

Jeff Eisenberg <jeisenberg@beef.org>
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Record Type: Record

To: Mabel E. Echols OMB_Peer_Review/OMB/EOP@EOP
cc:
Subject: RE: Proposed Bulletin on Peer Review and Information Quality

December 15, 2003

Office of Information and Regulatory Affairs (OIRA)
Office of Management and Budget
725 17th Street, NW
New ExecutiveOfficeBuilding, Room 10201
Washington, D.C. 20503

RE: Proposed Bulletin on Peer Review and Information Quality

To Whom It May Concern:

The National Cattlemen's Beef Association (NCBA) and the Public Lands Council (PLC) support the proposed bulletin on peer review and information quality set forth by the Office of Management and Budget.

NCBA is a consumer-focused, producer-directed organization representing the largest segment of the nation's food and fiber industry. As representatives of family farmers and ranchers with a vested interest in the Departments' policies and programs, we are pleased to provide the following comments on this issue of importance.

NCBA and PLC have long advocated that sound science must be a cornerstone of any regulatory policy. Regulations affect people's lives and livelihoods, and the government must assure the public that these regulations have a sound basis. Scientific peer review is a tool that is widely accepted in both the scientific and regulatory community. Peer review of the science used in regulations helps to ensure that the scientific analysis used in regulatory actions and decisions is reliable. With regulations becoming more costly and more complex, peer review of the science used in reaching decisions is especially important.

We also understand the importance of balancing peer review and the efficiency of the rule-making process: the final rule needs to provide for the use of sound science in rulemaking without gumming up the system and placing too much burden on the agencies.

Peer review of a study or report at the pre-decisional stage of the regulatory process, as set forth in the proposed bulletin, is especially important. It is much easier to fix a rule before it is proposed or at the proposal stage than to undo a regulatory decision that has already occurred.

The information quality guidelines provide a data correction mechanism to address situations where flawed information has already been disseminated. The peer review requirement provides a complement to this requirement at the pre-dissemination stage.

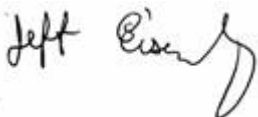
The Klamath Basin is a perfect example of the need to peer review science prior to rulemaking. In 2001, the U.S. Fish & Wildlife Service decided to shut off irrigation water to over 1400 farmers and ranchers in the Klamath Basin in California and Oregon based on the conclusions of a biological opinion which said the use of scarce water supplies for irrigation would likely jeopardize the continued existence of two endangered fish that inhabit streams in the area. The decision caused considerable hardship and economic loss to the entire Basin, and especially to the farmers and ranchers who were denied a crop for the 2001 growing season.

Because of the anguish and the controversy that this situation caused, Secretary of Interior Gale Norton sent the biological opinion to the National Academy of Sciences to peer review the scientific underpinnings of the decision. The Academy report concluded that the bases for the decision to shut off water were flawed, and the farmers and ranchers should have received their promised water. But by then it was too late; the damage had been done. Had the proposed bulletin been in effect at that time, the situation might have been avoided.

Generally, the guidelines set forth in the bulletin continue the movement toward better rulemaking that was started by the Information Quality Act and the Information Quality Guidelines that all federal agencies adopted last year. We commend OMB for taking this direction toward improving the quality of information that is used in rulemaking. The requirements set forth in the bulletin provide a welcome supplement to the Information Quality Guidelines and continues the trend toward ensuring that sound information is used in rulemaking activities. We suggest that the bulletin be an amendment to the Information Quality Guidelines, and that individual agencies be required to amend their own information quality guidelines to comply with this bulletin.

The proposed Bulletin would establish minimum standards by which all significant regulatory scientific documents would be subjected to peer review by qualified specialists. This would essentially include any scientific information relied upon by an agency in rulemaking. It would encompass the bulk of agency rulemaking proposals. The agencies would generally be free to establish their own peer review procedures for this type of rule, so long as they meet the minimum guidelines.

Sincerely,

A handwritten signature in black ink that reads "Jeff Eisenberg". The signature is written in a cursive style with a large, sweeping flourish at the end.

Jeff Eisenberg
Director, Federal Lands
National Cattlemen's Beef Association
Executive Director

Public Lands Council