GOVERNMENT MATTERS

In This Issue

Shedding Light on Political Ads: Database Should Be Comprehensive, Easier to Use

by Gavin Baker

On Aug. 26, the Center for Effective Government joined [comments](#) by the Public Interest Public Airwaves Coalition and the Sunlight Foundation urging the Federal Communications Commission (FCC) to make information about televised political advertisements more accessible. Greater disclosure of political ad spending will strengthen the integrity of our elections by informing voters about who is buying such ads.

Making Political Ad Spending Transparent

In April 2012, the FCC approved reforms to [modernize the disclosure requirements for broadcasters](#) operating on the public airwaves. The rule created an [online database of TV stations' public files](#) – which had previously been available only in hard copy at station offices – including information on political ads. Spending on political ads has ballooned in the aftermath of the 2010 *Citizens United*

decision, and the Center for Effective Government and other accountability groups praised the FCC's rule for shedding more light on such attempts to influence our elections.

Who Has to Disclose?

At the same time, we noted that the rule contained significant loopholes. The requirement to post the political file initially applied only to stations affiliated with the "Big Four" TV networks – ABC, CBS, NBC, and Fox – in the 50 largest media markets, which cover about two-thirds of the U.S. population. Stations in the remaining markets, and stations not affiliated with the Big Four networks, were exempted until July 2014.

The FCC pledged to seek comment after a year to assess the rule's effect in order to consider making any changes before the remaining stations are required to comply. In its request for comments, the FCC noted that "more than 200 television stations that are not currently subject to the online political file requirement have posted at least one document into the online political file."

Making Disclosure Useful

In another loophole, the FCC did not establish any specific formats for disclosing the political ad data. Instead, the rule only required stations to submit the information in whatever format the stations have it – even scanned documents are acceptable. Predictably, this resulted in a hodgepodge of formats, which makes it more difficult to search for particular information or extract the data for further analysis.

For instance, Sunlight and Free Press launched a new website, Political Ad Sleuth, which sought to use the new online FCC data and offer the public a better understanding of the use of political ad purchases. However, the groups encountered technical difficulties accessing and processing the data. In our comments, the groups explain that the FCC database "is cumbersome and difficult to navigate. Searches can only be conducted by station name, network affiliation, or channel number. This makes it nearly impossible to get an overall picture of spending by a single campaign, super PAC, or other outside group."

ProPublica encountered similar problems in working on their Free the Files Project, which also sought to provide the public an interface for the political ad spending data. Based on its experience, ProPublica commented, "The biggest problem with the files at the moment is that they're not searchable."

The first year's experience has uncovered other weaknesses with the current process. Some of the filings are missing required information, such as the candidate discussed in the ad. Here, too, a technological upgrade could help fix the problem. If the FCC required stations to submit the data in a standard, machine-readable format, then software could automatically check that all required fields were completed – like many consumer tax preparation programs do.

Broadcasters Admit No Problems Complying with the Rule

When the FCC rule was proposed, broadcasters adamantly opposed posting the political files online because the information included the amounts paid for political ads. The industry argued that wider access to their ad rates – even though previously available in stations' public files – could weaken their negotiating power with advertisers and disadvantage TV stations compared to other advertising media.

The National Association of Broadcasters (NAB) even filed suit in May 2012 to block the rule, arguing that the rule is "arbitrary, capricious," and violates the First Amendment. The case is on hold pending the FCC's comment period.

But in its latest comment to the FCC, NAB did not include a single example of a station that had suffered actual harm from complying with the rule. In fact, NAB stated, "Overall, the posting of political files for these stations can be characterized as uneventful."

Nevertheless, NAB speculates that the rule may impact smaller stations more harshly – despite the fact that more than 200 such stations have already begun to voluntarily comply. However, NAB does not argue that the requirement should be changed or delayed for smaller stations – only that the FCC should reassess the impacts after it goes into effect.

