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[Transactions are a precursor to achieving transformation \(GCN, July 7, 2003\)](#)

Federal 'Junk Science' Rule Draws Fire

"Not quite two years ago, barely anybody took notice when a federal agency issued a benign-sounding rule requiring that any scientific data used to drive federal policy be useful, objective, and reproducible."

"Regulations were over-burdensome and caused too much paperwork," said Jim Tozzi, a pro-business lobbyist who worked on the act. Historically, the Office of Management and Budget had reviewed regulations to ensure their impact on government and business was reasonable -- but during the Clinton administration, that review was stopped, Tozzi said. "We felt somebody had to regulate the regulators."

Boston Globe, December 23, 2003

[A Note on Industrial Strategies to Control the Contents of Science \(On Reality – images, presuppositions, prejudice, Dec 17, 2002\)](#)

Nixon's "Nerd" Turns Regulations Watchdog

"For much of the history of the federal bureaucracy, most new regulations were not subject to close and systematic review by an outside party. And then came Jim Tozzi."

"Tozzi, now almost a legendary figure in the world of federal regulations, worked for five consecutive administrations" from Lyndon Johnson's to Ronald Reagan's "to get the Office of Management and Budget to review the regulations agencies were busy churning."

The Federal Times, November 8, 2002

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Jim Tozzi: On Jazz and OMB

"...in Washington information is power – an axiom that Tozzi understands better than just about anyone in town. The law which he drafted... strengthens the hands of industry (and Tozzi's clients) by allowing companies to challenge agency information that they contend is inaccurate."

"Lobbyists on both sides of the issue say the center operates the most comprehensive Web site on the subject; even agency officials turn to it for information."

The Federal Paper, November 18, 2002

Foes Say Bush Plan Would Create 'Debating Society Over Science'

"On its face, the idea sounds utterly unassailable: Who would oppose a government rule to increase expert discussion of key scientific research?"

"...peer review supporters say that the high cost of some health and environmental rules makes it prudent to get additional opinions. "When industry spends \$1 billion on a rule, you have to make sure it's right," said Jim Tozzi, director of the Center For Regulatory Effectiveness, an industry-financed think tank."

Baltimore Sun, December 18, 2003

One-Act Farce: Deregulation by Disputation

"Nominally, the [Data Quality] Act's sponsoring representative was Jo Ann Emerson, Republican of Missouri, a former lobbyist who gained her seat on 1996 after the death of her husband, eight-term congressman Bill Emerson, from lung cancer. But in reality, the act was written by Jim Tozzi...."

"...Finally conservatives and corporate lobbyists have found a bureaucracy they like. With the law in effect, its author, Jim Tozzi, now can devote himself to filing complaints under it."

Harper's Magazine, June 2003

- [Click](#) to read article (pdf, 15 MB)

Bush Would Add Review Layer for Rules

"The Bush administration proposed yesterday broad new standards for federal regulatory agencies that would require them to seek independent appraisals of the scientific basis for many new rules before issuing them."

"What this document does is put additional teeth in what is meant by peer review," said Tozzi, whose group works closely with trade associations and private companies. He suggested that environmental regulations and dietary guidelines might be reevaluated under the new standard."

The Washington Post, August 30, 2003

Agencies Urged Not to Sell E-Gov Projects as Cost-Cutters

"In fact, successful e-government projects might end up costing taxpayers money, said Jim Tozzi, an advisor at the Center for Regulatory Effectiveness, an independent watchdog group established in 1996. Good e-government projects will stimulate more public interest in services provided by federal agencies, increasing the demand for such services, Tozzi said. Agencies may need additional financial resources to meet the demand."

"...If agencies attempt to justify additional funding by claiming e-government will save taxpayers money, they risk sliding down a 'slippery slope,' Tozzi said."

GovExec.com, June 17, 2003

When Or Will E-Government Apps Pay Off?

"I think it's a slippery slope to say e-government is going to decrease costs," said Jim J. Tozzi, a former OMB IT official and now an adviser for the Center for Regulatory Effectiveness in Washington. "I think it's going to increase costs."

Tozzi, president of Multinational Business Services Inc. of Washington, added, "The American public is going to have a lot more service and a better product," but *that takes cash*.

Government Computer News, June 17, 2003

Academics Ask EPA to Reject Data Quality Challenge in Rulemaking

"The letter follows comments from the industry-backed Center for Regulatory Effectiveness (CRE) to EPA claiming the agency should not use data submitted by the Natural Resources Defense Council and a Cornell University scientist in crafting regulations on land application of a sewage treatment byproduct."

"Efforts like these, which have as their persuading EPA to censor comments from environmental organizations and academic scientists submitted in the context of ongoing rulemakings, give credence to the worst fears regarding misuse of the [Data Quality Act],' the letter says."

Inside EPA, May 23, 2003

Critical Letter Taken Off Mining Web Site

"James Tozzi, a veteran of five administrations from Lyndon Johnson's to Ronald Reagan's and an expert in the federal regulatory process, said what happened to Main's letter was 'sort of unusual.'"

"Generally, the rules are, if you have docket on an ongoing rule-making ... all correspondence (is placed) into that docket," said Tozzi, founder and member of the board of advisers to the Center for Regulatory Effectiveness. His organization, based in Washington, monitors federal regulators and is funded by business and trade associations."

Louisville Courier-Journal, May 15, 2003

Industry Targets University Research Under Data Quality Act

"An industry group is warning EPA that is can no longer consider university and other third-party research that fails to meet data quality requirements, even if it is submitted as part of public comments on rulemakings."

"The group, the Center for Regulatory Effectiveness, has also begun filing the first-ever data quality challenge against EPA over third-party data submitted by a university and an environmental group that makes the case for stricter regulation."

Inside EPA, April 25, 2003

Industry-Funded Group Pushes Expanded OMB Role in Enforcement Litigation

"The executive order, drafted by the Center for Regulatory Effectiveness (CRE), would give OMB the final word on whether or not a federal agency could file a lawsuit in situations where the government's statutory authority is not clearly defined, a CRE official says. Proponents of the order say it would reduce the ability of the government to 'regulate through litigation.'"

Inside EPA, April 1, 2003

NRDC Comments Threatened with Industry Data Quality Challenge

"The Center for Regulatory Effectiveness (CRE) has submitted comments to the Environmental Protection Agency (EPA) that threaten to challenge the data quality of comments submitted by the Natural Resources Defense Council (NRDC), should EPA use them."

"CRE claims that the NRDC comments contain substantial inaccuracies, omissions, and biases, and lack reproducibility. These comments are precedent-setting in two ways: it is the first effort to use the Data Quality Act to address third party submitted information; perhaps more troubling, this effort

also challenges information before it is used or relied upon by the agency."
OMB Watch, The Watcher, March 24, 2003

Jim Tozzi's Testimony on Capital Hill

"We could say there's a lot of problems with the concept of regulatory budget, but by and large, we still don't have a way, even if we look at individual regs, of looking at their total cost to society and they're - I would suggest Dr. Miller's and Dr. Hahn's and Dr. Graham's and any other doctors who testified, view on the fact that's the right way to go."

Jim J. Tozzi, Statement before the Committee on Government Reform, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, March 11, 2003

Learning to Live with the Data Quality Act. Comments by Jim Tozzi

"But now I think we have to emphasize how we make the DQA [Data Quality Act] work, and how we make it work fairly and equitably. The best way to do this is to start addressing concerns forcibly. For example, a number of observers have said that while the goals of the Act are laudable, the 'devil is in the details.' It is the implementation phase that is critical to success of the legislation. And while up to now we could have put some details aside, now they have to be addressed on the front burner."

Environmental Law Reporter, March 2003

Congress Faults OMB Compliance on Regulatory Accounting Reports

"Jim Tozzi, who served as an assistant director of the agency, said OIRA has already had a nearly 50 percent reduction in staff over the past 20 years. At the same time, however, the office has been assigned many new responsibilities. Tozzi, who also endorsed a regulatory budget, said OIRA would have to have staff increases to push such changes."

Bureau of National Affairs, Daily Environment Report, March 13, 2003

Drive Underway to Enact Legislation on Data Quality, Access at State Level

"Motivated by enactment of the federal Data Quality Act, which allows individuals to file challenges to data used in making regulatory decisions, a drive is under way to get similar legislation enacted at the state level."

"Two model bills that would echo the federal Data Quality Act are being considered by the American Legislative Exchange Council, according to Jim Tozzi, an advisory board member for the Center for Regulatory Effectiveness (CRE) and former director of the White House Office of Management and Budget's regulatory review office."

"Tozzi led the effort to enact the Data Quality Act, which was included in the Treasury and General Government Appropriations Act for Fiscal Year 2001 (P.L. 106-554)."

Bureau of National Affairs, Daily Environment Report, February 12, 2003

EPA Will Consider All Studies in Decisions on Regulation of Chemicals, Official Says

"Tozzi said the organization that petitioned EPA to correct its atrazine risk assessment will tell the SAP that the agency cannot regulate atrazine on the basis of the reported hormonal effects because subsequent researchers have failed in their attempts to replicate the results. That means the research is not reliable, Tozzi said."

"It is inappropriate scientifically and legally to use unreliable information, Tozzi continued."

Bureau of National Affairs, Daily Environment Report, February 10, 2003

EPA to Reconsider Policy of Withholding Information on Data Quality Challenges. Challenge Procedure Invoked

"The Center for Regulatory Effectiveness on Nov. 25 challenged a key portion of the environmental risk assessment for the widely used herbicide atrazine, saying it relied on unvalidated scientific tests."

