

May 29, 2002

Dr. John Graham
Administrator
Office of Information and Regulatory Affairs
Office of Management Budget
Old Executive Office Building
17th Street and Pennsylvania Ave., NW
Washington, D.C. 20503

Dear Dr. Graham:

I am writing to ask that you act promptly to provide that public comment periods be extended for the draft data quality guidelines recently proposed by federal agencies. Organizations representing environmental, health, safety, labor, and civil rights concerns have contacted me to say that they need additional time to review the agencies' draft guidelines and to provide comments. The issues raised by these guidelines are extremely complex and have important implications for federal programs that protect the public. It is essential that agencies have the benefit of a full range of public comments, and the 30-day comment period provided by many agencies, all-expiring at the end of May, is inadequate for this purpose.

Federal data quality legislation, enacted as part of the FY2001 Consolidated Appropriations Act, requires the Director of OMB to issue guidance to Federal agencies on the quality of information disseminated by the agencies and requires each agency subsequently to issue guidelines on the quality of information disseminated by that agency. The guidelines issued by OMB and proposed by the agencies are far-reaching, dealing with standards for agency risk analysis, peer review, and many other matters, which that have been debated in related contexts over the course of many years in Congress.

While guidelines developed by various agencies differ, many of the agencies' comment periods are overlapping or simultaneous. For example, the Environmental Protection Agency and the Departments of Health and Human Services, Labor, and Transportation have all set 30-day comment periods that run through the end of May. A number of other agencies set comment periods extending to the middle of June. It is unrealistic to expect the public to comment under this schedule.

One reason for the compressed timetable is that OMB has set October 1, 2002 as the deadline for agencies to issue their final guidelines, and OMB directed agencies to complete their consideration of public comments and submit draft guidelines to OMB for review by July 1, 2002. Neither of these deadlines is set in statute. The legislation requires that OMB set a deadline for agencies to issue their guidelines that affords the agencies one year after OMB

Dr. John Graham
May 29, 2002
Page 2

issues its own guidelines for the agencies. In fact, on September 28, 2001, OMB published guidelines including key elements that OMB stated were being issued only on an interim final basis, and invited further public comment; after making revisions, OMB did not issue its guidelines on a non-interim basis until January 3, 2002, and published further corrections as late as February 22, 2002. OMB should provide the agencies a year from the date OMB issued its revised guidelines on a non-interim basis, and OMB should also extend its July 1, 2002 deadline for agencies to submit their draft guidelines to OMB, thereby allowing enough time for public comments to be formulated, submitted, and considered by the agencies.

Agencies frequently afford 90-day periods for the public to comment on complex matters. I therefore ask that you extend the schedule for agencies to publish their final guidelines, and that you ask agencies to provide at least a 90-day period for the public to comment on the agencies' draft guidelines.

Please let me know promptly how you intend to respond to this request. And thank you very much for your consideration.

Sincerely,

Joseph I. Lieberman

JIL:lbm