



August 29, 2019

The Honorable Andrew Wheeler  
Administrator  
United States Environmental Protection Agency  
Washington, DC 20460

Re: Request for Correction Number 19001 Pertaining to the Bristol Bay Watershed Assessment

Dear Administrator Wheeler:

On November 14, 2018, the Competitive Enterprise Institute (CEI) filed a Request for Correction under the Information Quality Act regarding the Environmental Protection Agency's Bristol Bay Watershed Assessment (BBWA). In that request, we also asked that your agency withdraw its 2014 Proposed Determination regarding the Pebble Mine in Alaska, which was based on the BBWA and served to effectively block the project from moving forward. On July 30, 2019, the EPA Region 10 Administrator indeed withdrew the Proposed Determination and stated that EPA will instead participate in the National Environmental Policy Act (NEPA) review of the mine currently being conducted by the U.S. Army Corps of Engineers.

In a letter dated August 15, 2019, Chief Information Officer and Deputy Assistant Administrator of Environmental Information Vaughn Noga told us that the Request for Correction is no longer necessary since the Notice of Determination has been withdrawn. While we applaud the agency for withdrawing the Proposed Determination and co-operating with the Army Corps of Engineers in its review of the Pebble Mine, we disagree that the Request for Correction is no longer necessary and reiterate our strong interest in its expeditious completion.

The Information Quality Act applies to information that is being disseminated by an agency and requires that the "disseminated information should adhere to a basic standard of quality, including objectivity, utility, and integrity." We explained in our Request for Correction how the BBWA falls well short of this standard. Although the Proposed Determination has been withdrawn, the flawed BBWA still represents EPA's position on the Pebble Mine and is still being disseminated and used as such. For example, it was relied upon by several commenters in the Army Corps of Engineers' NEPA process, including the U.S. Department of the Interior. Thus, the BBWA still falls within the scope of the Information Quality Act and our Request for Correction remains valid.

We have now been waiting more than nine months for EPA to do a substantive review of the BBWA under the Information Quality Act. In a February 13, 2019 letter to CEI, your agency pushed back its deadline to respond to June 21, but then in a June 20, 2019 letter said that the process was still ongoing and would require an unspecified additional amount of time. Now, with the August 15 letter, your agency has unilaterally and incorrectly decided that the matter is over without having conducted a review of the BBWA. It should be noted that the Office of

Management and Budget, in its April 24, 2019 Memorandum For the Heads of Executive Departments and Agencies on Improving Implementation of the Information Quality Act, set a 120-day deadline to review such requests, a deadline that EPA has far exceeded. We again ask for expeditious consideration of the Request for Correction. Thank you.

Respectfully Submitted,

Ben Lieberman  
Senior Fellow  
[Ben.lieberman@cei.org](mailto:Ben.lieberman@cei.org)  
(202) 331-1010

Competitive Enterprise Institute  
1310 L Street NW, Seventh Floor  
Washington, DC 20005

cc: Vaughn Noga, Chief Information Officer and Deputy Assistant Administrator of  
Environmental Information, Environmental Protection Agency

Matthew Leopold, General Counsel, Environmental Protection Agency

Ryan Jackson, Chief of Staff, Environmental Protection Agency

Brittany Bolen, Associate Administrator for the Office of Policy, Environmental  
Protection Agency

Russ Vought, Acting Director, Office of Management and Budget

Derek Kan, Executive Associate Director, Office of Management and Budget