Bureau of National Affairs, Daily Report for Executives, February 6, 2003

Industry Seeks to Extend Federal Data Quality Rules to States

"Having successfully enacted a federal law setting new data quality requirements, an industry group has drafted model legislation for states to adopt similar measures."

"The Center for Regulatory Effectiveness (CRE), which successfully pushed federal policymakers to adopt and implement the landmark Data Quality Act, will soon begin shopping the model bills to state officials, a source with the group says. The effort would help assure that data disseminated by states that do a lot of cutting-edge research -- such as California, which requires that its regulations protect children -- would adhere to similar standards now required of federal agencies, the source adds."

Inside EPA's Clean Air Report, January 30, 2003

Data From Human Studies Can Be Useful, But Ethics Raise Concerns, Scientist Says

"William Kelly, of the Center for Regulatory Effectiveness, a regulatory watchdog group, cited provisions of various laws, including the administrative Procedure Act, the Safe Drinking Water Act Amendments of 1996, and the Food Quality Protection Act, and said there is no legal basis for EPA to exclude clinical trials of pesticides or chemicals."

Bureau of National Affairs, Daily Environment Report, January 10, 2003

- [Dioxin Assessment Lawsuit Withdrawn \(*Business & Finance Week*, Apr 3, 2002.\)](#)

Law Revises Standards for Scientific Study (Data Quality Act)

"Some architects of the legislation say they expect it will help them in the courtroom. Most notable is James J. Tozzi, the founder of the Center for Regulatory Effectiveness.

With a government-set yardstick for quality, Mr. Tozzi said, critics of regulations can now build more convincing cases showing that an agency was arbitrary and capricious in its choice of data. Until now, such suits have generally failed.

The most important aspect of the law, he said, is that it creates a consistent system for uncovering errors early and encouraging agencies to be more careful about how they use data.

'It's the information age,' Mr. Tozzi said. 'Now in the world's most powerful government you're going to have to issue information that's accurate.'

The New York Times, March 21, 2002

- [Jim Miller on the Reagan Presidency](#)

- [Court Upholds NTP Decision on Dioxin Classification \(Business & Finance Week, Dec 5, 2001 \)](#)

- [Chlorine Industry Braces for TRI Listing of Dioxin : Regulation \(Business & Finance Week, Sep 21, 2001 \)](#)

Lobbying the OMB: The Inside Game

"...it's safe to say he [Tozzi] is something of a godfather in the OMB lobbying field."

"If you haven't really worked at OMB, you can't really make a dent in the place,' says Jim Tozzi, a former OMB civil servant who was the first deputy chief of the agency's politically sensitive Office of Information and Regulatory Affairs (OIRA), which provides cost-benefit analyses of agency regulations."

Influence Online, August 22, 2001

- [Click](#) to read article

- [Dioxin Cleared for TRI \(Business & Finance Week, Jul 18, 2001 \)](#)

Message from the Chair, American Bar Association Section on Administrative Law

"The Fall Meeting dinner, which has traditionally been held on Thursday evening (November 1 this year) and which has honored those government officials with a special interest in issues affecting the Section, will this year honor the current and former heads on OMB's Office of Information and Regulatory Affairs (OIRA). Given the recent Supreme Court rulings noted above and the panels this weekend that will explore issues overseen by OIRA, the dinner will be especially timely. Jim Tozzi, who served in a career capacity at OIRA longer than any other senior career official, and who has therefore observed more OIRA Administrators than most, has promised to put in a cameo appearance, perhaps bringing along some Dixieland music entertainment, and to offer observations on the conduct on the office over the years."

Administrative and Regulatory Law News, Volume 27, Number 1, p. 2, Fall 2001

How the Game is Played

"In 1970, the same year President Richard M. Nixon declared the environment a major issue and created the EPA, Lester Lave and Eugene Seskin, two innovative economists, arrayed data on air pollution and health to show that current patterns killed thousands and sickened millions every year. They spent several years fine tuning their analyses, but their work was largely ignored by public health specialists at the time. Arguing that the country was not ready for more detailed analyses in this arena, James Tozzi, a senior government official in charge of the EPA budget, effectively defunded work that would have clarified these questions."

Chapter 4 of: *What Smoke Ran Like Water: Tales of Environmental Deceit*, by Devra Lee Davis, Basic Books, November, 2002

Courts Face Key Test on Jurisdiction of EPA Data Quality Decisions

"Another legal source says most cases are decided on the specific facts before a judge. The scholar points to a decision in the D.C. Circuit, *Tozzi v. Health and Human Services (HHS)*, where the court held that an HHS report designating dioxin as a 'known' human carcinogen was judicially reviewable as a final agency action."

Inside EPA, Water Policy Report, January 13, 2003

New Guidelines Open U.S. Data To Challenge

The Center for Regulatory Effectiveness, which characterizes itself as a regulatory watchdog group that is supported by business and trade associations, was the impetus behind the new law...

James J. Tozzi, the group's founder, was at OMB's office of regulatory review from 1972 to 1983. He said the center probably will be among the first to challenge a study the Environmental Protection Agency did as part of a rulemaking.

The Washington Post, October 1, 2002

Industry Test-Fires New Secrecy Weapon

"A case in point was a petition filed November 25, 2002, by the Center for Regulatory Effectiveness (CRE), a specialized lobbying/law firm, on behalf of the Kansas Corn Growers Association and the Triazine Network. It challenged EPA's published references to a scientific study suggesting that atrazine, a weed-killer used widely on corn and soybeans in the Midwest, had endocrine-disrupting effects on frogs."

"But the CRE challenge also has a broader sweep: it asserts that the government may neither publish nor use scientific studies until government validation protocols are finalized. It would substitute for the prevailing standard of independent peer review by the scientific community, a process controlled by the White House Office of Management and Budget."

"CRE's move has major potential as a precedent. CRE head Jim Tozzi, for years a Washington environmental lobbyist after having long served as head of OMB's Office of Information and Regulatory Affairs, was also a major behind-the-scenes architect of the Data Quality Act, which now places major control over data quality decisions with OMB."

Environmental Writer, December 17, 2002

The Tozzi Decision: Another Arrow in Manufacturers' Quiver in Product Defense Wars

"Tozzi [*v. Department of Health and Human Services*] is a positive development, and provides industry with reason to cheer."

EPA Administrative Law Reporter, November 2001, Volume 18, Number 5

Courts Face Key Test On Jurisdiction Of EPA Data Quality Decisions

"However, the U.S. Court of Appeals for the 4th Circuit ruled recently in *Flue-cured Tobacco v. EPA* to uphold a contentious EPA risk assessment on second-hand smoke. In vacating a lower court decision, the 4th Circuit ruled that such risk assessments were not 'final agency actions' under the Administration Procedures Act (APA) and therefore not judicially reviewable. 'This was a complete victory for EPA,' according to one industry attorney familiar with the issue."

"But other attorneys and regulatory consultants argue that because the DQA defines EPA rulings on petitions as 'final agency action' they are judicially reviewable. 'The 4th Circuit decision has no relevance to data quality petitions,' according to one attorney with the Center for Regulatory Effectiveness."

"Another legal source says that most cases are decided on the specific facts before a judge. The scholar points to a decision in the D.C. Circuit, *Tozzi v. Health and Human Services (HHS)*, where the court held that an HHS report designating dioxin as a 'known' human carcinogen was judicially reviewable as a final agency action."

"I would say about 90 percent of administrative law experts believe the petitions, if denied by EPA and appealed and denied again, would be considered final agency actions the therefore judicially reviewable,' according to one chemical industry attorney."

Inside EPA, December 30, 2002

NHTSA Early Warning Regulation Conflicts with Data Quality Act, Group Says

"The Center for Regulatory Effectiveness (CRE), a pro-business regulatory watchdog group, is asking OMB to set a new condition on the 'early warning' rule issued in July under congressional mandate by the National Highway Transportation Safety Administration. CRE's comments came during OMB's 60-day comment period before making a decision on whether to grant NHTSA a 'control number' necessary before data collection can begin under the Paperwork Reduction Act."

"CRE did not specifically allege any wrongdoing on the part of NHTSA but rather sought to ensure that the public is informed about how NHTSA will analyze the data it will receive. The CRE maintained that unless the statistical methods NHTSA uses to analyze the early warning data are made public, the administration may be in violation of the Data Quality Act."

Regulation and Law, December 6, 2002

Atrazine Environmental Risk Assessment Challenged by Agricultural Grower Groups

"A key section of an environmental risk assessment for the widely used herbicide atrazine violated the so-called Data Quality Act and must be rewritten because it relied on unvalidated scientific tests, according to a petition filed Nov. 25 with the Environmental Protection Agency."

"The petition, which was filed by the Center for Regulatory Effectiveness, the Kansas Corn Growers Association, and the Triazine Network, seeks to exclude certain scientific studies from EPA's risk assessment suggesting that atrazine acts as an endocrine disrupter in the environment"

"The Triazine Network is a coalition of agricultural grower organizations. The Center for Regulatory Effectiveness is a Washington-based organization that does regulatory analyses."

Bureau of National Affairs, Daily Environmental Report, December 5, 2002

Industry Data Quality Petitions Target EPA Chemical Controls

"In its petition, the Kansas Corn Growers Association, along with the Triazine Network and the Center for Regulatory Effectiveness, argues that EPA's environmental risk assessment of the widely used herbicide 'should be corrected to state that there is no reliable evidence that atrazine causes endocrine effects in the environment.' But a source with the group says the petition was also filed in an effort to prevent the labeling of chemicals as endocrine disruptors government-wide."

