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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP@EOP
cc:
Subject: Comment of Draft Peer Review E.O.

VIA E-MAIL

December 24, 2003

To: OMB_peer_review@omb.eop.gov

The National Association of Manufacturers (NAM) submits these comments in response to the invitation for the public to offer input regarding the September 15, 2003, Office of Information and Regulatory Affairs notice of draft Bulletin on Peer Review and Information Quality. The NAM understands that the filing deadline was December 15, but would appreciate your accepting these comments although they are late.

The NAM is the nation's largest industrial trade association. The NAM represents 14,000 members (including 10,000 small and medium companies) and 350 member associations serving manufacturers and employees in every industrial sector and all 50 states. Headquartered in Washington, D.C., the NAM has 10 additional offices across the country.

The NAM represents the full panoply of business sectors, including non-profit associations. Thus, the integrity of the promulgation of federal regulations is a great concern common to all facets of the NAM's membership. The NAM's Regulatory Improvement Task Force has reviewed the very detailed comments of the American Chemistry Council (ACC) – a scientific-based member association – and endorses the ACC's suggestions, criticisms and additional comments. (Listed as commentator 148.)

In particular, the NAM directs the attention of the Office of Information Affairs (OIRA) to the ACC comments: suggesting that OIRA link the final Bulletin to the Information Quality Act guidelines so that “influential” is substituted for “significant”; that the Bulletin should be broader and include *all major* scientific and technical work products, as the EPA's *Peer Review Handbook* does; not establish any presumption – “rebuttable or otherwise” – for journal-based information, as some journals do not hold to rigorous standards [especially after the Supreme Court's ruling in *Daubert v. Merrell Dow Pharmaceuticals*, 509 U.S. 579 (1993)]; to have peer reviews managed by independent panels such as the EPA's Scientific Advisory Board or the National Academy of Sciences; that peer review charges should be subject to public comment and to the standards of the Congressionally approved Safe Drinking Water Act; for waivers to be granted parsimoniously and, in the case of emergencies, with a formal, written understanding that in times of emergency it may be the best thing to have “cooler heads” such as a peer-review

panel prevail; endorsing public disclosure of potential conflicts of interest; and that bias – including the bias of self-proclaimed “public interest” organizations – be taken into account as well as potential corporate bias.

Finally, the Information Quality Act directed that agencies ensure the veracity of the information that they disseminate. The NAM commends OIRA for its initiative in issuing this Bulletin and submitting it for public comment before it is finalized. Both actions are within the proverbial “spirit and letter” of the Information Quality Act. The NAM has long maintained that the greatest concern of business with the regulatory regime is that regulations be justified and make sense. The ACC comments offer valuable suggestions to much-needed peer-review guidelines.

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The NAM has launched the Campaign for Growth and Manufacturing Renewal to raise awareness of the unprecedented challenges to U.S. manufacturing competitiveness and the implications for America's future. For information and opportunities to participate, click on www.nam.org/renewal. To view video highlights of the Campaign, click on www.nam.org/renewal/video