



Americans for Safe Access

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May 2, 2006

John S. Jarman
Executive Officer
Office of Public Health and Science
Office of the Secretary
Department of Health and Human Services
Hubert H. Humphrey Building
200 Independence Ave., S.W.
Washington, D.C. 20201

**Re: Request for Correction of Information re 1995 Marijuana Rescheduling
Petition**

Dear Mr. Jarman:

I write to request an immediate response to our appeal of your denial of our Request for Correction of Information under the Data Quality Act, 44 U.S.C. § 3516, Statutory and Historical Notes, P.L. 106-554 (“The Act”). Although that appeal was received by the Office of Public Health and Science (“OPHS”) on May 20, 2005, your office has repeatedly delayed in issuing a definitive response, claiming a need for “additional time to coordinate Agency review.” *See* Letter from John S. Jarman to Joseph D. Elford, dated April 12, 2006. Just eight days after the latest such letter, however, on April 20, 2006, the Food and Drug Administration (“FDA”) publicly announced the results of this coordinated agency review in an Inter-Agency Advisory Regarding Claims That Smoked Marijuana Is a Medicine. *See* Exhibit A. Now that these agencies -- the FDA, Drug Enforcement Administration and Office of National Drug Control Policy -- have already publicly announced that they “do not support the use of smoked marijuana for medical purposes,” *id.*, there is no reason your office needs additional time to respond to our pending appeal for the reason you stated on April 12th.

As I explained previously, time is of the essence in a public health issue such as this one. The Data Quality Act is an amendment to the Paperwork Reduction Act of 1995, which requires administrative agencies to (1) develop guidelines to ensure the “quality, objectivity, utility, and integrity of information” they disseminate to the public and (2) “[e]stablish administrative mechanisms allowing affected persons to seek and obtain correction of information maintained

and disseminated by the agency that does not comply with the guidelines.” 44 U.S.C. § 3516, Statutory and Historical Notes. Because the Act is intended to “ensur[e] the timely flow of vital information from agencies to medical providers, patients, health agencies, and the public,” the Department of Health and Human Services (“HHS”) Guidelines require the agency to respond to such requests within 60 calendar days. *See* HHS Guideline D.2.c.2.

Pursuant to this law, on October 4, 2004, Americans for Safe Access (“ASA”) filed a Request for Correction of information disseminated by HHS regarding the Marijuana Rescheduling Petition filed by Dr. Jon Gettman in 1995. More than eighteen months have elapsed since ASA filed this request and nearly a year has elapsed since ASA appealed the initial denial of this request. Coordinated agency review which caused this delay was unnecessary, *see* Letter from Joseph D. Elford to Dr. Steven Galston, dated December 20, 2004, but, now that it has been completed, this cannot possibly serve to justify an even greater delay. I hope and expect that HHS will issue a final determination of our appeal in the 60 days you anticipate. If not, ASA will file suit in federal district court to compel this.

Sincerely,



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