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DOE's Proposed Data Quality Guidelines Said to Include Ideas Not in Other Plans

The Department of Energy is scheduled to publish in the July 22 *Federal Register* its proposed policies and procedures to implement federal data-quality standards.

An advisory board member of an organization that threatened in June to sue DOE for failing to publish this document told BNA that the department's proposal was "well worth the wait."

The department's document has two ideas not found in other agency's proposals, said Jim Tozzi, who is on the advisory board of the Center for Regulatory Effectiveness that threatened to sue DOE for failing to issue proposed data-quality guidelines. Tozzi formerly served as deputy director of the Office of Management and Budget's regulatory review office.

DOE proposed information-quality guidelines describe how it intends to comply with governmentwide guidance OMB issued in three *Federal Register* notices, most recently on Feb. 22 (67 Fed. Reg. 8,452).

OMB's guidance is designed to ensure that federally disseminated information is accurate, clear, useful, and unbiased, and that it cannot be altered, for example, by computer hackers.

OMB's guidance also tells federal agencies to set up procedures by which individuals or organizations could challenge disseminated information that, they assert, fails to meet the federal standards. Individuals and organizations must be able to appeal agency decisions not to correct allegedly erroneous information, OMB said. The office issued the federal guidance, now dubbed the "Data Quality Act," to comply with a provision in a 2001 appropriations bill (P.L. 106-554).

OMB had ordered agencies to publish these draft agency-specific implementation proposals by May 1, and to implement their own guidelines by Oct. 1.

When DOE failed to publish proposed guidelines by mid-June, the Regulatory Effectiveness Center, a regulatory watchdog group, sent Energy Secretary Spencer Abraham a letter stating it would seek a court order requiring DOE to comply (118 DEN A-11, 6/19/02).

As with other agencies, DOE's proposed guidelines describe the types of information covered, strategies the department will use to ensure it meets the federal data-quality standards, and procedures the public can use to challenge information.

Tozzi received an advance copy of the department's proposed guidelines. He told BNA he is pleased with the document because it contains two elements not found in any other agency's proposal.

Link to Paperwork Reduction Act. First, DOE tied compliance with the data quality act with the Paperwork Reduction Act, a law that governs the type and quantity of information federal agencies can require to be submitted and which also was designed to improve federal information.

DOE's proposed guidelines state: "For all proposed collections of information that will be disseminated to the public, DOE Elements [divisions of the department] should demonstrate in their [Paperwork Reduction Act] clearance submissions to OMB that the proposed collec-

tion of information will result in information that will be collected, maintained, and used in a way consistent with the OMB and DOE information quality guidelines."

No other agency or department has directly linked these two laws, said Tozzi, whose organization is closely monitoring federal data-quality activities.

DOE's approach is the right way to go, Tozzi said. It means the department would not even attempt to place a reporting burden on outside parties unless DOE has determined the information will have sufficient quality to be useful, Tozzi said. "That's a very laudable goal."

Applying SDWA to Ecological Analyses. The second element of DOE's proposal that Tozzi endorsed involves the principles the department is considering using for ecological risk assessments.

According to the notice, DOE may use principles from the Safe Drinking Water Act as it conducts ecological risk assessments. The SDWA's risk assessment requirements apply to evaluations of risks to human health.

In its proposed information-quality guidelines, the Environmental Protection Agency proposed to use SDWA principles for human health risk assessments but asked for comments on how it should handle ecological assessments.

Drawing upon principles in the SDWA, DOE proposes to require that ecological risk assessments be based on the best available peer-reviewed science and supporting studies conducted in accordance with sound and objective practices and use data collected by accepted methods, including site-specific data.

In the assessment that will be made available to the public, DOE also would encourage risk assessors to:

- address risks to each population,
- define an expected or central risk estimate (sometimes agencies describe the least and most risk possible),
- use probabilistic assessment techniques that consider a range of possible risk scenarios,
- identify each significant uncertainty and research that would help resolve that uncertainty, and
- identify studies that support or fail to support the department's conclusions.

Climate Change Connection. If DOE uses the SDWA principles for ecological assessments, the department would use them as it evaluates possible ramifications of global climate change, Tozzi said.

The resulting risk assessment would be more accurate and useful than analyses issued by other federal entities, he asserted.

In February, the Regulatory Effectiveness Center sent the White House Office of Science and Technology Policy a letter stating the National Assessment on Climate Change, developed by multiple agencies, failed to meet OMB's data-quality standards.

Among other reasons, Tozzi asserted the document did not use the best available, peer-reviewed science.

DOE's proposal outlines many other ways the department would seek to comply with OMB's guidance. For example, the department would set up a pre-dissemination review to be sure information met the quality standards before being released.

The department would define influential information, which according to OMB must receive higher scrutiny, as information that DOE routinely embargoes due to its potential effect on markets, information on which a regulatory action with a \$100 million per year impact is based, and other material decided upon on a case-by-case basis.

Comments on DOE's proposal will be accepted for 30 days after the document is published in the *Federal Register*.

Comments may be submitted electronically to: cio.webmaster@hq.doe.gov. Comments may be mailed to: Office of the Chief Information Officer, Attn.: DOE Quality Guidelines Review, U.S. Department of Energy, Forrestal Building—Room 8H-089, 1000 Independence Ave. N.W., Washington, D.C. 20585.

BY PAT PHIBBS

DOE's proposal is available at <http://cio.doe.gov/informationquality> on the World Wide Web. For additional information, contact Deborah Henderson at: cio.webmaster@hq.doe.gov.