



September 24, 2019

Devin Watkins, Esq.  
Competitive Enterprise Institute  
1310 L Street, N.W., 7th Floor  
Washington, D.C. 20005

Dear Mr. Watkins:

I am writing in response to your letter of June 12, 2019, to Admiral Brett Giroir, M.D., the Assistant Secretary for Health, in which you requested, pursuant to the Information Quality Act (“IQA”), that he correct his predecessor’s 2015 scientific evaluation of “medical marijuana.”<sup>1</sup> According to your letter, the scientific evaluation at issue was authored by HHS “without a peer review” and was submitted to the Drug Enforcement Administration (“DEA”). The DEA published that evaluation as part of its denial of a petition to reschedule marijuana under the Controlled Substances Act. *See* 21 U.S.C. § 801 *et seq*; 81 Fed. Reg. 53,688 (Aug. 12, 2016).

The IQA requires each federal agency to issue “guidelines ensuring and maximizing the quality, objectivity, utility, and integrity of information (including statistical information) disseminated by the agency, by not later than 1 year after the date of issuance of the guidelines under subsection (a)[.]” Pub. L. No. 106-554, § 515(b)(2), 114 Stat. 2763, 2763A–154 (Appendix C), codified at 44 U.S.C. § 3516, note (emphasis supplied). Thus, the IQA only applies to information that is disseminated by the agency.

The information referenced in your letter was never disseminated by HHS or the Assistant Secretary for Health and therefore, the IQA does not apply. The Office of Management and Budget (“OMB”) defines “dissemination” to mean

agency initiated or sponsored distribution of information to the public. Dissemination does not include distribution limited to government employees or agency contractors or grantees; intra- or inter-agency use or sharing of government information; or responses to requests for agency records under the Freedom of Information Act, the Privacy Act, the Federal Advisory Committee Act, the Government Performance and Results Act, or similar laws.

OMB Circular M-05-03 at 9 (Dec. 16, 2004).

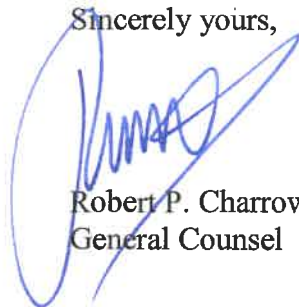
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<sup>1</sup> There is no such thing as “medical marijuana” in that no marijuana drug has been approved by the Food and Drug Administration.

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As you noted in your letter, the information at issue here was an interagency communication, which was disseminated by DEA, not HHS. Notwithstanding the inapplicability of the IQA, HHS' evaluation is and remains scientifically sound.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "R. Charrow", is written over the typed name. The signature is fluid and cursive, with a large loop at the beginning and end.

Robert P. Charrow  
General Counsel