

Comment from Government Member Robert J. Girouard -- December 7, 2017

Recommendation 10, at lines 219-222, states that “Subject to other agency priorities, agencies should collect data on the operation of marketable permitting programs and consider periodically assessing both the policy effectiveness and economic efficiency of existing marketable permitting programs. Agencies should be cognizant that some of the data collected may be confidential.”

Please consider amending the recommendation to add a footnote to read as follows: “Agencies should have protocols for safeguarding trade secrets and confidential commercial or financial information, to encourage uniform and accurate self-reporting by regulated entities.” The added language borrows from FOIA exemption 4 (5 U.S.C. 552(b)(4)).