Inside EPA, November 26, 2002

New Guidelines Seek to Limit Industry Data Quality Challenges

"A group that pushed for government-wide data standards is soliciting comment on an 'interpretive bulletin' it recently issued to reduce the potential onslaught of lawsuits by companies looking to use the new data quality law. However, a primary critic of the data quality law calls the bulletin 'disingenuous,' saying the group issuing it worked hard to ensure that the law gives industry the upper hand against agencies."

"The Center for Regulatory Effectiveness (CRE) recently provided the interpretive bulletin as a guide to agencies and regulated industries to help keep agencies from being overburdened with numerous complex information-quality complaints."

Inside EPA, November 22, 2002

New Environmental Paper Offers Broad Defense of Right-To-Know

"CRE last month issued an 'interpretive bulletin' designed to decrease that possibility. The bulletin recommends careful consideration of the implications of filing a complicated complaint. If a data correction request is deemed necessary, the bulletin details now it should be framed to obtain the most benefit from the agency's review, without needing to go to the courts."

Inside EPA, November 8, 2002

Challenges to Information Quality Must Go to Court or Agency, Consultant Says

"Organizations seeking to challenge the quality of federal information should decide if they want to pursue a win-in-court or win-at-the-agency strategy, a regulatory watchdog group advisor said Oct. 17."

"James Tozzi, an advisory board member for the Center for Regulatory Effectiveness and former deputy director of the Office of Management and Budget's regulatory review office, served on a panel at an American Bar Association meeting that discussed newly established, governmentwide information-quality standards."

"Trade Associations have sought his center's advice as they consider challenging the quality of federal information, Tozzi told participants at the 2002 Administrative Law Conference."

Bureau of National Affairs, Daily Environment Report, October 21, 2002

Undisclosed Report: EPA Knew It Was Toxic

"The National Institute of Occupational Safety and Health (NIOSH) surprised sludge-watchers in February when it said it would reissue a directive first released in 2000 as a hazard warning (HID 10) for workers who might handle or inhale Class B sludge fertilizers. This occurred under pressure from the Center for Regulatory Effectiveness, which heavily lobbied the Office of Management and Budget, the Centers for Disease Control and Prevention, and the Department of Health and Human Services."

Insight Magazine, October 2, 2002

New Law Means More Federal Rules Can Be Challenged

"The law, which takes full effect with Tuesday's start of fiscal 2003, will simply stop the 'junk science' that can lead to useless and expensive regulations, according to Jim Tozzi, co-founder of the Center for Regulatory Effectiveness, a group that supports the measure."

"Previously, 'if you were John Q. Citizen...and you saw components of a study that you thought were inaccurate, you couldn't do anything,' he said. 'Now if you have a good case, you can do something.'"

Cox News Service, September 30, 2002

Industry-Funded Group Proposes Executive Order to Overhaul Regulatory Settlements

"An industry-backed group has drafted an executive order that if adopted by the Bush Administration would overhaul the process for reviewing legal settlements to regulatory disputes. The draft order would dramatically expand the role of industry and the general public in reviewing consent decrees and settlements resolving lawsuits against EPA and other federal agencies, which can often involve revised regulatory policies."

"The Center for Regulatory Effectiveness (CRE) sent the draft executive order, along with a letter, on Sept. 4 to the White House's Office of Management and Budget (OMB), arguing that settlements negotiated between government agencies and outside groups often affect the general public in ways that government agencies fail to take into account. 'These judgments and agreements,' the order says, 'can result in regulatory action or inaction that

substantially affects many people who are not parties in the litigation. Non-parties often have no opportunities to participate in or comment on the consent judgment or settlement agreement even though their rights and duties may be determined by the judgment or settlement."

"CRE describes itself as a regulatory watchdog that offers industry groups guidance on navigating the federal regulatory process."

Inside EPA, September 6, 2002

Industry-Backed Group Urges More Input on Regulatory Settlements

"The Center for Regulatory Effectiveness (CRE) plans to send a letter to the White House's Office of Management & Budget next week proposing an executive order requiring that all federal agencies accept public comments on pending consent decrees in which the government is a defendant, sources say. The plan would also require federal agencies to assess the impact of consent decrees on the public, and then seek public comment on that assessment. Consent decrees under the CRE plan would be subject to public review prior to being formally accepted by the courts. CRE describes itself as a regulatory watchdog that offers industry groups guidance in navigating the federal regulatory process."

Inside EPA, August 30, 2002

Data Quality Politics

"If you want a glimpse of the [data quality] guidelines' future political use, check out the Web site of the Center for Regulatory Effectiveness (www.thecre.com). Already, the organization has filed notice of its intent to sue the Energy Department for not publishing data quality guidelines."

Federal Computer Week, July 29, 2002

Guest Perspectives: Charting a New Course in Federal Regulation: John Graham's First Year as OIRA Administrator. (Excerpt from Article by Jim Tozzi)

"In sum, Dr. Graham has demonstrated capable leadership during his first year as head of OMB's Office of Information and Regulatory Affairs. He has re-energized and enlarged OIRA's staff, actively engaged agencies on a variety of rulemaking topics, and coordinated implementation of a new landmark "Good Government" statute – the Data Quality Act. It can only be hoped that OIRA will be able to sustain its present level of energy and achievement for the remainder of Dr. Graham's term and beyond."

Risk Policy Report, July 23, 2002

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."

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

Bureau of National Affairs, Daily Environmental Report, July 22, 2002

Environmental Quality Council Proposal on Data Quality Spurs Few Public Comments

"The Center for Regulatory Effectiveness, a regulatory watchdog group, included a copy of its legal interpretation of OMB's standards. This legal memo states, among other points, that compliance with OMB's standards is required and not discretionary."

Bureau of National Affairs, Daily Environment Report, July 22, 2002

Garbage In, Regulation Out: When It Comes to Cooking Books, The Feds Are Gourmets

"Interestingly, something like this might be in store for federal agencies as a result of a little-noticed law, the Federal Data Quality Act, signed by President Clinton on his way out the door. It was drafted by the pro-business Center for Regulatory Effectiveness in Washington, and inserted into the mammoth year-end appropriations bill in late 2000 by Rep. Jo Ann Emerson (R., Mo.). 'The White House noticed it and asked some questions about it, but there was so much going on—Florida, the Clinton pardons and the need to get the appropriations done—that it couldn't be stopped,' says Jim Tozzi, co-founder of CRE and a long-time staffer at the Office of Management and Budget."

Wall Street Journal, OpinionJournal.com, Editorial by Thomas Bray, July 9, 2002

Regulatory Information Should be Subject to Correction Mechanism, Industry Tells EPA

"William Kelly, of the Center for Regulatory Effectiveness, seconded the suggestion that EPA apply its own *Lessons Learned* document."

"Kelly disagreed with several comments EPA made in its draft proposal stating that the application of the guidelines is not mandatory. Kelly cited both the law

that spurred OMB's guidance and a second, related law and said, 'the agency is required to comply with OMB's guidelines. It is not discretionary. It's required by law.'"

Bureau of National Affairs, Daily Environment Report, June 16, 2002

Comment Salvos Exchanged in Data Quality War

"Some of the most extensive sets of comments being submitted to various agencies are, not surprisingly, from the Center for Regulatory Effectiveness. The CRE submitted to all federal agencies a 26 page long set of generic comments covering 16 major points."

"The overarching effect of the CRE comments is clearly to make the data quality guidelines apply to as much as possible and to be as binding as possible. The CRE decried the exemptions of certain types of information and dissemination from the data quality guidelines comments."

OMB Watch, The Watcher, June 10, 2002 Vol. 3 No. 12

Conservatives Seek Formal Withdrawal of EPA Study Citing Global Warming Impacts

"During the waning days of the Clinton administration, Sen. James Inhofe (R-OK) and Reps. Jo Ann Emerson (R-MO) and Joseph Knollenberg (R-MI), along with CEI, filed a lawsuit against the assessment, alleging that the development of the report violated several laws, including the Federal Advisory Committee Act. The Center for Regulatory Effectiveness, an anti-regulatory group, has also petitioned the White House to withdraw the assessment because the group charges it is biased on 'inadequate and incomplete science.'"

Inside EPA, June 5, 2002

Questions About Online Data

"The Center for Regulatory Effectiveness, a primary backer of the Data Quality Act, has already started requesting changes in government information that is published in print and online."

"This year, the center requested that the United States Global Change Research Program withdraw dissemination of the National Assessment on Climate Change on the basis of 'numerous data quality and scientific flaws,' according to the letter posted on the group's Web site."

"The center also asked the Environmental Protection Agency to modify its Web site on global warming to reflect the scientific uncertainties about global climate change."

"William Kelly, western representative for the center, said the poor quality of federal data created problems for everyone who sued it, from regulators to consumers."

"'With the blossoming of the Internet, it's turned into a huge problem for industry,' Mr. Kelly said. 'Agencies were encouraged to post virtually everything on the Internet. It wasn't such a problem when people had to go through a Freedom of Information Act request.'"

New York Times, June 3, 2002

Comments Regarding EPA Draft Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information

"The simple fact that EPA engages in activities that upset powerful industries should not make it a poster child for continual scrutiny and interference with respect to its implementation of the Data Quality Act, as has been threatened by the Center for Regulatory Effectiveness ("CRE"), a right-wing think tank spearheaded by Jim Tozzi, a self-proclaimed architect of the Act."

"The Administration will do great damage to its duty to faithfully execute the laws and to the credibility of the Data Quality Act as an expression of public policy if it supports or encourages the activities of Mr. Tozzi and his colleagues, activities that distort the Act and would render it nothing more than a tool to obstruct timely government decision-making."

