



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

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OFFICE OF
ENVIRONMENTAL INFORMATION

Anne LeHuray
Executive Director
Pavement Coatings Technology Council
2308 Mount Vernon Avenue, Suite 134
Alexandria, Virginia 22301

Dear Dr. LeHuray:

This letter responds to your Request for Reconsideration ([RFR #14003A](#)), received at the Environmental Protection Agency on April 13, 2016, under the Agency's *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (Information Quality Guidelines (IQGs), October 2002¹).

In accordance with the procedures in Section 8.7ⁱⁱ of the IQGs, an Executive Panel (the Panel) considered your appeal for reconsideration. This Panel included myself, as EPA's Acting Chief Information Officer, Office of Environmental Information (Panel Chair); Al McGartland, Ph.D., Director, National Center for Environmental Economics, Office of Policy, representing the EPA Policy Advisor; and Nancy Beck, Ph.D., Deputy Assistant Administrator, Office of Chemical Safety and Pollution Prevention.

The Panel upheld EPA's January 19, 2016, response to the preceding Request for Correction (RFC #14003). The RFR was not found to present substantively new scientific or IQG-related information demonstrating that EPA should remove the Office of Research and Development (ORD) Causal Analysis/Diagnosis Decision Information System (CADDIS) webpage or the Office of Water (OW) Stormwater Best Management Practice (BMP) Fact Sheet from its websites. The Panel considered the information that you presented in the RFR according to the quality criteria for "utility," "objectivity" and "integrity" as defined by the IQGs and explained further below.

Utility - refers to the usefulness of the information to the intended users.

CADDIS: The intended use of CADDIS is to help scientists and engineers in diverse government settings conduct causal assessments of impacts that may be related to substances introduced to aquatic systems. The information presented in CADDIS is not itself a causal assessment; rather, it describes the methods needed to conduct a causal assessment and provides real-world examples that are relevant to the user. The CADDIS Polycyclic Aromatic Hydrocarbon (PAH) webpage provides accurate, relevant information on a common source (parking lots) and

resulting stressor (PAHs in sediments downstream of those parking lots) that an assessor may wish to consider when working in an urban environment. Moreover, CADDIS assists investigators in examining multiple lines of evidence (e.g., laboratory tests with site media) to identify probable causes of impairment.

BMP Fact Sheet: The intended use of the stormwater BMP Fact Sheet is to provide Municipal Separate Storm Sewer System (MS4) operators with examples of practices that can be successfully used to achieve the minimum control measures required under EPA's stormwater regulations. This BMP Fact Sheet helps permittees implement the "Pollution Prevention/Good Housekeeping" minimum measure.

The Panel concluded that the information on the CADDIS webpage and the BMP Fact Sheet is adequate for the intended use and reaffirmed the RFC response about the fitness of the information for its intended purpose. However, based on our review, the Panel did recommend the following editorial change to the BMP fact sheet, which is in addition to the edits EPA made in January 2016 in response to the RFC:

- Change the title of the fact sheet from "*Coal-Tar Sealcoat, Polycyclic Aromatic Hydrocarbons, and Stormwater Pollution*" to "*Polycyclic Aromatic Hydrocarbons, Coal-Tar Sealcoat and Stormwater Pollution*" to align the title with the order of discussion in the Fact Sheet.

Objectivity - refers to whether the disseminated information is presented in an accurate, clear, complete, and unbiased manner; and, as a matter of substance, whether the information is accurate, reliable, and unbiased. The Panel concluded that both CADDIS and the BMP Fact Sheet do present information in an accurate, clear, complete and unbiased manner.

CADDIS: The Panel found the information products on the PAH webpage to be accurate, clear, complete, and unbiased, satisfying the objectivity criteria. It was further noted that all the information included throughout CADDIS was reviewed by a five-person panel of expert external reviewers; these reviewers are listed on the CADDIS site.

BMP Fact Sheet: The BMP Fact Sheet received various levels of technical and communications review within EPA's Office of Water (OW) and approval by OW management. In addition to the edit described in the previous section, the Panel also suggested the following edit:

- Clarify the scope of the following referenced U.S. Geological Survey study: "Another study found that coal-tar sealcoat is the largest source of PAHs when averaged across 40 urban lakes across the U.S." (Van Metre and Mahler, 2010).

Regarding the National Research Council's 2009 report on urban stormwater, that report represents the findings and recommendations of a committee of experts with diverse perspectives and technical expertise. This report has been subjected to an independent peer-review process and represents the position of the National Academies on their review of EPA's permitting program for stormwater discharges under the Clean Water Act. The Panel concluded that the findings of the independent and peer-reviewed NRC study are appropriate for EPA to reference when developing a fact sheet on PAHs, coal-tar sealcoat and stormwater.

Integrity - refers to the security of the disseminated information and includes protection of information from unauthorized access or revision to ensure that the information is not compromised through corruption or falsification. The Panel found no issues with the security of the information.

While the RFR alleged a loss of “scientific integrity,” that issue is handled by the Agency’s Scientific Integrity Program and is outside the scope of the IQG definition for disseminated information products.

The Panel concluded that EPA’s dissemination of information on PAHs and coal tar sealcoat provides a clear and unbiased representation for MS4 operators to consider as part of their stormwater programs and for individuals to consider as part of causal assessments.

Thank you for your inquiry, which created an opportunity to reaffirm the utility, objectivity and integrity of these information products and tools.

Sincerely,

A handwritten signature in blue ink that reads "Steven Fine". The signature is written in a cursive, flowing style.

Steven Fine, Ph.D.
Principal Deputy Assistant Administrator

ⁱ *Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency* (IQGs, October, 2002), <https://www.epa.gov/quality/epa-information-quality-guidelines>

ⁱⁱ 8.7 How Does EPA Intend to Process Requests for Reconsideration of EPA Decisions?