



# Agriculture's Secret Weapon Against Junk Science...

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According to a group called American Stewards of Liberty (ASL), federal agencies “have been found making policy decisions based on false, inflated, faulty, manipulated, biased and, in some cases, artificial and manufactured data and science.” So in an attempt to help property owners fight these incidents, a little-known law called the Information Quality Act (IQA) was just 2 paragraphs inserted into a must-have appropriations bill back in 2000.

This information is provided for those threatened by overzealous regulation and restriction of private property rights aware of this little-used “secret weapon.”

IQA is wondrously brief and direct compared to laws that have run into tens of thousands of pages, like the Affordable Care Act.

There are just two key elements of IQA:

- It applies to every federal agency that is subject to the Paper Reduction Act of 1980, (which basically means every agency, including the office of the President.)
- Specifically, it requires each federal agency to issue information quality guidelines “ensuring the quality, utility, objectivity and integrity of information that they disseminate” and to “provide mechanisms for affected persons to correct such information.

IQA helped reveal “the smoking gun” of junk science behind an effort by radicals to use the Endangered Species Act to restrict property rights of all owners in a two million acre region of Texas and New Mexico for the sake of the three-inch “Dunes Sagebrush lizard.” The primary “scientific evidence” cited for the lizard’s listing as an endangered species was a one-page, handwritten field note that was neither dated nor signed by anyone! In another case, the IQA was used to reveal that government biologists had been caught planting wolf hair on barbed wire fences to prove its presence and restrict use of private rangeland. In the latest example that brought IQA to light, the U.S. Department of Justice and the U.S. Forest Service are preventing New Mexico cattle ranchers from accessing water that two different court rulings said they have. Here’s how: 23 acres have been fenced off, blocking access to water area ranchers have relied on since 1957. Why? To protect habitat for the “meadow jumping mouse”, even though recent University of New Mexico research 1) questions whether it’s a valid subspecies and 2) questions whether it’s vanishing with evidence that populations of the mouse extend along the Rockies nearly to Canada.

**Taking the IQA a step further, earlier this year the Institute for Trade Standards and Sustainable Development (ITSSD) filed Freedom of Information Act (FOIA) requests demanding the “science” underpinning the EPA’s 2009 greenhouse gas rulings that identified six different greenhouse gasses as posing a risk of endangerment to public health and welfare “within the meaning” of the Clean Air Act. The requests were filed with the EPA and the Commerce Department’s National Oceanic and Atmospheric Administration**

(NOAA).

ITSSD is a 501(c)(3) organization with the mission of educating the public about the legal and economic consequences of environmental health and safety rules premised on the post-modern concept of sustainable development. The group asserts it has found clear evidence the required peer review science process that backs up costly regulation “has likely been compromised by conflict of interest, independence/bias, peer review panel balance, and transparency grounds.” Additionally, the ITSSD shows that elements of the peer review process that dealt with “uncertainties” behind the findings were basically ignored.

ITSSD is seeking further evidence of junk science behind regulation run amuck via the Freedom of Information Act but reports systematic efforts to resist such requests by denying the customary fee waiver for non-profit groups invoking FOIA to uncover corruption and incompetence in government. They have found the Endangered Species Act (ESA) and the Clean Water Act (CWA) to be the most often-abused laws by zealots with more political agenda than genuine threat to clean water or genuinely endangered species.

**How to fight regulatory abuse with the IQA:** ITSSD says it uses both the language in the ESA and the IQA to verify the government’s contentions. For example, the ESA requires the Forest Service to use “the best scientific and commercial data available” to make its determinations. However, ITSSD has found (and proven) that “the best scientific and commercial data available” doesn’t necessarily mean it’s truthful or accurate. All it has to be is the only science available on the subject, which makes it the “best” by Forest Service interpretation of the ESA statute.

**What ITSSD has shown is important for affected property owners to know:** When petitions are filed with the Forest Service, requesting that a species be listed as endangered, it is accompanied by science that is produced by the petitioner. Opposing science is not. In fact, the “science” might not even be accurate or proven. But if those who might challenge it don’t even know about such a petition, by law the Forest Service must use whatever has been presented by the petitioner during their 90-day determination period to decide whether listing a new endangered species is warranted!

Fortunately, once the Service publishes their “Notice of Intent” to list a species in the Federal Register, anyone can review the science that was used to back it up. **ITSSD says that once this expensive, yet simple act is undertaken, they’ve found that more often than not, it is based on biased opinions and/or manipulated facts and conclusions used to create a specific and desired outcome by the petitioner. They say it often dodges the Congressional intent and mandate of the Information Quality Act and misuses the language of the ESA itself.**

They’ve found the best avenue for redress by property owners is to attend public notice meetings before local government entities like counties and conservation districts. These officials can then insist that federal agencies “take into consideration” other evidence that really is “the best scientific and commercial data available” before making their final decision.