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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP@EOP
cc: Jack_Waggener@URSCorp.com, "Bromberg, Kevin L." <kevin.bromberg@sba.gov>
Subject: Comments on Proposed Bulletin on Peer Review and Information Quality

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, DC 20503

Dear Dr. Schwab:

Our comments on the Proposed Bulletin on Peer Review and Information Quality are transmitted below as text and also as an attachment. We appreciate the opportunity to comment on this important proposal.

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(See attached file: PeerReview.doc)

Comments On
Office of Management and Budget
Proposed Bulletin on Peer Review and Information Quality
Federal Register/ Vol. 68, No. 178/ Monday, September 15, 2003/ pages
54023-54029

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Comments on Proposed Bulletin on Peer Review and Information Quality

Introduction

For over 25 years, URS has evaluated, critiqued and commented on proposed regulations. We have prepared comments for the American Association of Railroads, NORA, an Association of Responsible Recyclers, the Porcelain Enameling Institute, the American Meat Institute, the National Tank Truck Association, the National Association of Metal Finishers, the National Association of Manufacturers, the American Ceramics Society and many others. Regulations we have comments on include the Land Disposal Restrictions and several Effluent Guidelines including Centralized Waste Treatment, Industrial Laundries, Metal Products and Machinery, Meat and Poultry Products, Construction and Development, Aquaculture, Transportation Equipment Cleaning and others.

Some of these regulatory proposals could have been substantially improved through the use of peer review of the scientific basis for the regulations, particularly if the review had been done by a truly independent party.

We agree that peer review is a powerful tool for insuring the quality of scientific studies. Peer review has been widely accepted in the scientific community and is a key part of the quality assurance process for scientific findings. Adopting a similar process will enhance the quality of scientific and technical findings by U.S. Government agencies.

Selection of Peer Reviewers

Genuine independence is essential for securing a high-quality peer review as acknowledged in the background comments of the proposal. The proposed requirements for peer review, however, fall far short of those required to insure independence. We suggest the following requirements:

- The peer review should not be conducted by an employee of the agency,
- Interagency review should not be considered to be peer review,
- The peer review should not be conducted by an agency contractor,
- Peer reviewers should not be utilized more frequently than twice per year,
- If a panel of peer reviewers is utilized, the membership in the panel should rotate so that the entire panel is replaced within 5 years and no member of the panel should be utilized for peer review more frequently than twice per year,
- Peer reviewers should not have received substantial funding from affected commercial interests, the agency, or public interest groups, and
- Peer reviewers and their employer should not have advocated a position on the specific matter at issue.

In general, government contractors should not provide peer review because they may be biased and are frequently perceived as biased due to other work for the agency. Similarly, contractors who represent commercial interests and public interest groups

should be excluded from peer review. A contractor may be suitable to manage peer review activities, if others who meet the appropriate criteria conduct the actual peer review. Interagency reviewers and agency employees may not be independent and are frequently perceived as biased by other interested parties and should not be considered as providing peer review.

Biased Reviewers

We agree that if a peer reviewer with suitable expertise cannot be found, a biased reviewer can be utilized if another peer reviewer with the opposite bias is also employed. For example, if a consultant for a public interest group that has stated public opinions on the issue under review is employed, a consultant for commercial interests should also be employed for peer review.

Public Comment

We are concerned about the proposed requirement for public comment to the peer reviewer. Requiring transmission of the unreviewed data to the public, waiting for public response and then transmitting the comments to the peer reviewer will require substantial time, add substantially to the peer reviewer's responsibilities and cause unnecessary delay in the peer review process. Most significantly, otherwise qualified reviewers may decline to review scientific data in controversial area if they are required to also review a substantial volume of public comments. The peer review process of a scientific presentation is a part of the development of that scientific and technical information and should result in higher quality scientific and technical information. Public comment can be made adequately on the scientific presentation incorporating changes due to peer review, the comments of the peer reviewer and the responses made to peer review, all of which should be in the public record and subject to public comment after the peer review is completed.

We agree that if an issue is controversial, the peer reviewer should be presented with information on the potential sources of controversy. We believe that the peer reviewer should be presented with information on the opposing points of view on controversial issues. The agency should be aware of these competing views and should be able to summarize them. It is generally in an agency's best interest to fairly represent opposing points of view to the peer reviewer so that the reviewer has the opportunity to consider these concerns.

Material That Should be Peer Reviewed

Significant findings and data developed after a proposal and receipt of comments should be peer reviewed.

Disclosure Requirements

Activities for the last 10 years should be adequate to evaluate the qualifications and potential bias of a proposed peer reviewer.