Natural Resources Defense Council, comments submitted to EPA, May 31, 2002

Background on Data Quality Guidelines

"This rider [Data Quality Act] builds on an industry lobbying effort to put roadblocks in the regulatory process. As noted by the Center for Regulatory Effectiveness, a strong advocate for the rider, there was similar report language added to the FY 99 Omnibus Appropriations Act, also added at the last second without any debate."

"...CRE and other pro-industry representatives were frustrated that OMB never issued guidelines based on the report language, persuading [Rep. Jo Ann] Emerson to put it into law."

OMB Watch, The Watcher, May 28, 2002 Vol. 3, No.11

OMB Urges Participation in Its Regulatory Reform Efforts (Excerpt from Article by Jim Tozzi)

"The Center for Regulatory Effectiveness (CRE) has been concerned about this relative lack of transparency and analytical rigor on the part of the independent agencies, and in its comments to OMB, the Center has urged consideration of its proposal for OMB review of independent agency rules, all under existing legal authority."

"In sum, OMB's Draft Report on the Costs and Benefits of Federal Regulations represents a significant opportunity for the public to gain the attention of Congress, OMB, and senior Administration and agency officials regarding

areas of needed regulatory reform. Interested parties are strongly encouraged to submit their reform recommendations to OMB by the comment deadline of May 28, 2002."

Washington Legal Foundation, Counsel's Advisory, May 10, 2002, Vol. 10 No. 3

The Data Quality Act: A New Tool For Ensuring Clarity at the Interface of Science and Policymaking (Excerpt from Editorial by Jim Tozzi)

"CRE believes that it is very important that interested parties express their views to the agencies during the public comment period in order to effect a workable, fair, and efficient implementation of the Data Quality Act. How this process is structured may have a significant impact on how scientific information is utilized in the regulatory decision making process. Particularly, attention must be paid to ensuring that the provisions for information quality do not slow down the government's release of information without justification."

Ogmilus Exchange, May 2002

Regulation Writers Uneasy About OMB's Help

"Early OMB intervention in regulation writing is not new, said Jim Tozzi, who worked in several high-level OIRA positions, including deputy administrator, during the Nixon, Ford, Carter, and Reagan administrations. President Reagan set a precedent for early review of regulations in 1981 when he issued Executive Order 12291 and announced the formation of a task force on regulatory relief, said Tozzi, now on the advisory board of the Center for Regulatory Effectiveness, an independent analyst of government regulations in Washington."

Federal Times, April 22, 2002

Excerpt from Interview with Data Quality Act Critic Alan Morrison, Founder of the Public Citizen Litigation Group

"My understanding is that Jim Tozzi who is a highly regarded lobbyist for interests that are principally concerned about what's going on at EPA is at least one of the drafters of this legislation [Data Quality Act]. I think the parentage, assuming that it is Jim Tozzi and his colleagues, gives you a good idea of what the purpose of this law was supposed to be."

National Public Radio, "On the Media", April 20, 2002

EPA Grants Metolachlor Registration to Cedar Chemical

"In a letter to EPA, the Center for Regulatory Effectiveness (CRE) maintains the Data Quality Act required the agency to hold a public comment period before making a decision on registration."

"EPA's metolachlor decision process must be objective, transparent, reproducible, and meet stringent new risk-assessment and objectivity standards,' CRE says in its letter to Stephen Johnson, EPA's assistant administrator for pesticides. 'If they do not meet these standards, they will be subject to administration petitions and judicial review under the Data Quality Act.'"

Chemical Market Reporter, April 1, 2002

Plaintiffs Withdraw Lawsuit Against EPA Challenging Draft Cancer Risk Guidelines

"The suit was filed by Diatect International Corp., an Idaho-based corporation that sells insecticide products containing pyrethrins, a botanical extract; Brevet Industries Inc., a California-based company that makes medical products containing polyvinyl chloride, which can generate dioxins when burned; and Jim Tozzi, a former Office of Management and Budget official who is now president of the Washington-based consulting firm Multinational Business Services Inc."

"Tozzi said he dropped the lawsuit because he has personally funded it for two years and could no longer afford to do so."

Bureau of National Affairs, Daily Environmental Report, March 28, 2002

EPA Grants Metolachlor Registration to Cedar Chemical

"After analyzing the public response to its analysis of the issue, CRE concluded 'that EPA would be setting a significant negative precedent were it to maintain the registration for Metolachlor in light of the Reduced-Risk Pesticide, S-Metolachlor.'"

Landscape Management, March 22, 2002

Industry Supported Center Enters Fray On Metolachlor, Citing Data Quality Concerns

"The Center for Regulatory Effectiveness said March 20 that the Environmental Protection Agency should not grant registrations for the herbicides metolachlor until the public has a chance to review data relating to the request."

"The center, in a letter to Stephen Johnson, EPA assistant administrator for prevention, pesticides and toxic substances, said the Data Quality Act requires EPA to make its decision on metolachlor 'objective, transparent, reproducible, and meet stringent new risk assessment and objectivity standards.'"

"Jim Tozzi, a former White House Office of Management and Budget official, supported congressional passage of the Data Quality Act. He is a board member of the center."

Bureau of National Affairs, Daily Report for Executives, March 22, 2002

EPA Faces Legal Challenges Over 'Reduced Risk' Chemical Decision

"The Center for Regulatory Effectiveness (CRE), a regulatory reform consulting group, is likely to sue the agency [EPA], challenging whether the decision complies with the Data Quality Act. CRE sent a letter March 20 to Stephen

Johnson, the head of EPA's pesticide office, arguing that EPA must release the data to support Cedar's claim that the older version is equally effective. A CRE official says there is "a strong possibility" that they will sue the agency if the data is not released, or if the data does not justify the decision. CRE also filed an official request for the information under the Freedom of Information Act." *Chemical Policy Alert.com*, March 22, 2002

Tussle Over New Rules on Federal Data

"The [Data Quality] act was first proposed by a group called the Center for Regulatory Effectiveness, which acknowledges criticism that the law will delay some important rules."

"Some of those criticisms are fair," said director Jim Tozzi, "it is going to have some immediate slow-down effect." But long term, he said, the law will benefit everyone by improving the rules we live by."

"Not only will government have to live by the law, he said, but so too will businesses and activists since they'll have to make sure their data is solid when trying to influence policymaking."

MSNBC, March 21, 2002

Data Access: No Foreseeable Compromise with Industry Groups

"Jim Tozzi representing the Center for Regulatory Effectiveness (CRE), supporting the Shelby provision, also supports the 'daughter of Shelby,' a provision in last year's appropriations bill that requires OMB to implement procedures for ensuring 'data quality.'"

Association of American Medical Colleges, Washington Highlights, March 16, 2002

EPA Decision Today Could Muddle Reduced Risk Program

"It would deliver a serious blow to the Reduced Risk initiative program," Jim Tozzi, of the Center for Regulatory Effectiveness, said of EPA's possibly allowing the companies to manufacture generic metolachlor. 'I can't imagine any company spending money on developing better pesticides after that.'"

Greenwire, March 11, 2002

EPA Rejects Human Studies Data for Perchlorate Risk Assessment

"In response to the assessment, on Feb. 1 the Center for Regulatory Effectiveness (CRE), a regulatory think tank, released a background paper on perchlorate discussing the fact that EPA, the Departments of Defense, Health and Human Services, and other federal agencies have been involved in the design and support of several of the human studies and question the EPA's moratorium on data from human studies. The paper provides a short history of the current EPA moratorium and insists that policy 'never underwent OMB review pursuant to the Administrative, Procedure Act, and was never sent to Congress under the Congressional Review Act.'"

Risk Policy Report, February 19, 2002

Group Seeks Withdrawal of Climate Study Under New Data Rules

"In a Feb. 11 petition to the White House Office of Science & Technology Policy, the Center for Regulatory Effectiveness (CRE) argues the GHG emissions assessment 'is based on inadequate and incomplete science and models...has never been subject to adequate peer review ...[and] flunked the limited peer review that has occurred.'"

Inside EPA, February 15, 2002

Report to Propose Expanding OMB Review Beyond Environment Rules

"The report, which is due to be issued in early March by the Center for Regulatory Effectiveness (CRE), argues that no new executive orders or statutory changes are necessary for OMB to scrutinize the costs and benefits of rules generated by the Securities and Exchange Commission, the Federal Energy Regulatory Commission, the Federal Trade Commission and the Federal Communications Commission. Currently, OMB is responsible for approving those commissions' information requests under the Paperwork Reduction Act (PRA) but does not examine economic rules."

"The report, entitled *A Blueprint for OMB of Independent Agency Rules*, will outline trends beginning in the Nixon administration and trace how OMB oversight has expanded through the PRA to the new data quality guidelines issued last fall. However, the report says one sector has not been subjected to this oversight – the independent commissions headed by leaders and boards that cannot be unilaterally removed by the President. The report will be addressed to OMB Director Mitch Daniels, but is expected to have a broader impact on Capitol Hill and elsewhere, sources say."

Inside EPA, February 2, 2002

EPA Under Increased Pressure to Release Modeling Data for Highly Anticipated Multi-Pollutant Air Controls

"But the Center for Regulatory Effectiveness (CRE), a group representing chemical and utility clients, is asking EPA to release the model itself, in addition to the documents relating to the agency's use of the model."

"The group says in a Jan. 22 letter that new guidelines issued by OMB ensuring a level of transparency in information used by the federal government in developing policy gives new ammunition to the argument that EPA should release the model itself for public review."

