

# Center for Regulatory Effectiveness

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November 16, 2006

Via e-mail, [emantus@nas.edu](mailto:emantus@nas.edu)

Ellen Mantus  
Board on Environmental Studies and Toxicology  
Division on Earth and Life Studies  
The National Academies  
500 Fifth St., NW  
Washington, DC 20001

Re: Project BEST-K-06-02-A, Review of the OMB Proposed Risk  
Assessment Bulletin

Dear Ms. Mantus:

In July, the NRC committee for this project sent to federal agencies a series of questions, with some questions for specific agencies. One of the questions to EPA concerned interpretation of the exemptions provision in the subject proposal as it might apply to pesticide risk assessments. EPA responded, and four other agencies also commented on the exemptions provision.

The exemptions provision has also received widespread attention in the public comments to OMB, and is a matter of concern to CRE. We believe it is one of the most important issues in the OMB proposal. Accordingly, we have prepared the attached paper that examines in detail how the exemptions provision has evolved through the various OMB data quality guidance documents, the issues it raises, and our recommendations for addressing those issues. Our basic conclusion is that there is no supportable rationale and legal justification for the proposed exemptions, nor for the EPA interpretation regarding pesticide risk assessments.

We request that you distribute the attached paper on the exemptions issues to the committee members for this project. We are providing a copy to OIRA.

Thank you.

Sincerely,

/s/

William G. Kelly, Jr.  
Western Representative  
Center for Regulatory Effectiveness

Attachment

cc w. att.: Dr. Nancy Beck, OMB/OIRA