



FOR RELEASE
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Industry Using ‘Information Quality Act’ to Evade Environmental, Health, Safety Standards

Bush Administration Officials’ Overly Broad Interpretation of Little-Known Law Favors Industry Profit over Public Health

Washington, DC ----- The Information Quality Act, passed quietly and suddenly in 2000 as a midnight rider to an appropriations bill, “may well prove [to be] the most destructive half-page of law that most people do not know is on the books.” That is among the conclusions of “Truth and Science Betrayed: The Case Against the Information Quality Act,” a new report issued by the Center for Progressive Regulation.

Report authors, including CPR Member Scholars Thomas O. McGarity, Sidney A. Shapiro, and Rena I. Steinzor, all tenured law professors, examine the four-year history of the Information Quality Act and conclude that the Act has been abused by industry with the willful collaboration of a Bush Administration, intent on advancing an anti-regulatory agenda.

“Industry wrote this law, and now that it’s passed, they are wielding it like an axe,” said co-author Steinzor, a CPR board member. “Worse, the Administration is cheering from the sidelines – interpreting and implementing IQA so as to encourage industry abuse, delaying and debilitating the process by which regulatory agencies adopt sensible safeguards to protect the public.”

The report makes a five-part case against the Act:

- Its origins are suspect. It was written by industry, passed in secret without congressional debate.
- It was and remains a “solution” in search of a problem. “IQA provides a redundant, yet resource-intensive, layer of review.” The law is “layered on top of time-tested mechanisms already in place for the correction of errors in information.”

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- OMB has interpreted “IQA in ways that do violence to its inauspicious language, finding broad grants of authority to require extensive peer review of regulatory information where none exist. Particularly problematic is OMB’s application of the unique standards for risk information used and disseminated pursuant to the Safe Drinking Water Act Amendments of 1996 (SDWA) to all environmental, health, and safety risk information covered by the IQA.”
- Industry has abused the law, taking advantage of the Bush Administration’s virtual invitation for such abuse. “Disgruntled industries have used the Act as an end run around well-established procedures for promulgating rules to improve air quality, clean up toxic waste sites, and protect children and wildlife from pesticide residues.” The report says that industry IQA petitions are routinely filed as a delaying mechanism, to exclude or withdraw “inconvenient” information entirely rather than correct incorrect information; and to “prevent agency action in the face of incomplete, rather than poor quality, information, and more. The delaying effect is evidenced by the length of time required to respond to IQA petitions. EPA took nearly nine months to respond to separate requests – one dealing with bromate, the other with perchlorate – filed on behalf of industry. When the agency declined the bromate request, the petitioner filed a request for reconsideration, considering several more months.
- And in a tellingly ironic twist, “OMB failed to subject the IQA to its own test for regulatory effectiveness” – cost-benefit analysis. “Implementation of the IQA and its guidelines by federal agencies comes at enormous cost, never analyzed by OMB, and its benefits are questionable at best.”

In short, the report concludes, the IQA “has become a vehicle for industry and their allies to circumvent the mandates set forth in our substantive environmental, health, and safety laws and to challenge basic assumptions about protection and precaution that are established in those statutes. Rather than seeking the correction of factual information, the majority of petitioners are seeking to challenge policy decisions and judgments.”

The report is available at <http://www.progressiveregulation.org/articles/iqa.pdf>, or by contacting Matthew Freeman at 301-762-8980 or mfreeman@progressiveregulation.org.

Founded in 2002, the Center for Progressive Regulation is a nonprofit research and educational organization of university-affiliated academics with expertise in the legal, economic, and scientific issues related to regulation of health, safety, and the environment. Through research and commentary, CPR seeks to inform policy debates, critique anti-regulatory research, enhance public understanding of the issues, and open the regulatory process to public scrutiny.