

May 3, 2001

Ms. Margaret N. Schneider, Acting Chief Information Officer
U.S. Environmental Protection Agency
Ariel Rios Building, Room 5000 (Mail Code 2810A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

RE: Petition Pursuant to OMB Circular A-130, to:

- 1. Correct Information in an April 6, 2001 EPA *Federal Register* Notice; and**
- 2. Improve and Assure Quality of Information in Future EPA Public Information Products Concerning Global Climate Change**

Dear Ms. Schneider:

I. Introduction

The Center for Regulatory Effectiveness (CRE) petitions EPA, pursuant to OMB Circular A-130, *Management of Federal Information Resources* (described below), to correct and improve the quality of information that EPA disseminates to the public, through *Federal Register* notices and otherwise, concerning the controversial topic of global climate change.¹

¹ CRE seeks to improve the Federal regulatory process, for example, by urging Federal agencies to:

- Base policy and regulatory decisions on sound science; and
- Improve the quality of information that agencies disseminate to the public through various information products.

CRE's Efforts to Improve EPA Data Quality

Over the last year or so, CRE has corresponded several times with senior EPA officials, urging EPA to take several actions to improve the quality of data and information that EPA disseminates to the public.

The EPA Global Warming Website has been a major focus of our concerns. Numerous statements on that Website are presented without appropriate context concerning the scientific uncertainties pertaining to global climate change and thus lead the reader to believe that we know as scientific fact that:

1. Global climate change is occurring as the result of anthropogenic emissions of certain greenhouse gases (GHGs); and
2. The emissions will result in the specified, specific adverse effects on human health and the environment.

On May 26, 2000, CRE petitioned Administrator Carol Browner pursuant to OMB Circular A-130², to modify EPA's Global Warming Website to correct certain misleading

² OMB Circular A-130 implements parts of the Paperwork Reduction Act of 1995 (44 U.S.C. ' 3501 *et seq.*).

Circular A-130 contains numerous policy directives that address the need for

or factually incorrect information on the site.

CRE Commends EPA for Progress on Data Quality, But More Needs to Be Done

CRE commends EPA for its efforts to improve Data Quality across the agency. In particular, we commend EPA for acting in response to CRE's May 26, 2000 petition to improve EPA's Global Warming Website by:

development, maintenance, dissemination, and modification of agency public information products and for senior-level management oversight to assure that agencies establish and maintain high quality information systems.

Circular A-130 also establishes as Administration policy that agencies must establish a complaint resolution process and designate a senior official B the agency Chief Information Officer (CIO) B who is responsible for upholding the policies of the Circular and who has authority to correct data errors and to remedy poor data quality.

CRE's May 26, 2000 petition to Administrator Browner quoted an April 18, 2000 letter from John T. Spotila, then the Administrator of the Office of Information and Regulatory Affairs at OMB, to Congresswoman Jo Ann Emerson, in which Mr. Spotila made clear that agency CIOs have an Ambassador function and responsibility under Circular A-130 to consider alleged instances of agency failure to comply with this Circular and recommend or take corrective action as appropriate. (The Ambassador section of Circular A-130 is found at ' 9.a.4 in the most recent, November 30, 2000 revision of the Circular, and is substantively identical to the previous section 9(a)(10) quoted in Mr. Spotila's letter.)

1. Improving the availability to readers of important caveats concerning the considerable scientific uncertainties of the global climate change issue; and
2. Correcting a factually incorrect paragraph about historic atmospheric concentrations of CO₂ and the identity of major CO₂ sinks.

However, various types of information products that EPA disseminates to the public, including the *Federal Register* notice discussed below, still need to be corrected and improved to satisfy Data Quality standards mandated by statute and by OMB.

II. EPA's April 6, 2001 Federal Register Notice Soliciting Grant Applications

On April 6, 2001, EPA published a *Federal Register* notice to solicit applications from State agencies to receive Federal grant funds to address certain greenhouse gas-related matters. (*State Activities to Quantify and Reduce Greenhouse Gas Emissions: Assistance Competition*; 66 *Federal Register* 18245 *et seq.*; copy attached.)