"EPA's analysis of potential economic impacts will strongly influence EPA's public policy recommendations," says the Jan. 22 CRE letter to EPA Chief Information Officer Kimberly Terese Nelson. Therefore, under the OMB guidelines, 'EPA's analytical process must be objective, transparent and

reproducible,' the letter says."
Inside EPA, January 29, 2002

OMB Guidelines on Quality of Information Seen as Having Profound Impact on Agencies

"Essentially, the guidelines define what constitutes arbitrary and capricious behavior with respect to how an agency controls the quality of information, said Jim Tozzi, a lobbyist who helped spur the legislation that ordered OMB to issue the guidelines. Tozzi worked at OMB from 1972 to 1983 and was the first deputy director of the Office of Information and Regulatory Affairs (OIRA), which issued the Jan. 3 guidelines."

"The information-quality guidelines accomplish much of the reforms sought through risk-assessment and cost-benefit legislation debated extensively in Congress, but never passed, in the mid 1990s, Tozzi said."

"If information agencies disseminate or use to develop regulations fails to meet OMB's standards, the agencies can and will be sued, Tozzi said."

Bureau of National Affairs, Daily Environment Report, January 14, 2002

OMB Guidelines on Quality of Information Seen as Having Profound Impact on Agencies

"Tozzi agreed that OMB is getting more power than it has had but said he favors that. It is important that there be a centralized office which controls the flow of information into and out of the government, Tozzi said."

"Through the Paperwork Reduction Act, OMB controls the information the regulated community must provide to the government, Tozzi said. Now, through the information-quality guidelines, OMB can control the information disseminated. That creates an essential 'federal information triangle' with OMB at its apex, he said."

"In 2002, Tozzi's organization will be working to extend OMB's authority further by asking the Bush administration to give OMB oversight over actions by independent agencies such as the Federal Energy Regulatory Commission, he said."

Bureau of National Affairs, Daily Environment Report, January 14, 2002

Litigants May File Second Case Under New Data Guidelines

"Plaintiffs in the current lawsuit, *Tozzi v. EPA*, have been arguing that the classification was largely based on a draft EPA guidance for determining the health risks of cancer-causing agents. The classification in the assessment was not legitimate, plaintiffs argue, because it was a final agency action subject to public review and comment that was based on a draft determination that had never been subject to public scrutiny."

Inside EPA, January 11, 2002

OMB Data-Quality Guidance to Bolster Industry Challenges

"At least one ongoing industry lawsuit against EPA will be greatly affected by the issuance of the guideline, sources say. Regarding the case *Tozzi v. EPA*, which has attracted widespread attention for challenging EPA's classification of dioxin as a known human carcinogen in its upcoming health risk assessment, sources say the guidelines present an easier way to show that EPA has not gone through the proper public channels and peer review before upgrading dioxin's risk classification."

"Industry will be in 'a lot stronger a position' to challenge future federal agency rulemakings and other documents in court, the industry official says."

Inside EPA, January 9, 2002

Biting the Data Quality Bullet: Burdens on Federal Data Managers Under New Section 515

"At the Section's Spring Meeting in Richmond on April 19, a panel of experts hosted by the Government Information & Privacy Committee explored the alternative prospects for 'data quality' challenges. Dr. Jim Tozzi, former Deputy Administrator of OMB's Office of Information & Regulatory Affairs (OIRA) and now a Washington consultant, authored the original drafts in 1999, and in 2000 found a welcoming sponsor in House Appropriations member Rep. Jo Ann Emerson. Though critics like OMB Watch offered their alternative terms, the Tozzi proposal was adopted as Section 515 of Public Law 106-554 and the 'data quality' process becomes mandatory for all agencies on Oct. 1, 2002."

Administrative and Regulatory Law News, Volume 27, Number 4

Raids on Regulations Expected (Data Quality Act)

"Jim Tozzi, co-founder of the pro-business Center for Regulatory Effectiveness, and a proponent of the Act, says the ramifications are broader than he imagined. 'It's turning out to be a lot more significant than we thought it would be,' he said. 'It sets standards for which you can now judge whatever the government issues.'"

The Wall Street Journal, July 5, 2002

Web Sites Track Regulatory Changes

"The conservative, business oriented Center for Regulatory Effectiveness, and its site (thecre.com) analyzes rules and the process of regulation. It's run by Jim Tozzi, who was a deputy administrator at the Office of Management and Budget from 1972 to 1983. He's now a consultant to business on regulatory issues."

"Tozzi said his readers are executives of Fortune 500 companies and government staffers: 'We want them to look at our positions to influence what

they are working on.'

"During the recent debate over the ergonomics rule intended to prevent repetitive-stress injuries, Tozzi said, 'people were e-mailing us with questions from the Hill during the vote. We had a direct impact into the legislative process.'"

The Washington Post, April 24, 2001

Environment, Communications, Information Technology And The Arts References Committee

Commonwealth of Australia, Official Committee Hansard, Senate , Thursday, 16 November 2000

Saccharin Is Removed by Government from List of Known Human Carcinogens

"In response to the nomination, regulatory consultant Jim Tozzi and a group of New York restaurant owners filed suit last year naming the government officials responsible for the report. The plaintiffs claim the government isn't following its own rules, because the upgrade of dioxin was based on animal studies, when human data are needed."

The Wall Street Journal, May 16, 2000

Little-Noticed Law Raises Standard for Federal Rules

"More and more, federal agencies are setting policy without actually regulating by distributing information via the Internet that carries the effect of regulation, said Jim Tozzi of the Center for Regulatory Effectiveness, a watchdog group that lobbied hard for the new law.

"Studies and policy statements posted on agency websites 'have a lot of impact - they might encourage litigation, they might encourage local governments to regulate,' Tozzi said."

AP News Wire

U.S. Report to Firmly Link Dioxin With Cancer

"But a group of New York restaurant owners, lead by business consultant Jim Tozzi, along with a medical device maker, have filed suit in federal district court claiming the upgrade would cause them economic harm. The restaurant owners argue that people would stop eating at their restaurants because dioxin is found in food, while the device maker objects to statements that medical products containing polyvinyl chloride contribute to environmental dioxin when incinerated as medical waste."

Reuters, May 17, 2000

GOP, Business Rewrite The Regulatory Playbook

"One of the best ways to get rid of a regulation is to get a friendly lawsuit," said Jim Tozzi, deputy administrator of the regulatory office under Reagan."

CQ Weekly, Special Report: Industry and Regulation, May 5, 2001

SEA [Senior Executives Association] Awards Presented at Annual Conference

"Jim Tozzi was presented SEA's Ted Kearn award on July 7 at a luncheon at the PDL annual conference in Washington, D.C. This award, named for SEA's founder and first chair of the Board of Directors, is presented annually to a member who has made an outstanding contribution to SEA's mission.

"Mr. Tozzi is a lifetime member of SEA and has been an ardent supporter of both SEA and SEA PDL. He has served on the selection committee for the League's Executive Excellence Awards, has lent his help to attracting prominent citizens to chair the awards, and assisted in corporate fundraising. In presenting the award, SEA President Carol Bonosaro said, 'Jim has been there every time we have asked him for help - and he has been there to offer help when we haven't.'"

Inside SEA, August/September 1999

McIntosh Proposes New Joint Committee to Oversee Agency Rulemaking

"Meanwhile, several former Office of Management & Budget officials have created a new center to advise Congress on which regulations to review. The Center for Regulatory Effectiveness is intended to track regulatory submissions from agencies and highlight for Congress those that are of particular interest or concern to the regulated community. The center will be funded through membership of Fortune 500 companies. While the center will represent industry's views on rules, sources with the center say it will not be lobbying or engaging in negotiations over rules. 'This will be a very open and public process,' one center source says.

"The center is being headed up by Jim Tozzi and Jim MacRae, both of whom served as directors of OMB's Office of Information & Regulatory Affairs during the Reagan and Bush administrations."

Inside EPA, May 31, 1996

Real Regulatory Reform

"The Institute for Regulatory Policy reported last week that the government's most active regulator, the Environmental Protection Agency, has largely ignored the order. The institute is financed by trade associations, which means a lot of activists will try to discredit its work as nothing more than an apology for greedy businesses. This is a shame, for the work was directed by Jim Tozzi, a veteran of OMB with long experience in overseeing regulatory agencies."

Boston Herald, Editorial, May 1, 1995

Where the Rubber Hits the Road: Michelin Seeks Rule Change to Highlight New Tire

"Jim Tozzi, director of Multinational Business Services Inc. in Washington,

which represents the companies that oppose Michelin's proposal, does not accept assertions by Michelin or the NHTSA that the proposed rule change would simply lead to a change of labels.

"The fuel-efficiency grade would create market pressures, forcing other tiremakers to produce the same products, he said."

Washington Post, July 22, 1995

Dole Rules

"An April 1995 study by the Institute for Regulatory Policy found that executive branch compliance is essentially a joke. Analyst Jim Tozzi found that of 222 major Environmental Protection Agency rules issued from April to September of last year, only six had even been judged to have benefits greater than costs. The rest went ahead anyway.

"Ms. Katzen's White House regulatory review team also fell down on the job. Mr. Tozzi found that of 510 regulatory actions published, 465 weren't even reviewed by Ms. Katzen's office under that executive order. That's more than 90%. Of the 45 rules that were looked at, not one was returned to the rule-making agency for having failed to meet the cost-benefit test. In the private sector they fire people for that kind of failed oversight."

