

Joel Shore <jshore@frontiernet.net>  
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To: Mabel E. Echols OMB\_Peer\_Review/OMB/EOP@EOP

cc:

Subject: The current OMB peer-review proposal appears to be deeply flawed and should be withdrawn

To whom it may concern:

I am writing to raise my strong objections to the proposed OMB peer review Bulletin. I believe that this proposal should be withdrawn. Any new proposal should be designed with the participation of the scientific community under the guidance of the National Academy of Sciences or similar non-partisan scientific organization of high integrity.

First, let me note that I am a physicist currently working in the research and development laboratories of Eastman Kodak Company. During my career, I have published 24 papers in peer-reviewed journals and served as a referee on over 60 manuscripts submitted to the Physical Review journals. Therefore, I recognize firsthand the value of quality peer review. However, this current OMB proposal contains many provisions that appear to be designed more to tilt the regulatory "playing field" against regulatory agencies and in favor of regulated industries than to truly insure the best science is brought to bear on regulatory issues. In other words, it appears to advantage one small group of stakeholders over all the other stakeholders (including the general public). As evidence of this and other weaknesses in the current proposal, I note the following:

(1) Before the system is fixed, there must be a compelling argument made that the current system is broken and that the current processes of peer review that exist in the different agencies are inadequate and are resulting in regulations with a poor scientific basis. Otherwise, there is the very real danger that an attempt to fix the system will actually do more harm than good. To my knowledge, no clear evidence of failure of the current system has been presented.

(2) The proposal's conflict-of-interest requirements appear to be written in such a way as to allow the participation of scientists who work for industry, including parties affected by the proposed regulations, while possibly excluding participation by academic scientists whose work is supported by federal agencies. Even as a scientist working in industry myself, I can see that this is clearly unacceptable.

(3) The proposal exempts "significant regulatory information that relates to national defense and foreign affairs" from peer review. It is unclear why such an exemption is needed since peer review could be extremely useful in these areas. This leads me to further suspect that the real intent and effect of the law may be not to improve regulatory science but instead to put further roadblocks in the path of regulations whose purpose is to protect the environment and public health.

(4) The unclear nature of the current OMB proposal makes it likely that it could result in significant delays, costs, and burdens imposed on both regulatory agencies and external reviewers. It may also invite frivolous challenges to regulations by those interests (often small in

number but economically powerful) on whom the regulations will imposed costs.

As you are no doubt well aware, some organizations and politicians have hidden behind the bogus claim of advancing "sound science" in order to really advance their own agendas, often at the behest of narrow interest groups. This proposal, as currently written, will likely encourage rather than discourage such behavior and thus will likely do more harm than good to the cause of creating public policy based on sound science. Therefore, I strongly recommend that you to withdraw this proposal.

Sincerely yours,  
Joel D. Shore  
242 Oxford St. #1  
Rochester, NY 14607-2117  
jshore@frontiernet.net