The notice says, in relevant part:

- \$ State governments will be affected by the environmental impacts of climate change.
- \$ For state agencies, changes in climate are likely to make protection of the public's health, environment and economy more difficult.
- \$ Increased temperatures during the summer are expected to increase the number of ozone exceedances, increase wetland losses through sea level rise, affect ecosystems and impact water resources through changes in precipitation amounts and seasonality.
- \$ Changes in climate are expected to contribute to increases in heat-related deaths brought on by hotter summers and more or longer heat waves, encourage the proliferation and migration of disease-carrying mosquitoes and increase the incidence of infectious diseases such as encephalitis, malaria, and dengue.
- \$ From an economic perspective, changes in climate are expected to have their greatest impact on economies based on natural resources, such as agriculture and forestry, as well as recreation and tourism.
- \$ Changes in climate, because of the likelihood of more extreme weather events, threaten state and regional business sectors and infrastructure, such as roadways,

bridges, storm sewers, flood control levees and water supplies.

(66 *Fed. Reg.* 18246, 1st col.; emphasis added.)

The EPA notice cites no scientific report or factual evidence as the basis for EPA's statements that those alleged "expected" effects of climate change will occur or that they will . . . affect[] State governments. The notice also strongly implies that anthropogenic GHG emissions are in fact the cause of such effects and that "mitigation" (including direct regulation) of such anthropogenic emissions can avoid or mitigate the alleged "expected" adverse effects.

The EPA statements quoted above assert the "expected" effects of climate change with an unwarranted high degree of certainty and specificity. The statements fail to include appropriate, necessary scientific caveats to alert the reader about the considerable scientific uncertainty concerning whether, for example:

1. Such effects in fact will result from climate change; and
2. "Mitigating" anthropogenic emissions of GHGs in fact will reduce the likelihood of occurrence or the magnitude of such effects.

III. Examples of Acknowledged Scientific Uncertainties That Preclude EPA From Making Definitive Statements on Effects of Global Climate Change

In CRE's May 26, 2000 letter to Administrator Browner, we also critiqued statements from the EPA Global Warming Website and other sources that are very similar or virtually identical to statements quoted above from the April 6 notice.

In summary, both EPA and the United Nations-sponsored Intergovernmental Panel on Climate Change (IPCC) have stated explicitly that many significant scientific uncertainties unavoidably apply to projections about future climate change and its potential impacts, particularly at a regional rather than global scale.

CRE's May 26, 2000 critique set forth several distinct types of scientific uncertainty that EPA and the IPCC expressly acknowledge, concerning:

- Natural climate variability;
- Uncertainties and limitations of data and climate models³; and

³ The uncertainties include data limitations and limitations of the global climate circulation computer models that underlie projections of global climate change and potential

- Whether anthropogenic emissions of GHGs have a cause-and-effect link with atmospheric warming.

(See, CRE's May 26, 2000 letter at pages 12 - 18 and associated Attachments, which cite EPA's own Global Warming Website and IPCC documents.)

Those uncertainties continue to preclude a scientific conclusion that the effects stated in the April 6 notice *will* or *are* expected to *or* *are* likely to *occur*.

As one specific example, we believe EPA's statement in the April 6 notice, that *Changes in climate are expected to . . . encourage the proliferation and migration of disease-carrying mosquitoes and increase the incidence of infectious diseases such as encephalitis, malaria, and dengue* does not correctly state the prevailing scientific view, particularly with respect to potential effects in the U.S.

On April 2, 2001, four days before EPA published the April 6 notice, the National Academy of Sciences, National Research Council, issued a report, *Under the Weather: Climate, Ecosystems, and Infectious Disease*⁴. The report basically says that while changes in climate and weather may factor into some disease outbreaks, other contributing factors, such as economic development, sanitation, and health services and infrastructure make it difficult to forecast disease outbreaks. The bottom line is that there are too many scientific uncertainties to accurately predict the impact of global warming on the spread of infectious illnesses.