The Wall Street Journal, Editorial, June 29, 1995

Budget Bill Provision on Data Accuracy Could Open Rules to Industry Challenges

"This can be interpreted to allow challenges to 'any data point,' not just a standard itself, according to James Tozzi, a former OMB official and head of the Center for Regulatory Effectiveness. The guidelines-and the opportunity to challenge data-could be extended to risk assessments and other estimation tools, Tozzi told BNA Dec. 28, 2000.

"...Adoption of the appropriations rider reflects ongoing frustration among various parties over federal data policies, including those of the Environmental Protection Agency, Tozzi said."

Bureau of National Affairs, Daily Environment Report, January 2, 2001

Review of EPA Policy Sought

"No policy-draft or otherwise-on human testing has been released by EPA thus far. An industry critic of EPA policy wants an interagency review of the agency's use of human testing results.

"Jim Tozzi, of the Center for Regulatory Effectiveness, said there is a draft agency policy on human testing but that is has not been released. He has asked a subpanel of the interagency National Science and Technology Council to review EPA's draft human testing policy. The subpanel is known as the Human Subjects Research Subcommittee.

"Tozzi's center includes industry participants such as members of the oil, chemical, pesticide, telecommunications, and finance industries.

"Tozzi told BNA that he sought this review because Greg Koski, chairman of the subcommittee, is director of the Office for Human Research Protections in the Department of Health and Human Services. Koski has the perspective of examining human testing policy across the entire federal government, Tozzi added."

Bureau of National Affairs, Daily Environment Report, January 5, 2001

Verification Rule Could Stifle Information Flow

"there need to be some standards that must be met before agencies release information to the public," said Jim Tozzi, a member of the board of advisors at the Center for Regulatory Effectiveness in Washington, D.C., a government watchdog group.

"Tozzi's organization was a leading advocate for the legislation that Congress passed last year as part of the Treasury Department appropriations. The law requires OMB to spell out how agencies will ensure the 'quality, objectivity, utility and integrity' of information, including statistical information, they disseminate."

Federal Times, August 20, 2001

Whitman Can Back Out of FQPA Pacts, Observers Say

"Environmental Protection Agency Administrator Christine Todd Whitman has the authority to back out of agreements reached by the Clinton administration setting deadlines for certain pesticide reviews, industry and regulatory consulting attorneys say. 'It ain't over until the fat lady sings,' Jim Tozzi, a former White House Office of Management and Budget official and head of the Center for Regulatory Effectiveness, says."

Bureau of National Affairs, Daily Environment Report, February 7, 2001

Industry Files Suit to Halt EPA's Dioxin Cancer Classification

"The industry groups represented in this case include Brevet, a PVC-plastics manufacturer, Diatect, an Idaho-based producer of the pesticide known as pyrethrins used in dog flea collars that EPA has characterized as a 'likely' human carcinogen, and Jim Tozzi, a regulatory consultant."

Inside EPA, November 3, 2000

EPA-NRDC Endocrine Agreement Neglects Welfare, Commenters Say

"However, the Center for Regulatory Effectiveness said deadlines in a related Jan. 19 pesticide review decree are earlier than the dates specified in the endocrine settlement agreement. As a result, CRE said, EPA will probably use

unvalidated tests to comply with pesticide review deadlines. CRE, in Washington, D.C., has no members, but receives, from time to time, financial support, services in kind, and work product from trade associations and private firms, according to its Internet site."

Bureau of National Affairs, Daily Environment Report, June 11, 2001

Business Lobbyists Asked to Discuss Onerous Rules

"Jim Tozzi, Kahlow's former boss at OIRA, said in an interview that he used to do just that, using paperwork technicalities as an excuse to review otherwise untouchable rules. 'I have to plead guilty to that,' said Tozzi, who is now on the advisory board at the Center for Regulatory Effectiveness. 'The paperwork is a way in, you know?'"

The Washington Post, December 4, 2001

Federal Court Affirms HHS Classification of Dioxin as 'Known' Human Carcinogen

"In a Nov. 23 statement, the industry-supported Center for Regulatory Effectiveness, on whose board Tozzi serves, said, 'Notwithstanding the court's deference to an agency's interpretation of its own rules, the opinion sets a major precedent on both a governmentwide basis and for EPA's upcoming dioxin reassessment in particular.'

"Tozzi added, 'While we are disappointed with the court's decision on the merits of the case and obviously disagree with it, at the same time, the court's willingness to decide this issue is important and a significant development. It sets a very positive precedent for the Data Quality Law.'"

Bureau of National Affairs, Daily Environment Report, November 26, 2001

New Data Quality Law Could Challenge Agency Assessments

"The NIOSH action, which is driven by concerns about worker exposure to pathogens in biosolids, is being challenged by the Center for regulatory Effectiveness (CRE) as an important case example where the Office of Management and Budget (OMB) requirements on data quality should be more carefully applied. 'Case examples such as the NIOSH [hazardous identification document] HID situation should prove very useful...in developing the new data quality rules and guidance required....Concerned parties in all sectors of the business and public interest communities should participate in providing such input to OMB and the agencies,' according to the March 6, CRE working document."

Inside EPA's Risk Policy Report, March 19, 2001

Ignorance Is Toxic Bliss: The Secret War on Our Right-To-Know

"The huge, omnibus appropriations bill that passed Congress last year included a small but very significant provision. The language, which has the force of law, requires federal agencies to follow guidelines to be issued by September 30, 2001 from the Office of Management and Budget on 'the quality, integrity and objectivity' of information disseminated to the public by federal agencies. Industry lobbyists such as Jim Tozzi and his Center for Regulatory Effectiveness have sought to push objectivity as a criteria for agency information products. While the guidelines have yet to be circulated for public comment, any one-size fits-all guidelines could hamper EPA's ability [to] fulfill its environmental protection mission. EPA research into threats to fragile ecosystems and endangered wetlands might be hampered if they are prevented from conducting research that some may criticize as 'not objective.'"

A report by Clean Water Fund, et al., April 2001

Industry CRE-ates Mischief Against Right To Know

"Industry lobbyist Jim Tozzi and his Center for Regulatory Effectiveness, long a thorn in the side of the Environmental Protection Agency's (EPA) efforts to inform the public of human health and environmental threats and foes or the public's right to know, are asking NIOSH to withdraw a notice for the safe handling of biosolids in agriculture. The March 6 letter also asks the Office of Management and Budget (OMB) to move forward in issue guidelines to agencies on the 'quality, integrity and objectivity' of information that federal agencies release to the public."

OMBWatcher Online, March 19, 2001

Legal Battle Brews Over Key EPA Pesticide Registration Decision

"The Center for Regulatory Effectiveness has weighed in on the issue as well, finding that 'EPA should deny...pesticide/herbicide applicants conditional registration when the original has canceled, or has agreed to cancel, the product and to replace it with an equally effective new product posing less risk. Granting conditional registration under these circumstances would be inconsistent with...the Agency's goal of reducing pesticide/herbicide exposure, especially with regard to children.'"

Inside EPA, November 3, 2000

Behind Closed Doors

"In the past year, two lawsuits aimed at stopping important public health documents from reaching the public were filed. The same man - James Tozzi - representing two different entities, Multinational Business Services, Inc. (MBS) and the Center for Regulatory Effectiveness (CRE), filed both of these lawsuits. Both suits were aimed at influencing the scientific support for the agency's conclusions that dioxin is likely to be a human carcinogen and at stalling the report's release to the public.

"James Tozzi has a long history of working to prevent health measures that would have an economic impact on big business. During the Reagan administration, Tozzi served in the Office of Management and Budget, where he successfully spearheaded a campaign to 'gut environmental regulations'

(Rampton and Stauber, 2001). According to the Center for Media and Democracy, Phillip Morris described Multinational Business Services, Inc. as its 'primary contact on the EPA/ETS risk assessment' on secondhand cigarette smoke in the early 1990s (Rampton and Stauber, 2001)."

A Report by the Center for Health, Environment and Justice, released April 2, 2001

Legal Research Guide: Regulatory Law and Agency Resources

"...The CRE.com offers an interactive public docket. Of course, this offers researchers invaluable insight into an organization's stance on an issue." The Virtual Case [web site] and Ballard, Spahr, Andrews & Ingersoll, LLP

Suit Challenges Use of Draft Guidelines In Pesticide Decisions, Dioxin Reassessment

"The suit was filed by Diatect International Corp., an Idaho-based corporation that sells insecticide products containing pyrethrins, a botanical extract; Brevet Industries Inc., a California-based company that makes medical products containing polyvinyl chloride; and Jim Tozzi, a Virginia resident and a former government official.

"Tozzi told BNA Nov. 3 that he agrees with scientists who, at the Nov. 1-2 EPA Science Advisory Board critique of the draft dioxin reassessment, raised the question about what version of the cancer guidelines EPA would use when re-evaluating the risks of dioxins."

Bureau of National Affairs, Daily Environment Report, November 6, 2000

Appeals Court Ruling May Aid Challenge to EPA Dioxin Review

"The court said the plaintiff had a legal standing to challenge the listing because HHS' change to the dioxin classification could have an economic impact on a restaurant owned by the plaintiff. The litigation was filed by Jim Tozzi, a Washington, DC restaurant owner and the president of Multinational Business Services Inc., which represents corporations in regulatory matters.

"Dioxin is a byproduct of charbroiling beef, and the plaintiff argued that the HHS listing would scare away business.

"But the court ruling could help in pursuing other legal actions against EPA. 'This will help me get into court and stay in court,' the plaintiff says, referring to a pending case against the agency's dioxin reassessment. That case, Tozzi v. EPA, has been put on hold until the reassessment is released and undergoes in interagency review."

