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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP

cc:

Subject: peer review and information quality

Drar Dr. Schwab,

The draft document is very insightful of how the system works (or more appropriately how the system is manipulated). The PEER review system, including the NRC, is based on selection of people identified by the agencies to review proposed rules or policies. People selected are usually known to the agency and their views on the proposed policy are also known to the agency. Therefore, the outcomes are very predictable. Your draft document is directed at this issue and addressing it is long overdue.

For example, although the NRC considers itself to be independent, the panel members are recommended by the funding agency (such as EPA) and the NRC seldom selects individuals not recommended by the funding agency. On the arsenic rule, the EPA staff were upset with some NRC members of one panel who voiced concerns about their proposed rule. These people were not invited to be on a second panel that made the final recommendations. All members who supported a strong rule that was backed by EPA staffers were invited back. Since agency employees know most of the experts in a particular field, they can easily select the experts to give them the recommendations they desire. As a result, there is essentially no peer review. It would save time to let agency staffers write 'objective peer reviews' of their work.

It is critical to establish a system for selecting peer reviewers that is independent of the agencies. It may be better to develop a list of potential reviewers (e.g. people who have published at least two articles in the subject area of interest) and then select randomly from the list. It would also be useful to have people on the panel who have not been funded by the agency. To require that none of the members have prior agency funding is probably not possible since the pool of reviewers would be diminished greatly. However, it is equally essential to have people with a fresh outlook.

For cost benefit analyses, it is essential that this be done rigorously and that the review have teeth. For the drinking water arsenic rule, the cost-benefit analysis did not seriously address any of the major issues. Furthermore, had they addressed any of the important issues their analysis would have been ignored, since the decisions were based entirely on the health effects analysis. If the U.S. is to remain competitive in the world market we need to consider both the costs and benefits of new proposed rules. If the cost per year of life saved is more than one million dollars, then it is difficult to see how the rule is cost-effective or how the U.S. can remain competitive with nations that have a more rational approach to public policy.

Ties between reviewers and various interest groups need to be recognized. There really are no completely objective individuals. People working with the NRDC are often treated as not representing an interest group whereas people linked to an industry are treated as criminals. It should be recognized each person represents a different interest group and they their

opinions need to be considered equally. Each individual comes to the table with a set of interests. We need to recognize that academics, public interest groups, government people as well as industry people have strong viewpoints.

One additional comment - we need to have a means of commenting on the NRC documents. I have seen a number of stupid statements in these documents. These statements are treated as sacred since they come from the National Academy of Sciences. In reality they come from a group of people selected by the agency to give the agency the advice that its staff want to see. The NRC reports should also include a set of comments from the public on the prepared documents. Perhaps if people on the panels knew that their comments would be challenged, they would be a little more careful in the comment they make. For example, I did a review of one NRC panel that made recommendations on how to identify new microbial pathogens. The report was motivated by the interests of several panel members to force the EPA to fund more genetic research on enteric microbial pathogens. This was clearly inappropriate but it worked - several of these people received EPA contracts to do the research they inserted in the NRC document.

I hope these comments are useful.

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