Interestingly, NAB actually argues that the rule should be *expanded* to require similar reporting from competitors in cable and satellite TV. Currently, cable and satellite companies are required to maintain public files, including information on political advertising. However, the FCC's online disclosure rule applies only to broadcast TV, not cable or satellite. NAB calls that a "regulatory and competitive disparity" and states, "There is no reason for declining to require at least cable and satellite operators' political files to be online, as well."

Making the Data Comprehensive and Easier to Use

Even with the noted flaws, the FCC's rule has modernized the disclosure requirements for political TV ads and has taken a major step forward in making such information more accessible to the public and journalists. The FCC should stand by its plan to require all stations to comply by 2014.

Additionally, the FCC should take additional steps to ensure the information being disclosed is easy to use and analyze. By collecting the data in a machine-readable format, the FCC could facilitate analysis and reuse – and encourage greater public understanding of attempts to influence our elections.

EPA Scientists Deem Benzo(a)pyrene a Cancer-causing Chemical

by Ronald White

On Aug. 21, the U.S. Environmental Protection Agency (EPA) published a draft revised health assessment of the toxic chemical benzo(a)pyrene (BaP). This chemical is widely found in the

environment and in a number of workplaces, and in its assessment, EPA declared that BaP causes cancer.

BaP is released into the atmosphere from industrial production processes such as coal gasification, coal-tar distillation, coke production, and iron and steel founding; from construction sites where coal tar pitch is used for paving and roofing; and from burning petroleum products (e.g., vehicle exhaust), cigarettes, wood, and coal. The most common source of exposure to BaP is breathing in carbon-containing particles (e.g., soot, diesel particles), but BaP can also be ingested in food grown in areas with air or soil contaminated with BaP or by eating certain food products, such as charred meats, where BaP is formed during the cooking process. People can also be exposed to BaP through the skin after coming into contact with soils or materials that contain soot, tar, or crude petroleum products or by using certain pharmaceutical products containing coal tars, such as those used to treat the skin conditions eczema and psoriasis. In other words, exposure to BaP is ubiquitous in modern life.

The long-term health effects of BaP were last assessed by the federal government in 1987. At that point, it was classified as a "probable human carcinogen"; the new assessment upgrades BaP's cancer classification to "carcinogenic to humans" and sets a limit on the amount of BaP a human can breathe without the risk of developing cancer and other serious illnesses; it also sets a limit on the amount of BaP that can be safely ingested and, for the first time for any EPA chemical assessment, estimates the risk of cancer when human skin is exposed to the chemical.

Research Shows Links to Cancer, Developmental Damage, and Low Birth Weight

Since 1987, the scientific literature examining the health effects of BaP has grown significantly. Studies have shown that BaP is associated with cancer, as well as developmental damage and immunological effects. Epidemiology studies involving exposure to BaP have reported associations with decreased fertility, low birth weight, postnatal body weight, and smaller head circumference in children. Animal studies show exposure to BaP to be linked to a variety of cancers, including alimentary tract, liver, kidney, respiratory tract, pharynx, and skin cancers. Workers exposed to BaP over long periods have been found to have a significantly increased risk of lung cancer.

Changes in the Assessment Process

The EPA's Integrated Risk Information System (IRIS) program provides information about the health risks associated with exposure to approximately 550 chemicals. These health assessments are based on an accumulation of high-quality scientific studies and are used to inform decisions about allowable exposure levels made by EPA, states, localities, and other nations.

Public interest organizations and industry have criticized the IRIS program for long delays in the development and modernization of its chemical risk assessments. The IRIS assessment process has undergone several revisions over the past decade, but a series of Government Accountability Office (GAO) reports – 2008, 2011, and most recently in early 2013 – point out that significant work remains to be done.

Reforms made to the IRIS process in 2009 restored control of the interagency review and discussion steps of the assessment process to EPA after the Office of Management and Budget (OMB) took it over in 2005 under the Bush administration. This change provided EPA with the ability to interact directly with other agencies to address their comments and concerns, rather than needing to operate through the filter of OMB. Those reforms also improved transparency by making other federal agency comments on chemical assessments available to the public. However, the 2013 GAO report laments the recent pace of completion of IRIS assessments, noting that only four assessments were completed in each of fiscal years 2011 and 2012.

