



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

JAN 15 2020

OFFICE OF MISSION SUPPORT

Ben Lieberman
Competitive Enterprise Institute
1310 L Street, NW; 7th Floor
Washington, DC 20005

Dear Mr. Lieberman:

This letter is in response to your Request for Reconsideration (RFR) 19001A submitted to the Environmental Protection Agency (EPA) on September 25, 2019, regarding the 2014 Bristol Bay Watershed Assessment (BBWA). Your RFR requests that the BBWA be withdrawn, continuing to allege that the BBWA was not conducted in conformance with EPA's Information Quality Guidelines (IQGs).

In accordance with EPA's IQGs, a three-member executive panel met on December 27, 2019, to review and deliberate the subject material and determined that the BBWA was conducted in conformance with applicable quality guidelines and procedures. This determination is based largely on a separate assessment report issued by EPA's Office of Inspector General on January 13, 2016. The issues of bias, assessment procedures, peer review, and information quality were explicitly considered in the EPA's OIG evaluation. The final OIG report summarized the scope of its evaluation:¹

“Based on congressional inquiries and hotline complaints, we conducted this review regarding the actions of the U.S. Environmental Protection Agency (EPA) and its decision to conduct an assessment of the Bristol Bay Watershed in Alaska. We sought to determine whether the EPA conducted the assessment in a biased manner; predetermined the outcome; and followed policies and procedures for ecological risk assessment, peer review and information quality.”

Regarding these issues, the OIG concluded:²

“Obtainable records showed no evidence of bias in how the EPA conducted the Bristol Bay watershed assessment or that the EPA predetermined the outcome of the assessment to result in

¹ EPA Office of Inspector General. EPA's Bristol Bay Watershed Assessment: Obtainable Records Show EPA Followed Required Procedures Without Bias or Predetermination, but a Possible Misuse of Position Noted. Report No. 16-P-0082. January 13, 2016. Report At A Glance (1 pg), available at: https://www.epa.gov/sites/production/files/2016-01/documents/20160113-16-p-0082_glance.pdf.

² The full OIG Report (36 pg) is available at: <https://www.epa.gov/sites/production/files/2016-01/documents/20160113-16-p-0082.pdf>.

initiating a CWA Section 404(c) process. Also, regarding allegations that the assessment did not follow requirements for ecological risk assessments, peer review and information quality, we found that:


- The assessment included sections on the three primary phases discussed in the agency's ecological risk assessment guidelines.
- The EPA followed recommended EPA and Office of Management and Budget (OMB) procedures for peer review of highly influential scientific assessments (HISAs).³
- The EPA followed agency policies and guidance for reviewing and verifying the quality of information in the assessment before its release to the public.”

These findings address the allegations raised in your request for correction and subsequent appeal concerning withdrawing the assessment. Your petition does not raise any allegations that were not addressed by OIG. As a result, EPA is denying your RFR.

EPA remains committed to the guidelines established by the Office of Management and Budget for maximizing the quality, integrity, objectivity and reproducibility of information we disseminate to the public.

Thank you for your interest in EPA's information quality.

Sincerely,



Vaughn Noga, Chief Information Officer and
Deputy Assistant Administrator for Environmental Information

³ “A scientific assessment is considered “highly influential” if the agency or OMB’s Office of Information and Regulatory Affairs determines that the dissemination could have a potential impact of more than \$500 million in any 1 year on either the public or private sector or that the dissemination is novel, controversial, precedent-setting, or has significant interagency interest.”