

Nick Nuttall, UNEP Spokesperson,

Ms. Cristina Montenegro, Coordinator, UNEP Brasil Office