
 Newsroom

 Science in the Courts

Science in Government Decision-Making

[Federal Advisory Committees](#)
[Information Quality Act](#)
[OMB's Peer Review Guidelines](#)
[Scholarship](#)
[Selected Resources](#)

 Case Studies

 Conversations with Scientists

 Coronado Conference Papers

Examples of Challenges under the Information Quality Act

Proponents of the IQA argue that it establishes a mechanism to hold government accountable for the quality of the information disseminated. Three “requests for correction” during the law’s first year illustrate the potential for petitions to raise doubt about information that is relevant to pending regulatory decisions. For additional examples of requests for correction, see the OMBWatch [website](#).

Atrazine

On November 25, 2002, days after the IQA took effect, the Center for Regulatory Effectiveness - on behalf of the Kansas Corn Growers Association and the Triazine Network - used the IQA to challenge EPA’s dissemination of a [scientific study by Tyrone Hayes](#). Hayes’ research concluded that atrazine, one of the nation’s most widely used weed-killers, causes endocrine-disrupting effects in frogs that result in sexual abnormalities. EPA cited Hayes’ study in the [EPA report](#) that examined the environmental risks associated with reregistering the pesticide for use in the U.S. In their [IQA petition to EPA](#), CRE claimed that the Hayes’ study violated the IQA’s “objectivity” standard, which states that information should be accurate, reliable and unbiased. CRE argued that since EPA had not yet established validated protocols for testing the endocrine effects of chemicals, the study could not be considered reliable and reproducible. In that context, CRE requested that EPA change the text of its report from “atrazine causes endocrine effects in various organisms including frogs” to “there is no reliable evidence that atrazine causes endocrine effects in the environment,” and “there can be no reliable accurate or useful information regarding atrazine’s endocrine effects until and unless there are test methods for those effects that have been properly validated.” EPA [denied](#) CRE’s requests, asserting that using the Hayes study was appropriate and consistent with the data quality guidelines and that it was inappropriate to amend the report as suggested.

Salt Intake Guidelines

On May 14, 2004, the Salt Institute and U.S. Chamber of Commerce jointly [filed an IQA petition](#) with the National Institute of Health’s National Heart, Lung and Blood Institute claiming that NHLBI’s statements about salt (that reduced salt intake lowers blood pressure in all individuals) violates the IQA’s standards for “objectivity,” and standards of “reproducibility” and “transparency” (the higher standards applied to “influential information”). The petition also sought to require that NHLBI make public data from a key study “[Dietary Approaches to Stop Hypertension \(DASH\)– Sodium Trial](#),” because no publicly available study supports NHLBI’s claims of reduced blood pressure in all individuals with lower sodium intake. The NIH [denied the request](#), stating that since the petition’s objective was to gain access to the DASH-Sodium study, the IQA was the incorrect method for acquiring the information and petitioners should proceed with their request through the Freedom of Information Act. After their appeal was also denied, the petitioners filed a lawsuit, which contained the same arguments that were made in the original IQA petition. The lawsuit is noteworthy because the [judicial decision](#) ruled that the IQA is not judicially reviewable.

Asbestos and EPA's Gold Book (8/16/06)

On August 19, 2003, the law firm Morgan, Lewis and Bockius filed an [IQA petition](#) with EPA challenging a 1986 publication, “[Guidance for Preventing Asbestos Disease Among Auto Mechanics](#).” The law firm claimed that the publication, known as EPA’s Gold Book, failed to comply with EPA’s data quality standards of “objectivity” and “utility” because it relies on inadequate and inappropriate data; is outdated and contradictory studies have since been published; and verification of the Gold Book’s origins, preparations, funding, review and approval are unknown or not possible. In addition, the challenge stated that the more rigorous standard for “influential information” applies to the Gold Book since its scope and intended effect to change the work-behavior practices of an entire industry and because it

relied on information derived from scientific sources. The petitioners note that during litigation, the Gold Book is routinely proffered as evidence of EPA's current position and thinking on whether asbestos-containing friction products are dangerous to users. EPA's [response](#) approved most of the petition, explaining that a new brochure will be available in Spring 2004 for public comment, but until that time, EPA will add a note to the Gold Book explaining that the material is being updated. Although EPA's 1986 publication, "Guidance for Preventing Asbestos Disease Among Auto Mechanics," remains on the agency's website (8/14/06), in August 2006, OSHA issued its own safety and health information bulletin entitled "[Asbestos-Automotive Brake and Clutch Repair Work.](#)" It's interesting to compare the two documents, one written in 1986 (EPA's "Goldbook") and the other issued 20 years later (OSHA's information bulletin.)

