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Data Quality Act Ruling Curbs Industry Influence

By Kara Sissell

The U.S. District Court for the Eastern District of Virginia (Alexandria) has issued a precedent-setting ruling that limits the ability of groups that wish to challenge the validity of scientific data distributed by federal agencies. The ruling is a defeat for industry groups, which had filed a lawsuit that sought to allow federal courts to intervene in debates over the validity of federal data, including scientific studies that underpin federal regulations (CW, Aug. 4, p. 29).

Right-to-know group OMB Watch (Washington) welcomes the ruling, which they say will prevent industry groups from dragging federal agencies into court to challenge federal data, which has been produced by officials whom the government deems as experts in the field. Industry lobbyists say the court's ruling misinterprets the Data Quality Act, which requires that information disseminated by federal agencies be objective, transparent, and reproducible. Industry lobbyist Jim Tozzi says that the act is one of the most important tools available to the chemical industry in its effort to require that federal agencies use only "sound" science.

The court's ruling involves a lawsuit filed by the Salt Institute (Washington) and the U.S. Chamber of Commerce against the National Heart, Lung and Blood Institute (NHLBI; Washington), which had asked the court to intervene and order certain changes to data distributed by NHLBI regarding the health benefits of a low-sodium diet. The Salt Institute based its lawsuit on the requirements of the Data Quality Act, passed in 2000. Judge Gerald Bruce Lee ruled that the court would not intervene.

ACC assistant general counsel Jamie Conrad says that allowing federal courts to intervene in data quality disputes would ensure that federal agencies take the time to disseminate only solid, defensible data. "That creates an incentive for agency officials to pay more attention, because if they screw up they could be taken to court," Conrad says. The judge's ruling is flawed, and he "clearly erred" in his ruling that the industry groups have no legal standing in this case, Conrad says. The Salt Institute and NHLBI are considering an appeal.

Right-to-know activists say the act is used by industry as a delaying tactic to stall certain federal regulations, and that allowing federal courts to enter into disputes extends those delays.