

## **Ensuring Regulatory Agency (EPA) Transparency and Accountability via the U.S. Information Quality Act (IQA)**

### **\*Talking Points\***

- **The IQA ensures that federal agencies remain transparent and accountable to the public, by preventing federal agencies from disseminating ‘junk science’ as the basis for their regulations without first publicly substantiating their rigorous peer review of adopted & relied upon scientific assessments;** Page | 1
- **The required public substantiation that rigorous scientific peer reviews had been performed serves to prevent agencies from secretly enacting costly & burdensome European-style regulations based on the precautionary principle;**
- **ITSSD has evidence confirming that EPA failed to publicly substantiate per the IQA that the peer reviews it and third parties had performed of the many IPCC and other federal agency-developed scientific assessments that were used to support EPA’s 2009 Clean Air Act Greenhouse Gas Endangerment Findings. This enabled EPA to secretly incorporate precautionary principle-based ‘science’ as the basis for the many new costly & burdensome GHG emissions regulations it has since enacted and proposed based on those Findings;**
- **Such evidence is contained in detailed & annotated Freedom of Information Act (“FOIA”) requests ITSSD filed with EPA & NOAA seeking public disclosure of records demonstrating agency substantiation of the IQA compliance of their Endangerment science. ITSSD made these filings after having filed an IQA-focused friend-of-the-court brief in the U.S. Supreme Court last year;**
- **Neither EPA nor NOAA has cooperated with ITSSD’s FOIA requests. EPA wants to charge ITSSD \$27,000 to process its new FOIA request and will not grant it a fee waiver. NOAA also wants ITSSD to file a new FOIA request.**
- **Thus far, industries’ Clean Air Act-focused legal strategy has not been too successful in stopping these costly & burdensome regulations. As a result, ‘We the People’ will suffer economically;**
- **The Kogan Law Group, P.C. has developed a different IQA-focused legal strategy that constructively uses applicable case law & the rich factual record ITSSD has developed, without enabling Courts to defer to EPA agency regulatory expertise. States AG can file supporting law suits to protect their citizens. KLG’s IQA legal strategy may also address agency peer reviews of scientific assessments/reports underlying EPA water & endangered species rules.**