

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

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ENVIRONMENT, TECHNOLOGY &
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August 1, 2008

Dr. William J. Brennan
Assistant Secretary of Commerce for Oceans and Atmosphere
Acting Director, Climate Change Science Program
U.S. Department of Commerce
National Oceanic and Atmospheric Administration
U.S. Climate Change Science Program
1717 Pennsylvania Avenue, NW, Suite 250
Washington, DC 20006

Comments on USP draft: Kovacs

Dear Dr. Brennan:

The U.S. Chamber of Commerce (Chamber), the world's largest business federation representing more than three million businesses and organizations of every size, sector, and region, has concerns with the U.S. Climate Change Science Program's (CCSP) *Draft Unified Synthesis Product Report: Global Climate Change in the United States* (Synthesis Report).¹

Issue Summary

On July 17, 2008, the National Oceanic and Atmospheric Administration published a Synthesis Report notice of availability and request for public comment in the *Federal Register* and announced a 28-day public comment period. The Synthesis Report is an integrative summary of the 21 Synthesis and Assessment Products (SAPs) of the Climate Change Science Program (CCSP), as well as the recent IPCC Fourth Assessment Report, and other recent results that have appeared in the scientific literature. However, as many of the underlying SAPs have not yet been produced, the public cannot presently judge the reliability and objectivity of Synthesis Report, because the public cannot access the underlying documents on which the Synthesis Report is based. **Therefore, the Chamber requests that the *Federal Register* notice concerning the Synthesis Report be withdrawn until such time as the underlying SAP documents necessary for a robust public review and comment have been completed, peer reviewed, and made publicly available.**

¹U.S. Climate Change Science Program, *Draft Unified Synthesis Product Report: Global Climate Change in the United States*; Notice of Availability and request for public comments, *Federal Register* 73(138): 41042; July 17, 2008.

Discussion

The Chamber requests that the Federal Register notice concerning the Synthesis Report be withdrawn. The issuance of CCSP’s draft Synthesis Report at this time fails to comply with the requirements² of the Information Quality Act and Information Quality Guidelines and this situation cannot be remedied until at least October 2008. As stated on page 15 of the Synthesis Report:

The goal of this report is to make the key results of the enormous body of scientific information about climate change and its impact on the United States accessible in a single plain-English document that can help inform public and private decision making at all levels.

Moreover, as indicated in the illustration also provided on page 15 of the Synthesis Report, included among the major referenced reports from which the “key results” alluded to in the above paragraph are all 21 of the CCSP Synthesis and Assessment Products (SAP). The illustration on page 15 to which the Chamber refers is reproduced below:



The above illustration leaves little doubt that the Synthesis Report is heavily dependent on the findings and information contained in the CCSP SAPs. *However*, only eight

²Section 515, Treasury and General Government Appropriations Act for Fiscal Year 2001; Public Law 106-554; 44 U.S.C. §3516, note; 67 *Federal Register* 8452 (<http://www.whitehouse.gov/omb/fedreg/reproducible2.pdf>). [NB: per 67 FR 8459 at §III.2: “Agencies shall treat information quality as integral to every step of an agency’s development of information, including creation, collection, maintenance, and dissemination.” (Underline added for emphasis).]

of the CCSP SAPs have so far been completed.³ This problem clearly raises the question of how the public can possibly assess the reliability and objectivity of the Synthesis Report when in fact many of the major reports on which the Synthesis Report relies have not yet even been completed—some of the SAPs are not even scheduled to be completed until *October* 2008. For this reason, the Synthesis Report lacks transparency, and therefore it does not comply with the Information Quality Act or Guidelines—for as the SAPs on which it relies have not yet been produced, there is no way for public commenters to assess the objectivity of the report as the underlying information is not available.

In addition, even the CCSP recognizes that as regards the Synthesis Report compliance with the Information Quality Act is essential. As stated on CCSP's web site:⁴

... First, although there may be multiple contributing agencies to a given synthesis and assessment product, a single lead agency must take responsibility for ensuring compliance with the Information Quality Act (IQA), and if applicable, the Federal Advisory Committee Act (FACA).

Second, when the lead agency transmits the product for final clearance, they should include a memorandum briefly indicating that “the product was prepared in compliance with CCSP’s Guidelines for Producing Synthesis and Assessment Products, the Information Quality Act (Section 515) and [LEAD AGENCY’S] corresponding IQA guidelines; and the Federal Advisory Committee Act [when applicable].” This transmittal should include the authors’ responses to the peer reviewer comments, as required by OMB’s Information Quality Bulletin for Peer Review, as well as descriptions of how the authors addressed the public comments and lead agency’s review comments.

In sum, the Synthesis Report lacks transparency owing to the unavailability of the underlying documents on which it relies and therefore fails to comply with objectives that are set out in the Information Quality Act and Information Quality Guidelines.

Despite statements that the CCSP's draft Synthesis Report is being released “solely for the purpose of *pre-dissemination* peer review under applicable information quality guidelines,”⁵ it is clear that the Report is, in fact, being “disseminated” to the public, as that term is defined under – and for purposes of – the Information Quality Act. OMB's *Final Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies* clearly states that the term “dissemination” is defined to mean any “agency initiated or sponsored distribution of information to the public” whether the information is the agency's own or that of a third-party. In this case, the CCSP's draft Synthesis Report is being publically disseminated through publication in the *Federal Register*. Regardless of attempts by the agency to characterize the publication of this report and request for public comments as “pre-dissemination,” it has all the hallmarks of publically disseminated information and should be treated as such.

³The completed SAP reports are: 1-1, 2-1, 2-2, 3-3, 4-3, 4-4, 4-5 and 4-7. See

<http://www.climate-science.gov/Library/sap/sap-summary.php> (accessed July 28, 2008).

⁴CCSP, *Clarification of review and clearance process for CCSP Synthesis and Assessment Products*, <http://www.climate-science.gov/Library/sap/sap-guidelines-clarification-aug2007.htm>, accessed July 28, 2008.

⁵*Federal Register* 73(138): 41042; July 17, 2008.

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Further, as noted above in the italicized text taken from CCSP's own website, CCSP requires assurance that the report must comply with the Information Quality Act at the time it is transmitted for final clearance. Since the underlying SAP documents are not scheduled to all be produced before October 2008, there is no way for the Synthesis Report to possibly be in compliance with the Information Quality Act ahead of that date, notwithstanding the announced brevity of the public comment period.

Equally important, common sense dictates that public commenters cannot possibly assess the objectivity and reliability of the Synthesis Report at this time as the public cannot at this time access the underlying, presently unavailable documents on which the Synthesis Report is based. Even if for no other reason, just this fact alone ought to be sufficient argument not to request public comment at this time.

For these reasons, the Chamber requests that the *Federal Register* notice concerning the Synthesis Report be withdrawn until such time as the underlying SAP documents necessary for a robust public review and comment have been completed, peer reviewed, and made publicly available.

In conclusion, the Chamber respectfully requests that CCSP carefully consider all of the observations made in this communication. Please feel free to contact me at (202) 463-5457 if you have any questions or require additional information.

Sincerely,

A handwritten signature in cursive script, appearing to read "William L. Kovacs".

William L. Kovacs