

23 July 2003

Information Quality Guidelines Staff  
*Information Quality Guidelines Staff*, Mail Code 28220T  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Re: **SUPPLEMENTAL INFORMATION:**  
Request for Reconsideration of Response to Federal Data Quality Act Petition Against Further Dissemination of 'Climate Action Report 2002'" ("Appeal")

To Whom it May Concern,

Pursuant to the Competitive Enterprise Institute's pending Request for Reconsideration of EPA's Response to CEI's Federal Data Quality Act Petition Against Further Dissemination of 'Climate Action Report 2002'" (Appeal), EPA should be advised before further acting of certain documents CEI has obtained through the Freedom of Information Act. These documents belie EPA's creative argument to deny CEI's Request for Correction under the Federal Data Quality Act -- that EPA does not in fact disseminate the "Climate Action Report" published exclusively on EPA's website and disseminated to other federal agencies by EPA, but that EPA is merely doing a less internet-savvy federal agency a favor<sup>1</sup> despite the public record demonstrating EPA's lead role in producing the document, White House acknowledgement of same, and EPA being the sole governmental office disseminating CAR.

Specifically, as manifested in documents produced pursuant to your FOIA number EPA HQ-RIN-01523-03, which are certainly at your disposal, we note:

Acknowledgement that "EPA has volunteered to coordinate the inter-agency process for developing the CAR", with "a lead agency [heading] up the effort on each individual chapter." The same document reveals that EPA assumed 7 of the 12 "chapter leads", with 5 other governmental offices leading one chapter each.

EPA's Clare Breidenich notified the State Department by electronic mail on 28 May 2002 that "as of today, Tuesday, May 28<sup>th</sup>, we have formally submitted the Third U.S. (CAR)..." That is, EPA informed State that EPA submitted the document to the UN.

Further gutting EPA's argument that it merely, helpfully posts the document on its website but does not disseminate it, the same e-mail asserts that "EPA will make the document available on its website, *and distribute hardcopies to other agencies when these are available.*" (emphasis added).

A WAIF Document Retrieval, "PRF Online Via GPO Access," reveals that "EPA paid for the printing of this publication", despite crediting State as the publisher. This was at a cost to the

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<sup>1</sup> EPA asserts that "EPA subsequently made the document available on its Web site because of its advanced web hosting capability, which may have been interpreted as an indication that this was an EPA report....In this instance, EPA hosts the Climate Action Report on its Web site solely to assist the State Department in providing public access to the Report."

Agency of \$12,635.00, EPA's Printing and Binding Requisition request for which job having also been unearthed.

Finally, EPA's internal "Chronology" of the CAR asserts that:

- "EPA volunteers to lead the effort and pay for printing";
- "EPA incorporates ExOP comments into the final document and prepares document for printing"; and
- "EPA asks State and CEQ for guidance on how to handle public release of the document."

These acknowledgements further prove the inescapable, that EPA disseminates the Climate Action Report for purposes of the FDQA, and its claims to avoid responsibility under FDQA are without merit and unsupportable. Phrased alternately, they affirm that "the bureaucracy" referred to by President Bush was in fact EPA for these purposes, as asserted publicly by the White House.

For these reasons and CEI's arguments as set forth in its original Request and its Appeal, CEI requests that EPA immediately cease dissemination of the Climate Action Report 2002 and otherwise bring this document and EPA into compliance with the Federal Data Quality Act.

I look forward to your timely response.

Sincerely,

Christopher C. Horner

cc: Dan Reifsnyder  
Senator James Inhofe  
Representative Jo Ann Emerson  
Representative Joseph Knollenberg