



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
ENVIRONMENTAL INFORMATION

March 5, 2003

Mr. William L. Kovacs
US Chamber of Commerce
1615 H Street, N.W.
Washington, D.C. 20062

RE: Request for Correction of Science Advisory Board (SAB) meeting minutes pursuant to Office of Management and Budget (OMB) and EPA Information Quality Guidelines (IQG RFC # 4301)

Dear Mr. Kovacs,

This is in response to your request for correction dated December 17, 2002, raising concerns about the minutes for the EPA Science Advisory Board (SAB) meeting that was held on October 1-2, 2002. Following a thorough review, we have concluded that the *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Information Quality Guidelines) are not applicable to the information in question.

The SAB is operated under the Federal Advisory Committee Act (FACA) which prescribes procedures for operating advisory committees, including ensuring that "the advice and recommendations of the advisory committee will not be inappropriately influenced by the appointing authority . . ." 5 U.S.C. App. 2 § 5. FACA requires each advisory committee to keep detailed minutes of each meeting, including "a record of the persons present, a complete and accurate description of matters discussed and conclusions reached, and copies of all reports received, issued, or approved by the advisory committee. The accuracy of all minutes shall be certified to by the chairman of the advisory committee." Id. §10(c). The Federal Advisory Committee Management Final Rule reiterates this requirement, stating that meeting minutes must include "an accurate description of each matter discussed and the resolution, if any, made by the advisory committee regarding such matter." 41 CFR 102-3.165(b)(3). In keeping with the requirements of FACA, reports, minutes, and other documents generated as part of the activities of the SAB are not reviewed for approval by EPA. Thus, minutes of SAB meetings are under the control of the SAB, not EPA.

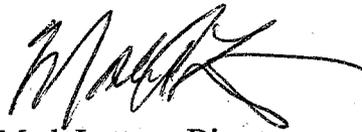
The Information Quality Guidelines apply to information EPA disseminates to the public that is prepared by the Agency to support or represent an EPA viewpoint or to formulate or support a regulation, guidance or other Agency decision or position. Furthermore, the Information Quality Guidelines apply if EPA distributes information prepared or submitted by an outside party in a manner that reasonably suggests that EPA endorses or agrees with it; if EPA indicates in its distribution that the information supports or represents EPA's viewpoint; or if EPA in its distribution proposes to use or uses the information to formulate or support a regulation, guidance, policy, or other Agency decision or position. Although the SAB website is hosted by EPA through EPA's website, the SAB is responsible for the content of documents issued by the SAB. Therefore, the contents of the minutes (and any other public documents produced by the SAB such as reports) reflect the viewpoint of the SAB and do not represent information disseminated by EPA. Because the correction process under the Information Quality Guidelines is limited to requests for correction of information disseminated by EPA, the Information Quality Guidelines correction and reconsideration processes do not apply to the SAB meeting minutes described in your request.

To avoid future misunderstandings about materials issued by the SAB, explanatory notices will be added to the SAB website to help ensure that the public is aware that minutes of SAB meetings and other public documents produced by the SAB are advisory committee documents, and are not prepared to represent EPA's viewpoint.

While the Information Quality Guidelines do not apply to the information in question, given your interest in EPA's use of environmental models, we take this opportunity to briefly mention some ways we work to ensure and maximize the quality of the models we develop and use. EPA has established and implemented guidance and regulations to help ensure that, when using models, EPA integrates policy-making with the tenets of sound science. Furthermore, we recently revitalized a cross-Agency group of senior managers, the Council for Regulatory Environmental Modeling (CREM), to coordinate three high-priority activities, as Administrator Whitman discussed in her memorandum dated February 7, 2003 [<http://cfpub.epa.gov/crem/library/whitman.pdf>]. First, EPA will draft cross-Agency guidance on developing and using environmental models and on fostering greater and more consistent transparency in this area. Secondly, EPA will make publicly accessible an inventory of EPA's most frequently used models, which will include information on a model's use, development, evaluation, and quality assessment. Third, EPA will collaborate with the National Academy of Sciences to develop a report recommending best principles and practices in using environmental and human health models for decision-making. (Please see www.epa.gov/crem for details). We noted your favorable reaction to Administrator Whitman's memo in the February 21, 2003 BNA Daily Environment Report, and we agree that this approach will enhance the quality of information available to EPA decision makers.

If you are dissatisfied with EPA's decision that the information described in your request is not covered by EPA's Information Quality Guidelines, you may submit a Request for Reconsideration (RFR). EPA recommends that this request be submitted within 90 days of the date on this letter. To do so, submit a written request from the Information Quality Guidelines website (<http://www.epa.gov/oei/qualityguidelines>) or send a written request to the Agency's Information Quality Guidelines Processing Staff via mail (Information Quality Guidelines Staff, Mail Code 28220T, U.S. EPA, 1200 Pennsylvania Ave., N.W, Washington, D.C., 20460) or fax (202-566-0255). The request for reconsideration should reference the request number assigned to the original request for correction. Additional information that should be included in the request is listed on the IQG website.

Sincerely,



Mark Luttner, Director
Office of Information Collection
Office of Environmental Information

cc: Kimberlie Orr, EPA IQG Processing Staff