A 2011 report by the National Research Council (NRC) of the National Academy of Sciences provided EPA with a series of recommendations for improving the IRIS process in a report on EPA's draft assessment of formaldehyde health risks. These recommendations included: 1) shortening the IRIS assessment documents to make them more readable; 2) providing clear information on the criteria used to include studies in EPA's review of the science; 3) describing the rationale for selecting the key studies used to develop the assessment results, as well as discussing their methodological strengths and weaknesses; and 4) improving discussion of the basis for EPA's overall assessment of the scientific studies reviewed.

Most recently, on July 31, EPA announced several changes to improve the IRIS process. EPA will now release preliminary materials and hold a public meeting early in the assessment process to explain the criteria for selecting health science studies to include in its review and to ensure that critical research is not omitted. These changes will provide early opportunities for public input into the assessment process and will allow citizens to comment on the quality of the information used to examine each chemical assessed.

EPA is also using a new structure for IRIS assessment documents, which is supposed to make the information involved clearer, more concise, more systematic, and more accessible. The draft BaP assessment is EPA's first IRIS report to adopt this revised document structure. We found this new format to be a significant improvement in both content and readability.

Delays Continue

EPA's draft revised BaP health assessment represents a significant advance in understanding the scope and severity of the health risks associated with BaP exposure. When finalized, this document will serve as an important source of information for future federal and state efforts to regulate exposure from the myriad of places and processes where this chemical is found.

Unfortunately, given the health damage from exposure to this chemical, the completion and posting of the final document is likely to extend well into 2014 or beyond. The draft assessment must undergo peer review and public comments and will then be revised by EPA and go through a final EPA internal review, review by other federal agencies, and review by the OMB's Office of Information and Regulatory Affairs (OIRA) before its exposure limits can be enforced and it can begin to improve the health of the nation.

Comments on the draft BaP assessment may be submitted and reviewed at Regulations.gov through Oct. 21, 2013. From the site, select *Environmental Protection Agency* and the key word *EPA-HQ-ORD-2011-0391* (for the docket ID).

E-Gov Spotlight: EPA's Climate Change Tool

by Sofia Plagakis

E-Gov Spotlights: Given the importance of websites and online tools to inform the public about major issues and government activities, the Center for Effective Government is launching an ongoing series of articles to evaluate government's use of online technology. Each article will explore the purpose of an agency's site or tool, its strengths and weaknesses, and offer recommendations on how their efforts might be enhanced.

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Climate change has become the largest environmental concern in decades, and transparency and accountability will be critical in providing an effective response to combating it. As we move forward in making new policies related to climate change, it is critical that the public be well informed about the issue. The U.S. Environmental Protection Agency (EPA) has an online tool offering users a means to explore the sources of greenhouse gas emissions.

EPA's Greenhouse Gas Reporting Program

The EPA recently released greenhouse gas emissions data in a publicly accessible web-based tool called [FLIGHT](#) (or Facility Level Information on GreenHouse gases Tool). The data comes from an EPA database of greenhouse gas emissions (carbon dioxide, methane, and nitrous oxide) produced by more than 8,000 industrial facilities, such as power plants and oil refineries.

In 2008, Congress instructed the EPA to begin collecting greenhouse gas emissions data, and last year, the agency released initial data for 2010 for 29 source categories. Earlier this year, EPA released 2011 greenhouse gas data and included an additional 12 source categories, for a total of 41 emissions sources produced by facilities in nine major industries, including the oil and gas industry.

Using the Online Tool

The tool gives an individual the ability to easily search data on greenhouse gases in his or her own community and around the country. Citizen activists may use this information for their own purposes, to raise awareness of the risks of emissions in their communities, or to advocate for changes in policies and practices that would significantly reduce emissions. Researchers will be able to use the data to analyze sources of greenhouse gas pollution in different areas of the country, to compare facility and industry performance, and to (eventually) track trends.

