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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP@EOP

cc:

Subject: Rsp to Proposed Bulletin on Peer Review and Information Quality

Attached are comments in PDF format, from Dr. Richard Anthes, President of the University Corporation for Atmospheric Research, on the request for comment released by the OMB regarding the proposed Bulletin on Peer Review and Information Quality.

Aa faxed version fo this same letter was sent earlier today.

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"The best thing for the inside of a person is the outside of a horse."

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UNIVERSITY CORPORATION FOR ATMOSPHERIC RESEARCH

NATIONAL CENTER FOR ATMOSPHERIC RESEARCH • UCAR OFFICE OF PROGRAMS

Richard A. Anthes

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December 15, 2003

Dr. Margo Schwab
Office of Information and Regulatory Affairs
Office of Management and Budget
725 17th Street, NW
New Executive Office Building
Room 10201
Washington, D.C. 20503

Dear Dr. Schwab:

I would like to submit the following comments on behalf of the University Corporation for Atmospheric Research (UCAR) in response to the request for comment released by the Office of Management and Budget (OMB) regarding the Proposed Bulletin on Peer Review and Information Quality. The OMB effort to create this document on such an important topic and then to solicit comment is appreciated greatly by the scientific community. UCAR represents a significant segment of that community through its membership of 68 North American research universities that have advanced degree programs in the atmospheric and related sciences. This consortium of universities manages the National Center for Atmospheric Research (NCAR) and additional scientific education, training and support programs. Our comments are as follows and pertain to:

Section 3. Additional Peer Review Requirements for Especially Significant Regulatory Information

The paragraph in this section titled, *Selection of Peer Reviewers*, states that reviewers should "not possess real or perceived conflicts of interest, and are capable of approaching the subject matter in an open-minded and unbiased manner." This requirement should be followed as closely as possible, within reason, in order to obtain as objective advice and review as possible. However, the criteria factors that the bulletin lists regarding the qualifications of external experts, if applied strictly, could reduce and weaken the field of potential reviewers to the point of undermining the process by eliminating from consideration most, if not all, of the experts in particular fields. Thus conflicts of interests should be allowed in certain cases, as long as the conflicts are disclosed and the process is transparent.

Criteria factor (i), "Has any financial interests in the matter at issue" should be enforced at all times and will strengthen the review process. Factor (ii), "has, in recent years, advocated a position on the specific matter at issue" should be enforced if the potential reviewer has expressed a specific position that would bring unfair bias to the review. Again, the entire process should be transparent and all positions on the topic at hand should be disclosed by potential reviewers. If a review panel candidate is a leader in the field, it is possible that that person will have previously expressed opinions on the science that has moved the research forward and would not in any way adversely affect the review process. For instance, that person may have provided information that has quantified and characterized the uncertainties of the scientific question to be addressed in a manner that is respected by his or her peers. It would weaken the process to exclude such a person from the panel.

Member Institutions • University of Alabama in Huntsville • University of Alaska, Fairbanks • University of Arizona, State University of North Carolina • University of Arizona • Arizona State University • California Institute of Technology • University of California, Berkeley • University of California, Davis • University of California, Irvine • University of California, Los Angeles • University of Chicago • Colorado State University • University of Colorado • Columbia University • Cornell University • University of Denver • Drexel University • Florida State University • Georgia Institute of Technology • Harvard University • University of Hawaii • Howard University • University of Illinois at Urbana-Champaign • Iowa State University • University of Iowa • Johns Hopkins University • University of Maryland at College Park • Massachusetts Institute of Technology • McGill University • University of Miami • University of Michigan • University of Minnesota • University of Missouri • Naval Postgraduate School • University of North Carolina-Chapel Hill • University of Nevada • University of New Hampshire • New Mexico Institute of Mining and Technology • University of North Carolina • North Carolina State University • Ohio State University • University of Oklahoma • Old Dominion University • Oregon State University



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Criteria factor (iii), "is currently receiving or seeking substantial funding from the agency through a contract or research grant (either directly or indirectly through another entity, such as a university)" could introduce major problems for the agencies trying to find experts in particular fields. It is often the case that the strongest researchers in the field receive agency funding. Eliminating them from the pool of potential panelists weakens the science, the agency, and the community by taking the people most familiar with the science and most accomplished out of the potential panelists pool. This does not serve the taxpayers or the country. Instead of disqualifying these experts, it should be required that they divulge *all* of their associations with the agency soliciting their help, including a list of any funding they have received in the past or are in receipt of currently. This would ensure that potential conflicts are made known and that the process is transparent. It is the manner in which the National Research Council operates successfully.


If criteria factor (iii) eliminates any agency employee from participating in a review process, that exclusion should be reconsidered. It is often completely appropriate to have reviewers within the agency who are from different offices, particularly if potential expert reviewers can be found in regional offices other than the office managing the solicitation. This situation occurs with some frequency within the National Oceanic and Atmospheric Administration (NOAA).

Criteria factor (iv) "has conducted multiple peer reviews for the same agency on the same specific matter in recent years" should not entirely eliminate that person from consideration, particularly if the field of research is particularly narrow. However, it would be beneficial, as this factor implies, if agencies make every effort to vary reviewer selection.

This factor description goes on to state, "If it is necessary to select a reviewer who is or appears to be biased in order to obtain a panel with appropriate expertise, this agency shall ensure that another reviewer with a contrary bias is appointed to balance the panel." This is the most troubling statement in this document. Scientific issues are complex and biases are not simple to define or measure. Who would determine whether a reviewer is biased, or how much he or she is biased? And who would then determine whether another person was biased in such a way as to bring an appropriate and equally competing bias to the table? This requirement would put agencies in an extremely difficult, if not impossible, position. In addition to the problematic question of balanced bias, the potential would exist for a view to be represented that is shared only by a very few people in the field whose work may not be respected by more accomplished peers. Again, complete transparency in the process (including publicly divulging all reviewers' names) should enable the agencies to handle all questions of bias in appropriate ways.

Again, I thank you for the opportunity to comment on this important document and appreciate your consideration of the points offered here.

Sincerely,


Richard A. Anthes
President, UCAR