Inside EPA, November 30, 2001

Pyrethrin Cancer Classification Case Pending as Reassessment Continues

"The lawsuit, filed by manufacturers and consultant Jim J. Tozzi, of Multinational Legal Services, pertains to a cancer classification of the Pyrethrins, consumer products widely used in residential and indoor settings.

"At the center of the pesticide dispute is an EPA Office of Pesticide Programs Cancer Assessment Review Committee (CARC) classification of the pyrethrins as 'likely' to cause cancer in humans by oral exposure..."

Bureau of National Affairs, Daily Environmental Report, April 2, 2001

Former Waynesburg Resident, Now a Washington Businessman, Talks about the Attack on America

"After serving with the Department of Defense at the Pentagon from 1964-72 and then at the White House from 1972-1983, Tozzi's opinions certainly have merit. Now as the owner of Multinational Business Services in D.C., he has kept in touch with friends and acquaintances at both the Pentagon and the World Trade Center."

The Press News, September 20, 2001

Federal Court Set to Hear Arguments About Whether EPA Can Release TRI Data

"Jim Tozzi, president of the consulting firm Multinational Business Services Inc., based in Washington, sued EPA and the White House Office of Management and Budget seeking withdrawal of the October 1999 final rule adding dioxins to TRI (Tozzi v. Browner, D.D.C., CV-00-00173).

"the complaint, filed Feb. 1, 2000, in the U.S. District Court for the District of Columbia, claimed, among other things, that the information collection request EPA sent to OMB for approval was 'incomplete' because it did not specify how releases would be calculated for dioxin and dioxin-like compounds (26 DEN A-7, 2/8/00)."

Bureau of National Affairs, Daily Environment Report, June 26, 2001

Injunction Sought on NTP Dioxin Listing, Appeal of Court Ruling Planned, Tozzi Says

"Jim Tozzi, a lobbyist and former White House Office of Management and Budget official, told BNA Oct. 26 that his coalition will pursue an injunction in the appeals court, if the district court declines to issue one. Tozzi noted that the appeal had not been filed yet in the U.S. Court of Appeals for the District of Columbia but should be shortly.

"Tozzi said the district court's ruling that Brevet has standing to sue is significant. This ruling should clear the way for other individuals and companies to challenge other federal agencies' health risk assessment, he said. The Environmental Protection Agency's nearly complete dioxin health risk assessment may be ripe for a similar legal challenge, he said. Tozzi declined to state whether he plans to challenge the EPA dioxin document."

Bureau of National Affairs, Daily Environment Report, October 27, 2000

EPA Can Release TRI Reports, Federal District Court Rules in Lawsuit

"Judge Royce Lamberth of the U.S. District Court for the District of Columbia rejected a request from an industry consultant for an injunction to restrain EPA from releasing the reports from the Toxics Release Inventory, which companies were due to file with the agency by July 1.

"The consultant, Jim Tozzi, president of the Washington-based consulting firm Multinational Business Services, Inc., had asked the court to prohibit EPA from releasing the dioxin data until the court had ruled on a lawsuit he had filed seeking to strike down a 1999 EPA rule that subjected dioxins to TRI reporting.

"The February 2000 lawsuit alleged that EPA had violated certain requirements of the Paperwork Reduction Act and the Emergency Planning and Community Right-To-Know-Act, which requires industry to report to the TRI (26 DEN A-7, 2/8/00)."

Bureau of National Affairs, Daily Environment Report, June 26, 2001

EPA Faces Scaled Back Judicial Deference for Regulatory Reviews

"In one of those cases, Jim Tozzi, et al. v. EPA et al., a federal district court in Washington D.C. June 29 dismissed an industry effort to block an EPA rule tightening dioxin emissions reporting standards, in part because the court found that the agency should be granted deference under the old standard."

Inside EPA, July 20, 2001

District Court Delays Oral Arguments Due to Change in Dioxin Review Schedule

"Charles Fromm, an attorney with Multinational Legal Services, which is representing the plaintiffs, told BNA it was important to delay the oral arguments so that EPA and plaintiffs would have a better sense of how the agency would proceed on the dioxin reassessment. That agency decision should be affected by the SAB report, he said.

"The litigation is being brought by Jim Tozzi, a lobbyist and former White House Office of Management and Budget official; a manufacturer of pyrethrin-based pesticide products; and a company that manufactures medical devices that contain PVC.

"The plaintiffs assert that EPA's use of its draft cancer risk assessment guidelines violates the Administrative Procedure Act."

Bureau of National Affairs, Daily Environment Report, April 18, 2001

U.S. Supreme Court Reviews Law Determining Deference Owed To Federal Agencies

"How this opinion affects future rulings by courts remains to be seen. However, already there are some reports that this opinion amounts to a 'significant narrowing' of the judicial deference doctrine that will make it harder for EPA to defend its decisions in the future. Such reports, however, may be hasty. For example, in the few cases that have come down post-Mead such a 'significant narrowing' hasn't played itself out. In Tozzi v. EPA, for example, where the question of whether EPA was owed deference when it made a decision not to employ certain methodology when establishing toxicity levels for dioxin, the Federal District Court for the District of Columbia held that even if the decision didn't clearly warrant Chevron deference, 'the Mead Court's revival of the Skidmore doctrine defers to agency interpretations based on even ambiguous delegations of authority.'"

Equipment Manufacturers Institute web site (www.emi.org/public_policy), August 29, 2001

Experts Debate Public Access to Regulatory Science Through FOIA

"Jim Tozzi of the Center for Regulatory Effectiveness noted that the history of OMB-related legislation such as the Paperwork Reduction, Data Access and Small Business changes, basically describes his resume over the last decade. 'This is what I'll call 'good government' and David Hawkins would call 'no government.' EPA and other agencies have found ways to regulate through appropriations bills, litigation and information release, not through the Federal Register, Tozzi noted....Tozzi emphasized that the recently passed Data Quality bill requires OMB to set a minimum threshold for data dissemination on the Internet. In addition to a quality filter, it also requires a petition process for people to submit corrections for inaccurate data."

Risk Policy Report, March 19, 2001

Coalition Battles Dioxin Carcinogen Label

"Lobbyist Jim Tozzi, who brought the suit, said the NTP does not have enough evidence from studies with humans, as its own criteria require. Tozzi is president of [the] consulting firm Multinational Business Services Inc., in Washington, a board member of the Center for Regulatory Effectiveness, and a former official in the Office of Management and Budget...

"Tozzi was critical of the plastics industry for not participating in any of the three dioxin-related legal battles he is waging.

"'I don't know why they are sitting on their ass,' Tozzi said. 'they are not contributing one penny.'"

"Allen Blakey, spokesman for the Vinyl Institute in Arlington, Va., said VT staff met with Tozzi and talked about ways to work together. The lawsuit was mentioned, but 'we don't remember there being any specific request for us to support it,' Blakey said...

"Tozzi, who has brought several dioxin-related suits, said he may have to drop one or more of them unless other parties join the suit, or the CRE gets more

financial support.

"Brewer said Brevet is not contributing any money to the suit, and said Tozzi approached him about joining the legal challenge."

Plastics News, January 26, 2001

- [Industry Seeks to Stall EPA's Dioxin Reassessment : Washington \(Business & Finance Week, Nov 8, 2000 \)](#)

Court Affirms Report Tightening Dioxin Risk Classification

"At issue in the case, *Jim Tozzi, et al, v. Department of Health and Human Services*, is the 9th Report on Carcinogens (RoC), a congressionally mandated annual report listing known or reasonably anticipated human carcinogens. The report is compiled by several environmental health agencies, including the National Institute for Environmental Health Sciences (NIEHS), the Environmental Toxicology Program (NTP) and the Department of Health & Human Services (HHS)."

Inside EPA, October 13, 2000

Industry Group Questioning Consistency In Human Testing Policy Following Survey

"A Regulatory watchdog group is questioning the consistency of the Environmental Protection Agency's use of human data in light of an interim policy on pesticide testing, a former White House office of Management and Budget official told BNA Aug. 16.

"The Center for Regulatory Effectiveness collected information from the agency, and found 'widespread use' of human studies throughout the agency, Jim Tozzi, a member of the center's board, told BNA Aug. 16.

"The center is still reviewing the information, but questions the 'arbitrary' nature of an interim policy prohibiting the use of certain pesticide data in regulatory decisionmaking in light of the use of human data throughout the agency, Tozzi said.

"The center conducted an extensive survey 'throughout EPA,' including in the air, water, and research offices, and documented the 'widespread use' of human studies in the agency, Tozzi said.

"Tozzi's center includes industry 'participants' such as members of the oil, chemical, pesticide, telecommunications, and finance industries."

Bureau of National Affairs, August, 17, 2000

FDA, EPA, USDA Ask National Academy of Sciences to Referee Dioxin Debate

"Industry officials are warning the EPA has an aggressive dioxin game plan. Jim Tozzi of Multinational Business Services says that 'armed with the 'known' classification' the agency will be in the 'driver's seat and plans to make the food divisions of FDA and USDA operating subsidiaries of EPA.' According to Tozzi, the agency's control strategy for dioxin involve targeting environmental emitters near food sources where cattle graze or people fish, for example, and also involves invoking the regulatory authorities of the food agencies."

FDA Week, August 4, 2000

EPA Will Move Ahead with Strict Dioxin Cancer Classification

"According to Jim Tozzi of Multinational Business Services, 'I think the basic issue is what set of guidelines you're going to use. Even the panel said they were not sure whether they were using the classification scheme from the 1996, or 1999 guidelines. The only people who can force EPA not to use the draft guidelines are the courts.'"