Companies can use the data to compare their performance against others in their sector and/or to set a baseline for their own reductions in carbon pollution – and save money in the process. State and local officials may use the data to compare the effectiveness of their policies and practices with those operating in other parts of the country.

The EPA tool offers various options for searching and viewing the data. For instance, the user can search for facilities in a certain state or choose a specific location or facility. The user can filter in only facilities in the state from specific industry sectors like power plants, refineries, chemicals, other industrial, landfills, metals, minerals, pulp and paper, and government and commercial, or the type of gas emitted (e.g., carbon dioxide). The data reveal general information like the number of facilities in a certain state and/or location, to specifics like the amount of methane emitted by a particular facility.

Data can be viewed on maps of the nation, specific states, or even counties. Highlighted blue circles denote the number of facilities reporting in each location. Users can also view data on lists (i.e., data tables), bar and pie charts, and tree maps. Viewing the data in tables (rather than on the maps or charts) allows users to rank the data by facilities or industries that produce the most pollution. The tool allows users to download data in Excel files, which can be used to conduct further analysis and includes data on parent companies.

A resident in California might want to use this tool to determine which companies or sectors in the state contribute the most to climate change. After he or she selects California, the map and data immediately inform the user that power plants emit the majority of greenhouse gas emissions in the state (37 million metric tons of carbon dioxide equivalent came from 157 power plants in 2011). A comparison of 2010 and 2011 greenhouse gas data show that California power plants reduced their emissions by 8 million metric tons – a 17 percent drop in a year.

Users would also see that the state's 19 refineries (one more refinery than in the previous year) released about 26 million metric tons of carbon dioxide equivalent. Clicking on the list button just above the map shows all of the facilities in the state. After re-sorting to show facilities ranked by emission levels in 2011, the user can see that nine of the top 10 polluting facilities in California are refineries (in 2010, eight of the top facilities were refineries). Such findings provide potent evidence to residents committed to further reducing greenhouse gas emissions in California.

The site also allows users to zoom into their hometowns and locate the greenhouse gas emitting facilities closest to them. For example, residents in Hacienda Heights, CA (near Los Angeles), will find a lead production facility and two landfills produce the most greenhouse gases.

Strengths

The tool is fairly intuitive and its interface is easily explored and understood. The site conveys major findings, such as which industries and facilities are the biggest source of greenhouse gases, quickly and easily. It also provides many ways to portray the data, which allows users to find the presentation that best explains and conveys information to them.

It is also helpful that users can easily search for facilities either by the location or sectors – making the search as specific or as general as the user wishes. And as mentioned previously, the tool allows researchers to aggregate the data by downloading data in Excel files, which allows further analysis. The data on parent companies is an especially welcome addition because it allows the public to aggregate the emissions and understand each corporation's full contribution to climate change.

Weaknesses

One shortcoming of the data is that it only reports emissions from facilities that annually produce at least 25,000 tons of greenhouse gases – the equivalent of the carbon dioxide released from burning 131 rail cars of coal. The data also excludes emissions from transportation and agricultural facilities. Requiring facilities emitting less than 25,000 metric tons of carbon dioxide to also report their emissions, and adding the agricultural and transportation industries, would improve the tool. Even with these exemptions, the greenhouse gas reporting program covers an estimated 85 to 90 percent of total greenhouse gas emissions in the United States.

Another shortcoming, which the agency could easily fix, is that specific emissions and chemical data is not easily understood by non-experts. An average person might have a hard time understanding the terminology. EPA provides a glossary in a site separate from the tool, and finding it is difficult and requires multiple clicks to get an explanation of a singular term.

In addition, the information provided by the site's default map is very limited. While the map displays the number and location of facilities in each area, it does not graphically display data on the emissions. Instead, the site lists emission totals in a table displayed below the map or in pop-up windows for each facility. Given that the site uses a map interface, this is a missed opportunity to give people a faster, better understanding of emission levels in different areas.

