



Center for Regulatory Effectiveness

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Docket Management
Room PL-401
400 Seventh Street, S.W.
Washington, D.C. 20590

RE: "Request for Comments; National Academy of Science Study and Future Fuel Economy Improvements, Model Years 2005-2010"; 67 Federal Register 5767, February 7, 2002; Docket No. 2002-11419

Dear Sirs:

The Center for Regulatory Effectiveness ("CRE")¹ has a continuing interest in assuring that Federal agencies comply with "Good Government" laws such as the Data Quality Act, the Administrative Procedure Act, and the Freedom of Information Act.

OMB Guidance Implementing the Data Quality Act

On January 3, 2002, the Office of Management and Budget published final guidance implementing the Data Quality Act². The Data Quality Act directed OMB to issue government-wide guidelines that:

¹ The CRE was established in 1996, after the passage of the Congressional Review Act, to provide Congress with independent analyses of Federal agency regulations. From this initial organizing concept, CRE has grown into a nationally recognized clearinghouse to improve the Federal regulatory process. One such improvement in the Federal regulatory process is to assure that Federal agencies make decisions based on sound science. CRE has no members, but it receives, from time to time, financial support, services in kind, and work product from trade associations and private firms. The CRE Advisory Board consists of former career officials from OMB's Office of Information and Regulatory Affairs.

² Section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554.

[. . .] provide policy and procedural guidance to Federal agencies for ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by Federal agencies.

The OMB guidance requires that influential scientific, financial, or statistical information disseminated by an agency be reproducible. The preamble to the OMB guidance says:

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. [67 Federal Register 373, 3rd column; January 3, 2002.]

On December 17, 2001, John D. Graham, Administrator of the OMB Office of Information and Regulatory Affairs, spoke to the Weidenbaum Center Forum at the National Press Club, on the topic of "Presidential Management of the Regulatory State". Dr. Graham emphasized the importance of the OMB Data Quality Act guidelines to promote better quality in the information and technical data that agencies collect, use and disseminate to the public, particularly on important public policy issues:

When agency information forms the basis of important public policies, we go beyond the standard of journal peer review and require that such data be reproducible, or at least highly transparent about research design, data sources, and analytic methods. When people are harmed by poor quality information, the OMB guidelines provide new avenues for [. . .] agency corrections [. . .] to resolve disputes. [This] process [. . .] has tremendous potential to enhance the competence and accountability of the regulatory state.

OMB Data Quality Act Guidelines Strongly Promote Reproducibility and Transparency and Require Public Review of Data and Analytical Methods Used in Considering Amendments to the CAFE Standards

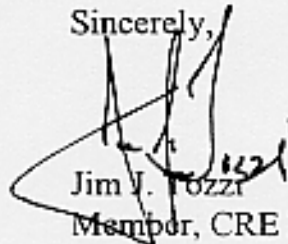
It is clear that NHTSA's anticipated analysis of potential changes to the CAFE standards is a highly important analytical exercise that could have significant effects on important public policies, including fuel economy and energy conservation, occupant safety, and economic competitiveness within the automobile industry. Accordingly,

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under the Data Quality guidelines, NHTSA's analytical process must be both transparent and reproducible. Making the data inputs, assumptions, and any analytical models employed by NHTSA available for public review and debate is the only way to assure that NHTSA's analytical conclusions truly "enhance the competence and accountability of the regulatory state" as Dr. Graham described.

CRE urges NHTSA to diligently apply the new OMB Data Quality guidelines during the upcoming review of the CAFE standards, with respect to both any proposals for changes in CAFE and any accompanying analyses, such as the regulatory impact analysis required by Executive Order 12866.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim J. Fozzi", is written over the typed name. The signature is stylized and somewhat illegible.

Jim J. Fozzi

Member, CRE Board of Advisors