United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Office of the Director
Reston, Virginia 20192

In Reply Refer To:
Mail Stop 101
GS16000840

JUL 19 2016

Anne LeHuray, Ph.D.
Executive Director
Pavement Coatings Technology Council
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Dear Dr. LeHuray:

This letter is in response to the Pavement Coatings Technology Council's (PCTC) August 4, 2014, appeal (Appeal Letter) to the U.S. Geological Survey's (USGS) July 18, 2014, decision (Final Response) on the PCTC's September 17, 2013, request for information correction submitted under the Information Quality Act (IQA).

A three-member panel of representatives from the USGS and the U.S Environmental Protection Agency was convened to review and evaluate the appeal and to make recommendations on its findings. The panel members were not involved in the development of the products cited in the PCTC requests or the USGS Final Responses. Based on my review of the panel's recommendations, as detailed in the enclosed, I have determined that the USGS' Final Response to the three corrective actions requested in the Appeal Letter (section V., pages 12-13) was appropriate and no additional corrective action by the USGS is warranted.

The USGS remains committed to providing unbiased, objective scientific information. The USGS ensures a high degree of transparency with regard to its data and methods to facilitate the reproducibility of its findings and results.

This correspondence completes the appeal process for this complaint. All related documents about the IQA requests, USGS Final Response, and the PCTC Appeal Letter are available at http://www.usgs.gov/info_qual/cancer_risk_coal-tar-sealed_pavement.html.

We appreciate your interest in USGS science products.

Sincerely,

Suzette M. Kimball

Suzette M. Kimball
Director

Enclosure

Enclosure

U.S. Geological Survey (USGS) Response to Information Quality Act (IQA) Appeal Request for Information Correction (http://www.usgs.gov/info_qual/cancer_risk_coal-tar-sealed_pavement.html)

Items 1-3 below summarize the specific corrective actions cited in the Pavement Coatings Technology Council's (PCTC) Appeal Letter (section V, pages 12-13) and provide the USGS appeal response to these cited correction actions as well as related excerpts from the Final Response to the initial IQA requests.

Corrective Request 1: On page 12 of the Appeal Letter, in referring to USGS Press Release https://archive.usgs.gov/archive/sites/www.usgs.gov/newsroom/article.asp-ID=3538.html and USGS Science Feature – Top Story Blog http://www2.usgs.gov/blogs/features/usgs_top_story/youre-standing-on-it-health-risks-of-coal-tar-pavement-sealcoat/, the PCTC states that "Both of these communications reflect an agenda to ban coal tar sealants by grossly distorting research findings in order to scare the public into thinking that living next to coal tar sealed pavement significantly increases cancer risks. This alleged "fact" clearly has not been established by sound scientific methodology and most likely never will be."

USGS Appeal Response: The Appeal Panel concurs with the USGS Final Response (below). In addition to the Panel's recommendation, the USGS appreciated the concern expressed and remains committed to being mindful that these media communications convey the essence of the products to which they refer.

Excerpt of the USGS Final Response (July 18, 2014):

> News or press releases are exempt from USGS Information Quality Guidelines (http://www.usgs.gov/info_gual) and, as such, the press release will not be removed from the Web site or discussed further in this response document.
>
> USGS Top Stories are blog postings written in a style appropriate for helping the general public better understand complex science, rather than in a style targeted for a technical journal or other scientific publication. The information in the Top Story (http://www.usgs.gov/blogs/features/usgs_top_story/youre-standing-on-it-health-risks-of-coal-tar-pavement-sealcoat/) was taken directly from the journal article. It received additional reviews by USGS headquarters and regional staff and the appropriate approvals to ensure consistency with USGS FSP and Communications requirements. Because the USGS stands behind the journal publication on which the Top Story is based, no corrective action will be taken to remove the Top Story from the USGS Web site. (page 3)

Corrective Request 2: On page 12 of the Appeal Letter, the PCTC requests that "for reasons set forth in Dr. Magee's Report….. It has been demonstrated repeatedly how the Risk Assessment is not only filled with examples of White Hat Bias, but is premised upon data that no one can seriously suggest were obtained in an "objective" way by using sound statistical methods and research techniques."

USGS Appeal Response: The Appeal Panel concurs with the USGS Final Response (below).

Excerpts of the USGS Final Response (July 18, 2014):

> This request for correction primarily concerns the assumptions used in the risk assessment and subsequent conclusions published in the journal article. The specific issues raised in the request were similar to those raised by Dr. Brian Magee and Janet Keating-Connolly (ARCADIS) in the form of a commentary on the article submitted to the Journal editor. The review comments in Exhibit A of the IQA were summarized as a Comment to Environmental Science and Technology (Magee and Keating-Connolly). We delayed responding to this request for correction in order to allow the author of the article to respond formally through the Journal and preserve the integrity of the scientific discourse. A Response to Comment has been published by the Journal (Williams, Mahler, and Van Metre). Both the Comment and Response to Comment are listed in the references below and are available at the journal's Web page: http://pubs.acs.org/doi/abs/10.1021/es303371t. The USGS concurs with the authors' published response and incorporates it by reference here.
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> Prior to publication, the draft manuscript for the journal article by Williams and others (2013) was identified by the USGS as containing potentially "influential scientific information." Accordingly, a peer review plan and peer review summary documentation was publicly posted on the USGS Peer Review Agenda Web site (refer to http://www.usgs.gov/peer_review/docs/pr_results_summary_coal_tar_sealants_and_cancer_risk.pdf). The peer review process was consistent with the USGS Fundamental Science Practices (FSP) requirements for a minimum of two peer reviews by qualified reviewers (http://www.usgs.gov/usgs-manual/500/502-3.html). Specifically for this manuscript, reviews were conducted by both the USGS and the scientific journal Environmental Science and Technology. The first review round was conducted by the USGS; that review used one USGS employee who was selected based on his expertise in toxicology and carcinogenicity. This reviewer was not involved in the research conducted, and had no plans for being involved in subsequent USGS work on the subject topic. The second review round was conducted by the journal; that review used four peer reviewers selected by the journal on the basis of the subject matter of the paper and the experts available in the given area. The journal maintains anonymity of these peer reviewers.
>
> The journal's published risk calculations support the authors' conclusion that use of coal-tar-based sealants is associated with human health risks in excess of widely accepted standards, and that further investigation of exposure to PAHs associated with coal-tar based sealant is warranted. The USGS stands behind the journal publication, therefore, no corrective action to retract or withdraw it will be taken." (pages 2-3)

Corrective Request 3: On page 13 of the Appeal Letter, the PCTC requests that "Drs. Mahler and Van Metre should be restricted from participating in future coal tar sealant presentations sponsored by the USGS."

USGS Appeal Response: The Appeal Panel concurs with the USGS Final Response (below).

Excerpt of USGS Final Response (July 18, 2014):

> "… restricting Drs. Mahler and Van Metre from participating in future coal-tar sealant presentations or research would constitute censorship. This type of action is not a "correction of information," and thus is not in the purview of OMB's Government-wide Information Quality Guidelines. Furthermore, such an action is contrary to the mission and policies of the USGS and thus is not under consideration." (page 3)

References

- PCTC Appeal Letter of August 4, 2014 (http://www.usgs.gov/info_qual/documents/appeal_to_final_USGS_response080414.pdf
- USGS Final Response of July 18, 2014 (http://www.usgs.gov/info_qual/documents/Final_USGS_Response_signed071814.pdf)
- PCTC Original Request of September 17, 2013 (http://www.usgs.gov/info_qual/documents/Initial_inquiry_091813.pdf)