We also encountered several problems when shifting to different views on the site. The map view can lose the "zoomed-in" focus once a user clicks on a facility. The site often crashed when we changed between data views when looking at more than 3,000 facilities at a time.

Lastly, the tool lacks any direct way to provide feedback about the website or the information available. Users can click through to a separate support site that provides contact information for feedback, but it is not easy to find.

Conclusion

EPA's greenhouse gas tool strives to give the public, companies, and policymakers a better understanding of the current sources of greenhouse gas emissions in communities around the country. Simply reporting on pollution is powerful; this information can foster public awareness and encourage either private action by polluting firms or public action by officials in affected regions. A successful case in point: by requiring companies to report the toxins they release, the Toxics Release Inventory (TRI), a national database of toxic pollution, prompted the private sector to reduce toxic emissions by more than half in less than 30 years. This new online tool has the potential to achieve similar results in reducing greenhouse gas emissions.

However, the site needs several improvements to maximize its impact on the public discourse occurring around climate change. At the very least, the site should give users a better frame of reference for evaluating emission levels near them. By including state and/or industry facility averages, users can compare the performance of local plants or storage facilities with others. In doing so, the government can fully provide the transparency needed to jumpstart a productive conversation about an array of solutions designed to have a real impact on reducing the United States' contribution to climate change.

Cancel the Flawed F-35 and Free Up Billions for Better Aircraft and Domestic Needs

by Nick Schwellenbach

America's fighter and attack aircraft fleet is aging. Unfortunately, the only real program in place to address this issue – the F-35 "Lightning II" Joint Strike Fighter – is producing overpriced aircraft with fundamental design problems that will make them inferior weapons. The program should be cancelled. America's current fighter and attack jets should be refurbished, and the military should start new programs that are not excessively expensive. This would provide better national security and free up funds for vital domestic programs.

Unaffordable Even with Recent Assertions of Cost Reductions

The F-35 "faces skyrocketing costs, expensive retrofits and unacceptably poor performance," [according](#) to Rep. Elijah Cummings (D-MD), at a House Oversight and Government Reform Committee hearing in March. Sen. John McCain (R-AZ), a senior member on the Senate Armed Services Committee, [called](#) the program "both a scandal and a tragedy" and said in 2011, "If things do not improve – quickly – taxpayers and the warfighter will insist that all options will be on the table."

The program's estimated costs have increased more than 50 percent – approaching $400 billion – and the per-unit cost has almost doubled while the number of aircraft on order has been slashed by hundreds. Cost estimates may rise further if additional technical issues are discovered during further testing. The program cost estimates do not include the price of operating and maintaining the F-35 over several decades, a price tag the Pentagon pegs at more than $1 trillion over several decades.

Lately, the Defense Department and Lockheed Martin, the lead contractor designing and building the jet, have trumpeted progress in somewhat bringing down estimated operation and maintenance costs as well as production costs – but many have [cast doubt](#) on these assertions.

An Inherently Inferior Aircraft Design

If the aircraft were a good design, it might be worth sorting out the cost issues to salvage the program. But the F-35 is a flawed concept and it is underpowered and overweight – it is not likely to be an effective combat aircraft.

Veteran defense reporter David Axe wrote a [widely circulated article](#) in August that stated, "Owing to heavy design compromises foisted on the plane mostly by the Marine Corps, the F-35 is an inferior combatant, seriously outclassed by even older Russian and Chinese jets that can fly faster and farther and maneuver better.... And *future* enemy planes, designed strictly with air combat in mind, could prove even deadlier to the compromised JSF."

This is due largely to design compromises introduced because the aircraft is being designed for all three air forces in the U.S. military: the Air Force, Navy, and Marine Corps. The compromises mostly are due to the Marine's variant.

Given these design characteristics, RAND Corporation defense analysts [wrote](#) that the F-35 has "inferior acceleration, inferior climb, inferior sustained turn capability" – therefore it "can't turn, can't climb, can't run." He wrote further that the "F-35A is 'Double Inferior' relative to modern Russian/Chinese fighter designs in visual range combat" and is substantially inferior to the aircraft it is replacing in several ways. The aircraft's stealth rating has also been downgraded – meaning it isn't as stealthy as it was intended to be.

