

Heather Rowton <hrowton@wfpa.org>
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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP
cc:
Subject: FW: OMB Draft Peer Review Standards for Regulatory Science Proposal

Please disregard previous submission and use this letter. Sorry for any confusion. The previous draft had tracked changes that make it difficult to read. Please call me if you have any questions regarding which version of the letter to use as our official comments. Thanks.

To Whom It May Concern:

Our comments on the Draft Peer Review Standards for Regulatory Science are attached. I have mailed a hard copy which include a signature. Please call me if you have any problems opening the file. Thank you.

Heather Rowton

Environmental Project Manager

Washington Forest Protection Association

724 Columbia Street NW, Suite 250

Olympia, WA 98501

Phone: 360-705-9284

Fax: 360-352-4621

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WASHINGTON FOREST PROTECTION ASSOCIATION

724 Columbia St NW, Suite 250
Olympia, WA 98501
Fax: 360-352-4621

October 27, 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:

The Washington Forest Protection Association (WFPA) appreciates the opportunity to comment on the Office of Management and Budget's proposed Draft Peer Review Standards for Regulatory Science (OMB: 2003-34). WFPA represents forest landowners who grow and harvest timber on approximately 4.2 million acres in Washington State. WFPA routinely works with federal Agencies including the Environmental Protection Agency; U.S. Fish and Wildlife Service; U.S. Forest Service; and National Marine Fisheries Service on issues related to environmental policy surrounding forest practices on private forestlands in Washington State. We support standards for peer review and the statement of the OIRA that "Independent, objective peer review has long been regarded as a critical element in ensuring the reliability of scientific analyses." (OMB Press Release 2003-34, p 2)

It is critical that federal agencies use peer-reviewed science whenever possible when developing regulations that will affect citizens and the business community. A uniform peer review system will help ensure this integrity across the nation and will provide stakeholders with an assurance that federal agencies are making decisions based on credible science.

OMB requests comments regarding whether the guidance is unduly burdensome and/or discourages qualified reviewers. The guidance suggests that reviewers should not have substantial involvement with agencies and should not be advocates on issues surrounding science they are asked to review. We support agencies seeking the most unbiased peer reviewers but also believe that the requirements should not be so burdensome as to disqualify the reviewers with the highest degrees of expertise. Within the natural resources field, many of the most credible scientists are involved with the agencies and with producing scientific research that is of use to the agencies. The guidance indicates that these individuals would be excluded from the peer review panels based on their work history. The guidance should be less stringent in this regard. We agree with the draft guidance in suggesting that if a reviewer is chosen who clearly has a bias one way, an equally biased reviewer should be chosen to represent the opposing view.

Additionally, the peer review guidance should recognize inherent biases within the scientific process itself. For example, human interference with environmental processes has occurred and is expected to continue to occur. Some in the field of wildlife and fisheries biological science subscribe to the presumption that the optimal strategy for conservation of natural resources is to

allow natural processes to function with a minimum of human interference. This strategy often fails to account for existing human-caused disturbance and tends to limit consideration of a full range of scientific information. The tendency in these fields of study is to favor the no disturbance, no action approach as a “safe” alternative. This bias should be recognized and dealt with by assuring that qualified scientists from a variety of academic and employment backgrounds participate in peer review. For the field of natural sciences, the process should not be dominated by conservation biologists just as it should not be dominated by scientist with an agency or industry experience background.

OMB also requests comment on whether agencies should select their own peer reviewers or whether a central committee should identify potential reviewers. We believe that a central committee that maintains a list of qualified reviewers and has expertise with forming peer review committees is the best approach to use. Agencies will be unduly burdened if they are asked to identify peer reviewers on a routine basis. Identification of peer review committees can be quite burdensome when agencies are routinely revising regulations based on best available science

WFPA’s largest concern is with the burden this guidance will place on agencies. Natural Resource agencies are already burdened with the task of drafting regulations and conducting conservation planning, including designation of critical habitat for endangered species. Secondly, agencies are flooded with litigation and lean budgets are being redirected toward defending agency decisions regarding listing of species, habitat planning and water quality. Agency projects, such as Habitat Conservation Plans, already in process are likely to be delayed by any guidance requiring scientific peer review of regulatory decisions. The OMB guidance should provide a process for review that is clearly defined and tied to additional regulatory change - not those projects currently in progress. Concerns with scientific credibility will be addressed over time with the new requirements for peer review. Any questions raised by the public regarding the scientific validity of information used to make regulatory decisions should be identified and responded to during regulatory development and projects currently underway should be allowed to proceed as-scheduled, without additional peer review requirements resulting in delay.

General comments specifically related to the text of the draft guidance follow.

In Section 3 *Additional Peer Review Requirements for especially Significant Regulatory Information, Charge to Peer Reviewers* OIRA states:

“Where reviewers are expected to identify scientific uncertainties, they should generally be asked to suggest ways to reduce or eliminate those uncertainties.”

With regard to natural resources, reducing or eliminating uncertainty usually involves detailed studies that can take years to produce results. OIRA should provide additional guidance in this section to help reviewers determine how extensive their comments regarding reducing uncertainty should be.

In section 3, *Information Access*: OIRA proposes that:

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“If aspects of the agency’s work are likely to be controversial, reviewers should be provided relevant background information on those potential sources of controversy.”

Scientific reviews are meant to review scientific methodology, adequacy, and validity. Therefore, the review should identify, without agency guidance, any potential controversial issues. Natural Resource management has a history of being controversial; one of the primary methods of reducing this controversy is peer-reviewed scientific analysis. If reviewers are instructed to consider the potential “controversial” nature of agency work; they will not be conducting a purely scientific review. OIRA should remove this sentence from the guidance.

Thank you for the opportunity to comment on the draft guidance. Please contact me if you have any questions based on our comments above.

Sincerely,

Peter Heide
Director of Forest Management