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Subject: Comments on the Proposed Bulletin on Peer Review and Information Quality

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**Comments on the
Proposed Bulletin on Peer Review and Information Quality**

Submitted by:

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The Industrial Minerals Association – North America (IMA-NA) was formed in 2002 as a trade association organized to advance the interests of companies that mine or process industrial minerals. IMA-NA membership currently consists of some forty-two leading producer companies of ball clay, bentonite, borates, feldspar, industrial sand, mica, soda ash, and talc commodities. Each of these commodities has its own Section in IMA-NA. In addition, IMA-NA has twenty-four associate members that supply equipment and services to industrial mineral producer companies. The IMA-NA, which has quickly become the leading association representing the industrial minerals industry, has its offices in Calverton, Maryland.

The IMA-NA applauds the proposed bulletin on Peer Review and Information Quality to be issued by the Office of Management and Budget (OMB), in coordination with the Office of Science and Technical Policy (OSTP). The IMA-NA is committed to the protection of the nation's workforce, public health and the environment through regulatory action based on appropriate and accurate scientific methods.

- The scientific community has long relied on a rigorous system of peer review to ensure the integrity of research information. “Peer review, as it developed through the establishment of a referee system in the first scientific journals in seventeenth- and eighteenth-century Europe, has become over time a system for certifying new knowledge” (Berkenkotter, 245). Agencies within the federal government responsible for the drafting of regulatory instruments should embrace this tenant of scientific discipline, and commit to a process of meticulous and transparent peer review.
- A system that relies predominately on internal government staff to generate or subjectively select scientific data for the ultimate purpose of regulatory action that affects the citizenry is fundamentally flawed. The private-sector, including industry, business, academia, and non-government organizations, is a legitimate stakeholder in the regulatory process. Regulatory instruments are far more likely to result in support and compliance from the private sector when initial input is sought from the entire scientific community via peer review.
- There is a wealth of expertise available to federal agencies via the private sector. This expertise should be called on in the peer review process. For instance, the National Industrial Sand Association (NISA), a member of the IMA-NA, is extensively knowledgeable relative to the science and health effects surrounding silica exposure. Arguably, as the representative of the producers of silica, NISA is one of the most knowledgeable authorities. The NISA recently demonstrated expertise in quartz silica exposure prevention when it assisted Small Entity Representatives from our member companies who submitted comments under the Small Business Regulatory Enforcement Act (SBREFA) on the recent Occupational Safety and Health Administration (OSHA) draft silica standard. The private sector could lend similar support, along with academics and other groups, during peer review.

- The federal government has an abundance of resources to execute research and generate scientific data. However, public funds are precious and the handlers of these monies should use all available legitimate sources from outside the federal government to compliment their work, and thus conserve public funds when possible. “Increased scrutiny of federal programs in the drive toward deficit reduction requires increased public accountability for the stewards of the government’s research funds” (Kostoff, 651). The assistance that can be given to government research efforts, often from the very manufacturers of regulated products, should be valued. Allowing the public sector to assist in peer review will not only add value and credibility to research results, but will also foster positive economic outcomes to government programs.
- When the IMA-NA provides information to members relative to scientific data, it is our practice to rely heavily on peer reviewed studies. Anything short of this would be a disservice to our members and the public well-being. Further, without such review our data would then be subject to criticism from other entities, and rightly so. The federal government should hold itself to at least the standard commonly practiced by such organizations as IMA-NA.
- “While peer review is not infallible, it remains the primary means through which authority and authenticity are conferred upon scientific and scholarly papers” (Berkenkotter, 245). The IMA-NA is aware that peer review is not perfect. Opponents are quick to point out shortcomings and cite failures. However, the system is the best method available of ensuring that scientific data represents the thinking of the entire scientific community.
- The IMA-NA supports the requirement that calls for peer review to be conducted on “significant regulatory information” “with a possible impact of more than \$100 million in any year, or that the Administration of OIRA determines to be of significant interagency interest or relevant to an Administration policy”. We would further suggest that the definition of “significant regulatory information” be as clearly defined as possible, and that there be a mechanism by which the public can submit a request that calls on OIRA to require peer review. Further, the definition of “significant regulatory action” should contain an allowance for peer review of information below the \$100 million dollar cut-off if the potential impact could be particularly harsh on small business.
- The IMA-NA supports a peer review system that is open and transparent. The names of the reviewers, and their comments, should be available to the public. Further, the responses of the Agencies to the peer review comments should be documented and available.

Notes:

Berkenkotter, C. 1995. The power and the perils of peer review. *Rhetoric Review*, 13(2).

Kostoff, R.N. 1997. Peer review: The appropriate GPRA metric for research. *Science*, 277(5326).