This is essentially the same conclusion that U.S. experts on infectious disease have long maintained. (See, CRE's May 26, 2000 letter at page 10 and Attachments # 8, 14, 15, and 16.)

associated effects. It is well-recognized, for example, that different leading climate models generate significantly and even dramatically different projections for the same regional geographic areas. It is also well-recognized that it is virtually impossible to accurately predict localized impacts, for example, on individual U.S. States.

⁴ EPA was a co-sponsor of the report, with several other Federal agencies.

IV. CRE Petition for Correction and Improvement Pursuant to OMB Circular A-130

For the reasons stated above, CRE believes that the unqualified statements in the April 6, 2001 *Federal Register* notice, concerning the certainty of causes and effects of global climate change, fail to comply with OMB Circular A-130.

Accordingly, **CRE petitions you as the EPA Chief Information Officer to consider this petition pursuant to OMB Circular A-130.** We request you to take two forms of corrective action:

1. ***Correct deficiencies in the April 6 Federal Register notice.***
CRE requests the CIO to direct the appropriate EPA official to publish promptly in the *Federal Register* a correction to the April 6 *Federal Register* notice. The correction needs to state that the April 6 notice's statements concerning alleged effects of climate change and implied causation by anthropogenic emissions of greenhouse gases (a) are not known fact and (b) must be considered in the context of the considerable scientific uncertainties and limitations of the existing data and global climate circulation computer models that underlie projections of potential climate change and environmental and health-related impacts⁵; and
2. ***Include, routinely in all future EPA public information products about global climate change, an alert to readers concerning scientific uncertainties.*** CRE requests the CIO to direct EPA officials, staff, and contractor personnel, to include B in each future document that EPA disseminates to the public (such as future *Federal Register* notices, and including Internet Web pages) that describes potential future global climate change (including any anthropogenic causal component thereof, or potential environmental or human health effects) B a prominent statement alerting

⁵ We considered whether EPA might remedy the problem by sending CRE a letter saying that EPA did not intend to state or imply that the potential effects listed in the April 6 notice are established facts or are substantially free from uncertainty. However, we believe it important that EPA publish a correction in the *Federal Register*, both to correct EPA's public record and to promote transparency in EPA's responses under Circular A-130 to Data Quality problems.

the reader about the considerable scientific uncertainties, as set forth in detail in request 1 above. A routine Alert statement is necessary to improve quality control in EPA's public information and Data Quality practices concerning global climate change.

By taking those requested actions, EPA will:

- Improve the quality, and in particular the scientific context, of information that EPA disseminates to the public concerning global climate change, and thereby reduce the likelihood that the public will misunderstand the information; and
- Demonstrate EPA's commitment to implement information management Best practices as set forth in OMB Circular A-130, including EPA's willingness to correct B and to take steps to prevent B misleading or out-of-context statements in information that EPA disseminates to the public.⁶

CRE also requests the opportunity to meet with you to discuss this petition and how you will achieve an appropriate and expeditious resolution, pursuant to OMB Circular A-130. Thank you.

Sincerely,

Jim J. Tozzi
Member, CRE Board of Advisors

Attachment: April 6, 2001 *Federal Register* Notice

⁶ CRE urges EPA, in addition to complying with Circular A-130, to also begin now to apply the key Data Quality principles embodied in recently-enacted ' 515(a) of the FY 2001 Consolidated Appropriations Act (Public Law 106-554). That Act establishes statutory requirements that OMB issue Data Quality guidelines and that Federal agencies issue conforming guidelines. EPA will be better prepared to comply with those forthcoming OMB guidelines, if EPA begins now to assure that all of its information products adhere to ' 515(a)'s statutory purpose of Ensuring and maximizing the quality, objectivity, utility, and integrity of information disseminated by Federal agencies.

