

EPA Holds off Industry Attack on Health, Safety and Environmental Data

The U.S. Environmental Protection Agency (EPA) has rejected the U.S. Chamber of Commerce's Data Quality Act (DQA) challenge and appeal of supposed inconsistencies across several EPA databases. While agreeing to make a few changes, the agency refused the Chamber's demands that all variations between the EPA databases on chemicals be eliminated, stating that they were not errors but acceptable differences based on different scientific models.

Dating back to [May 2004](#), the Chamber has argued that the variations in information across sixteen EPA databases on characteristics of chemicals should be resolved, because "use of this erroneous information leads, for example, to widely varying — and hence unreliable or ambiguous — determinations of human health risk impacts."

EPA rejected this claim in [January 2005](#) and stated, "There are valid and specific reasons why databases may contain differing values for physical or chemical parameters. A specific property value for some chemical may differ due to site-specific circumstances, as your letter acknowledges, and will also depend on the source of the information and the methodologies used."

Finding this response unacceptable, the Chamber appealed the decision in [April 2005](#). The Chamber claimed, "[EPA's response] rejects a requested review of erroneous data, largely disclaims or ignores the fact that problems exist, and blatantly fails to address the public need for quality information, thereby placing the onus for examining and assuring data quality upon the users of such information and leaving them to employ such information at their own risk."

An executive panel composed of senior EPA officials reviewed the appeal and on [June 22](#) responded to the Chamber. EPA said, "There are valid reasons why databases may contain differing values of physical or chemical parameters." EPA also noted in its response to the Chamber that "slight variations in assessments values noted between tools do not reflect errors in the predictions or databases, but rather reflect differences in the structures chosen by the scientific development staff. To further clarify, there is currently no harmonized, universal set of procedures ... Inevitably, variations in decision points will occur and it is not uncommon for these small variances to be observed when reviewing multiple databases, or when making quantitative predictions..."

EPA has otherwise taken a number of actions to resolve the concerns raised by the Chamber. The executive panel noted, "There would be potential benefit to the Agency from participation in an interagency workgroup that evaluates the quality of data being used across the federal government." The agency has investigated current opportunities for such engagement. EPA also posted information on its website which "describe data limitations, suggest appropriate uses for the data, and, where appropriate, offer a range of values instead

of one value." Finally, EPA conveyed the concerns of the Chamber to a private sector company, Syracuse Research Company (SRC), which owns two databases identified by the Chamber in its challenge because they are linked to on EPA's website. SRC reportedly made changes to their databases pursuant to EPA's request.

EPA's response to the appeal has not satisfied the Chamber. Bill Kovacs, vice president for environment, technology, and regulatory affairs for the Chamber, issued a [statement](#) on July 3 and stated, "EPA has publicly declined to assume responsibility for the integrity for the data it provides, disseminates or sponsors."

In an interview with BNA, Kovacs also noted his frustration with the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget in handling the matter. Stating that, "OIRA is officially dead," Kovacs reportedly tried to meet with OIRA administrators concerning variations across EPA databases but was apparently rebuffed.

The DQA tasked OIRA with overseeing implementation of information quality guidelines at executive agencies. OIRA issued the initial guidelines that shaped how agencies established DQA procedures and has issued several memos on DQA providing additional advice to agencies on implementation. One such memo included a request that agencies involve OIRA in negotiations with data quality challengers — a provision that seemed potentially inappropriate as it would insert a political office with little or no expertise into complex debates of highly scientific information. There has been no evidence that OIRA has gotten directly involved in any DQA challenges, but as the office's activities are difficult at best to monitor, its role in individual challenges has always been a mystery.

The DQA process has been used by industry associations and companies attempting to stymie the release of environmental and health information and slow down health, safety and environmental regulations. EPA's rejection of the Chamber's request may serve as a statement that the DQA should not be used in such a manner. Perhaps Kovacs' reaction is indicative of a realization that the DQA is not always effective as a tool to slow down regulations.