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Ogmius Exchange: Editorial

The Data Quality Act: A New Tool for Ensuring Clarity at the Interface of Science and Policymaking

by **Jim J. Tozzi**

Few would argue against the proposition that science is routinely one of the key underpinnings of major regulatory decisions made by the federal government. In light of the significant effects that scientific, statistical, and financial information may have on prioritization and resource allocation in both the public and private sectors, it is crucial that such information be of high quality.

The recently passed Data Quality Act makes major strides in the federal decision making process by requiring, for the first time, government-wide standards for the quality of information that federal agencies disseminate to the public. There is a clear connection between the Act's mandated standards and the decision making process because most influential public policy decisions will be published in some form and made available to the public.

As will be discussed below, increased confidence in the scientific information available to the government will eliminate one complicating factor in the difficult policy decisions which federal officials confront on a regular basis. Additional benefits in terms of transparency and public accountability can be expected as well.

The Data Quality Act and Its Implementation

The Data Quality Act was passed as part of the FY 2001 Consolidated Appropriations Act (Pub. L. No. 106-554, codified at 44 U.S.C. § 3516, note.) The Act requires OMB to develop government-wide standards for data quality in the form of guidelines. Individual agencies must then promulgate their own conforming guidelines based upon OMB's model, taking into account each agency's unique programs and information products. The agencies'

conforming Data Quality guidelines are to be issued in final form by September 30, 2002, and must include an administrative mechanism through which the interested public may petition for the correction of information which is inaccurate, misleading, or otherwise not in accordance with the guidelines.

Implementation of the Data Quality Act has generally progressed on schedule, largely because OMB has exercised strong leadership. OMB issued proposed Data Quality guidelines in June 2001, received and evaluated public comments thereon, and issued final guidelines on January 3, 2002 (see 67 Fed. Reg. 369). OMB has directed agencies to issue their proposed Data Quality guidelines and to request public comment thereon by May 1st; to submit draft final guidelines to OMB for approval by July 1st; and to promulgate final guidelines by the statutory deadline.

CRE believes that it is very important that interested parties express their views to the agencies during the public comment period in order to effect a workable, fair, and efficient implementation of the Data Quality Act. How this process is structured may have a significant impact on how scientific information is utilized in the regulatory decision making process. Particularly, attention must be paid to ensuring that the provisions for information quality do not slow down the government's releases of information without justification.

Use of Scientific Information in Regulatory Decision Making Under the Data Quality Act

Passage of the Data Quality Act should not be viewed as implying that prior to the Act all government information was lacking in quality. However, the quality of information sources across agencies, or across programs within an agency, may not have been uniform. Thus, the goal of the Data Quality Act was to bring an important measure of consistency to the quality of government information by codifying the requirements that data used and disseminated by the federal government (both scientific data and other types of information) be objective, unbiased, transparent, and reproducible. Benefits of the legislation will flow to regulators, the scientists, the regulated community, and the public.

Through OMB's issuance of Data Quality guidelines applicable to all federal agencies, scientists can now know with some certainty the quality standards against which the

information they generate will be judged, thereby allowing them to develop internal systems for achieving those standards. In this sense, the guidelines will ultimately reduce administrative burdens on the scientific community, particularly for "influential data" that will be subject to peer review or other forms of heightened scrutiny.

OMB has also stated that third party petitions or other information submissions to federal agencies must meet the standards of the Data Quality Act, if the agency is expected to rely upon or take action pursuant to such information. This requirement will apply to all types of advocacy groups, both from industry and environmentalists, thereby creating a level playing field. Thus, the guidelines will ultimately increase regulatory decision makers' confidence in the validity and reliability of the totality of information upon which they are basing their decisions. In addition, the Data Quality Act will instill confidence among the regulated community and other interested stakeholders that agency rules and pronouncements have a rational basis in science, thereby lessening the frequency of administrative and legal challenges.

Finally, and perhaps most significantly, the Data Quality Act marks the first major legislation dealing with federal rulemaking in the past half century that is truly populist in nature. The Act permits the average citizen to participate more easily in the regulatory process by providing a clear avenue for the correction of information that does not meet the standards established pursuant to the Data Quality Act. Broad public involvement further serves to ensure that regulatory decisions based upon scientific and other types of information are sound. The Act also promotes transparency and public accountability.

In light of the importance of the Data Quality Act and its broad applicability to government information beyond regulations, the Center for Regulatory Effectiveness is working with libraries and educational groups to acquaint them with the opportunities afforded under this landmark statute. CRE is also soliciting scholarly research on the Data Quality topic and reporting the same on its website. The Center invites interested parties to visit the [CRE website](#) for further information on the Data Quality Act and the Center's efforts in this important area.

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