Inside EPA, July 28, 2000

Group Asks White House Ethics Panel To Review EPA Policy on Human Data

"A regulatory watchdog group asked a federal advisory panel July 10 to closely review the Environmental Protection Agency's policy not to use human clinical data for regulatory decisions concerning pesticides.

"James Tozzi, director of the Center for Regulatory Effectiveness (CRE), asked the White House National Bioethics Advisory Commission to review EPA's human data policy as part of a report the commission is preparing on federal implementation of a law known as the 'common rule.'

"CRE tracks the scientific and policy basis of federal regulations. Oil, chemical, and telecommunications companies are among the types of businesses that pay for center services, Tozzi told the commission."

Bureau of National Affairs, Daily Environment Report, July 11, 2000

Chemical Reaction

"Such uncertainties are part of the reason why people like the plaintiffs in the NTP lawsuit are up in arms. Jim Tozzi, a local businessman (he's an investor in BeDuCi) who sits on the board of the Center for Regulatory Effectiveness, is responsible for organizing the plaintiffs in the case, a group that includes the Empire State Restaurant and Tavern Association and a California company that deals in a kind of nonrecyclable plastic that, through its production and disposal, causes dioxin to be released into the environment. Tozzi argues against NTP's 'known human carcinogen' classification on technical grounds, saying that there isn't enough scientific evidence to support such a claim."

Atrazine Not a Likely Human Carcinogen, SAP Say, Rejecting EPA Preliminary Finding

"In a June 27 public comment session, Jim Tozzi, of the Center for Regulatory Effectiveness, said SAP was established to review scientific matters but that EPA asked the panel to reexamine atrazine's cancer classification that is based on agency policy.

"Under agency policy, if there is any indication of potential carcinogenicity of a chemical that cannot be disproved, the chemical should be described as a likely human carcinogen, Tozzi said.

"In a June 15 letter to Clarence Hardy, director of EPA's Office of Cooperative Environmental Management in the Office of the Administrator, Tozzi said the cancer guidelines meet the definition of a rule under the Administrative Procedure Act, are not yet final, and cannot be the basis for an SAP review.

"Tozzi is a former deputy administrator of the Office of Information and Regulatory Affairs of the White House Office of Management and Budget.

"In his June 15 letter to EPA, Tozzi said the agency's request to 'upgrade' atrazine's cancer classification is based primarily on policy considerations, not scientific evidence."

Bureau of National Affairs, Daily Environment Report, June 30, 2000

Risk Communication Problems From HHS Listing Would Harm Business

"In the latest development in Tozzi, et al. v. Department of Health and Human Services, a lawyer for the businesses argued in court that release of the upgraded dioxin listing would harm his clients' businesses financially as there would be a loss of business, sales, and reputation damage due to potential negative publicity surrounding the new listing....

"Attorney Charles Fromm, who represents six plaintiffs including restaurateurs and plastic manufacturers, argued that publicity surrounding details of EPA's recent draft assessment of dioxin linking exposure to cancer in humans, in addition to HHS' attempt to do the same in the latest RoC, would result 'in a loss of business, lost sales, and a damage to the reputation' of his clients."

Risk Policy Report, June 19, 2000

Judge to Prevent NTP From Issuing Report With Dioxin Listing, Even if It Wins Lawsuit

"Several businesses, including restaurants and a medical device maker, as well as former White House Office of Management and Budget official Jim Tozzi filed the suit in late 1999, saying they would suffer economic harm from a food scare and loss of business in a specialized plastic used in a medical device if the NTP report is published as expected (19 DEN A-2, 1/28/00)."

Bureau of National Affairs, Daily Environment Report, June 15, 2000

Dioxin Debate Growing Hotter

"On the other side, Jim Tozzi, an activist representing industry groups, is suing Bucher's agency, saying it hasn't sufficient evidence to link dioxin to health problems."

The Seattle Times, May 29, 2000

Court Seals HHS Carcinogen Report Dioxin Listing

"In Tozzi, et al. v. Department of Health and Human Services, the plaintiffs, two restaurants, a restaurant association and a medical device manufacturer, sued because NTP based its known human carcinogen listing for dioxin on animal, mechanistic and in vitro data when 1996 NTP criteria state that there must be 'sufficient evidence in humans' in order for a 'known' human carcinogen listing to be appropriate."

Risk Policy Report, May 15, 2000

HHS Set to Publish Ninth Cancer Report May 15 Unless Federal Court Blocks Action

"Three restaurants, a medical device manufacturer, and former White House Office of Management and Budget official Jim Tozzi are suing HHS alleging the process the National Toxicology Program used to assess TCDD was 'flawed.'"

Bureau of National Affairs, Daily Environment Report, April 21, 2000

In the News

"A Feb. 17 letter to the Acting Director of EPA's Office of Pesticide Programs, Stephen Johnson, from Multinational Business Services emphasizes the importance of using weight-of-the-evidence and urges the agency to take exposure data into account when applying additional uncertainty factors. 'When children are never exposed to a pesticide, they face no risk,' according to the letter."

Risk Policy Report, March 20, 1998

Former OMB Official Drops Suit on Sector Project, Opts Instead For Legislation

"Former White House official Jim Tozzi has set aside his lawsuit against EPA's controversial Sector Facility Indexing Project and plans to instead lobby for new legislation that would prevent federal agencies from using information in ways that are not explicitly approved by the Office of Management and Budget.

"Tozzi, director of Multinational Business Services, Inc., has forwarded several Paperwork Reduction Act (PRA) amendments to congressional staff that would ensure that OMB reviews and approves any new uses of information collected from the public, and give citizens a new avenue to challenge agency actions

under the PRA.

"Tozzi attempted earlier this year to derail EPA's Sector Facility Indexing Project (SFIP), a controversial public database that offers detailed information on the compliance histories and emissions of facilities within five major industry sectors. In both his motion for a preliminary injunction and his suit to block the entire project, Tozzi argued that the agency had subverted the PRA by using information collected from the public for a purpose that was not first approved by OMB."

Inside EPA, July 17, 1998

Former OMB Official Files First Lawsuit Against EPA 'Sector Indexing' Plan

"A former high-ranking administration official has filed the first legal challenge to EPA's controversial Sector Facility Indexing Project, charging that the agency violated federal law by pursuing the project without proper authorization from the Office of Management and Budget or public review or comment.

"While the plaintiff, former White house Office of Management & Budget official Jim Tozzi, filed the suit on behalf of himself, industry sources say that other industry parties and possibly state officials may join in the challenge.

"Tozzi filed a motion for preliminary injunction last week in the U.S. District Court for the District of Columbia seeking to block EPA from implementing the Sector Facility Indexing Project (SFIP) during the course of his lawsuit, Jim Tozzi v. EPA....

"Tozzi charges in his lawsuit that EPA has violated the Paperwork Reduction Act (PRA) of 1995 by using information gathered under the agency's Toxics Release Inventory for entirely different purposes under the SFIP without Office of Management & Budget approval or opportunity for public comment."

Inside EPA, January 30, 1998

Congress: Fewer Forms or Budgets Will Suffer

"James Tozzi, former deputy administrator of OIRA, said administrations always blame the bloat on Congress. But that raises the question of whether the agencies have figured out the most efficient, simplest way to collect the data required by laws, Tozzi said."

The Washington Post, August 14, 1998

'Interim Guidance' on Safety Margin For Children Sought by Industry Consultant

"The Environmental Protection Agency should issue 'interim guidance' on how the agency will apply the Food Quality Protection Act's safety margin for children in pesticide decisions, a regulatory consultant said in a letter to EPA....

"The spinosad decisions 'provide excellent concrete examples of the agency's practical implementation' of the safety margin, Jim Tozzi, director of Multinational Business Services Inc., said in the letter to Lynn Goldman, EPA assistant administrator for prevention, pesticides, and toxic substances. Multinational, based in Washington, has clients in the pesticide industry."

Bureau of National Affairs, Daily Environment Report, September 30, 1998

Conference Addresses Impacts of Data Access, Integrity Provisions

"At a Dec. 8 session of a conference entitled Improving Clinical Databases for Health Policy Development, Eric Stas of Multinational Business Services, one of the conference's sponsors-noted that the Act's provisions could represent a significant change in the way health data is collected and managed in this country. The provisions will allow the interested public-including stakeholders-to review the raw data underlying federally-funded studies-which is a major change in current policy, Stas noted."

Risk Policy Report, December 18, 1998

Study on EPA's Climate Change Website Forms Case Study for Data Debate

"A new industry report on EPA's climate website is designed to 'tee up' debate over Office of Management & Budget (OMB) efforts to define data quality under federal law. OMB's definition will set the standards for citizens and organizations to legally challenge EPA and other federal agencies to force the agencies to change allegedly slanted information they provide to the public.

"In the Center for Regulatory Effectiveness (CRE) report, How OMB Data Quality Regulations Will Help Resolve Disputes over Global Warming, the group examines EPA's climate website as a case study on the current poor 'quality' of the data presented by federal agencies....

"Sources say CRE hopes to open debate and push OMB in making its definition....

"CRE studies the global warming site on EPA's website and found in its report that EPA did a 'very poor job' of disseminating the information. The report cites specific examples the organization found where EPA chose words or phrases to convey the severity of the problem, and said as 'fact' that humans were to blame for global warming. Furthermore, according to a copy of the report and sources familiar with it, EPA 'buries' information contradicting its opinion on global warming in obscure links and on the 'wrong' pages." </