Key Differences:

The 1986 Goldbook begins with the phrase "preventing asbestos disease among auto mechanics," indicating to readers its foremost purpose is disease prevention. In contrast, OSHA's 2006 bulletin begins with a DISCLAIMER: "[this bulletin] is not a standard or regulation, and it creates no new legal obligations."

The 1986 Goldbook devotes several pages to describing the adverse health effects associated with exposure to asbestos (e.g., asbestosis, mesothelioma, lung cancer) and instructs "there is no known level of exposure to asbestos below which health effects do not occur." It also introduces brake mechanics and other readers to the concept of latency period. In contrast, OSHA's 2006 bulletin includes only two sentences about health effects.

The 1986 Goldbook was written with brake mechanics in mind, discussing the manner in which asbestos fibers can be released into the air during automobile maintenance. In easy-to-understand terms, it explains how exposure can happen, noting "Asbestos can get on a mechanic's hands and be swallowed when eating or smoking...a particularly difficult problem for mechanics, since they often get grease on their hands and asbestos fibers can stick to the grease." It also warns, "Asbestos can be carried on work clothing, contaminating the family car and home" and reminds workers that "there is no known level of exposure to asbestos below which health effects do not occur."

In contrast, OSHA's 2006 bulletin provides only sketchy information on the ways exposures to asbestos occurs among brake mechanics and fails to identify those practices that pose the greatest exposure hazard. The bulletin states "the proper use of engineering controls and work practices by properly trained employees...will reduce asbestos exposure below the permissible exposure level." It neglects to mention, however, that this exposure limit was not selected based on the scientific evidence of health effects, but instead for economic feasibility considerations. When OSHA's asbestos rule was issued, the agency's quantitative risk assessment acknowledged that excess cases of lung cancer and asbestosis were possible even at the new exposure limit.

The 1986 Goldbook provides 37 references; the OSHA's 2006 bulletin offers only one.

Research articles on asbestos and brake shoes:

Japanese researchers published a [paper](#) in 2006 to assess asbestos exposure among workers in a plant that reprocesses brakes and clutches. The researchers collected area and personal samples during reprocessing operations at three Japanese plants. No health effects data was collected as part of this study. Their exposure data may be useful to other researchers or for those preparing risk assessments.

Researchers at the University of Texas conducted a laboratory [experiment](#) to assess the constituents of the dust generated from brake linings and brake shoes. They conclude that a majority of the fibers emitted would not currently be counted as "regulated asbestos fibers" under current OSHA analytical methods.

Blake CL, Van Orden DR, Banasik M, Harbison RD. Airborne asbestos concentrations from brake changing does not exceed permissible exposure limit. *Regul Toxicol Pharmacol.* 2003; 38(1): 58-70 (Subscription required.)

Summary

These petitions demonstrate clearly that the IQA is not a tool to improve the quality of science disseminated by federal agencies, but rather a strategy for raising the level of uncertainty about science in order to delay its use in agency decision-making or limit public awareness of an issue affecting public or environmental health. In the atrazine example, the Hayes study was critical to the body of scientific evidence demonstrating that atrazine posed significant risks to both the environment and public health. If the petitioners could diminish the weight of the evidence against atrazine, they would be more likely to fend off a ban or severe restriction of the pesticide. In both the salt intake guidelines and the asbestos Gold Book examples, claims against the quality of the science used in educational materials halted their dissemination, effectively censoring the agency on the issue. These examples demonstrate that by advancing narrow and inappropriately rigid criteria for scientific quality, the IQA enables opponents of regulation to deconstruct research and other evidence that might justify regulatory action.

Read more:

Information Quality Act [history and guidelines](#).

[Impact](#) of the Information Quality Act.

[Additional Resources](#)



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