Others Have Proposed Cancellation

The Rivlin-Domenici Debt Reduction Task Force floated the idea of canceling the F-35. "The tough choices to terminate or delay several investments would focus on programs that provide an excessive hedge for potential adversaries or are significantly underperforming relative to expectations," the Task Force [wrote](#) in its November 2010 report. "Investment priorities could include deferring or terminating such programs as the F-35 fighter jet."

Numerous organizations on the left and right have recommended canceling one or two of the F-35 models, leaving the A model intact. However, economies of scale would be worse with just the A model, potentially driving up per unit costs even higher. Again, the fundamental design compromises would still exist.

"If the Pentagon decided to meet sequester requirements by preserving force structure, without accepting reductions in readiness or its civilian workforce, the Joint Strike Fighter program would have to be canceled," [according](#) to analysts representing the Center for Strategic and Budgetary Assessments, the Center for Strategic and International Studies, the Center for a New American Security, and the American Enterprise Institute. This option was presented in the Defense Department's Strategic Choices and Management Review (SCMR) this year.

Some Options Moving Forward

The U.S. should stop throwing good money after bad. There is a way to both save money and use existing dollars to get a more effective air force while also freeing up funding for needed domestic programs.

The F-35 program should be canceled. Money should instead be budgeted for extending the life of existing aircraft, and a certain number of new F-16s and F/A-18E/Fs should be purchased in the

interim. [According](#) to the Congressional Budget Office (CBO), "If equipped with upgraded modern radar, precision weapons, and digital communications — new F-16s and F/A-18s would be sufficiently advanced to meet the threats that the nation is likely to face in the foreseeable future." The savings would be substantial. CBO [estimated](#) in 2011 that "net savings would be $78 billion if the entire planned fleet of F-35s – not all of which would be purchased by 2021 – was replaced with F-16s and F/A-18s." However, any potential upgrades to these aircraft should be evaluated by the Pentagon's weapons tester and their costs independently estimated before being advanced. CBO is likely to include a new estimate of savings with this option in its new report on deficit reduction options [slated](#) to be released in October.

There is also a need to extend the life of the A-10 attack aircraft, including potentially pulling some mothballed A-10s out of the U.S. government's aircraft boneyard in the Southwest (where they are protected from corrosion in the dry climate).

In the long run, two new programs should be initiated for air-to-air and air-to-ground aircraft as opposed to the failed plan to combine both functions in one aircraft, resulting in design compromises that make the JSF inferior for both roles. Two of America's most successful aircraft – the F-16 and A-10 – were designed to be cheap and effective and they have been. Robert Dilger, a retired Air Force colonel, and Pierre Sprey, an aircraft designer on the F-16 and A-10 programs, have developed an [acquisition blueprint](#) for the Air Force that is along these lines that should be considered.

A common argument used against canceling any weapon system is that billions have already been spent, also known as "sunk costs." However, it does not make sense to continue wasting money on an obviously flawed program that has such high stakes. But the money spent would not all be lost. Technology developed during the course of the program was bought and paid for by the government and can be applied in new programs if it makes sense.

All the money annually spent (over $8 billion) on the Joint Strike Fighter could pay for somewhere near 100,000 elementary school teachers, health care for 1 million military veterans, health care for 4 million low-income children, or Head Start for 1 million children, according to the National Priorities Project's [trade-off calculator](#). Although canceling the F-35 would not free up all this annual funding if older aircraft are refurbished and new F-16s and F/A-18s are purchased, a substantial amount could still be directed toward these domestic needs.

Replacing the F-35 with cheaper long-term replacement programs and the interim solution of refurbishing and buying new aircraft that currently make up the backbone of the U.S.'s tactical aviation fleet would allow the U.S. to free up funds for domestic priorities here at home while ensuring the U.S. military has the air power it needs.