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To: Mabel E. Echols OMB_Peer_Review/OMB/EOP

cc:

Subject: OMB Proposed Bulletin

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VIA E-MAIL
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October 10, 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, DC 20503

Re: OMB's Proposed Bulletin

Dear Dr. Schwab:

USG Corporation offers the following comments on OMB's Proposed Bulletin under Executive Order 12866 and Supplemental Information Quality Guidelines concerning peer review. The draft bulletin was issued on August 29, 2003.

USG Corporation through its operating subsidiaries is a major manufacturer and distributor of building materials including gypsum wallboard, plasters, ceiling tiles and ceiling tile grid.

We welcome this opportunity to comment on the proposed OMB bulletin.

The section of the proposed bulletin dealing with selection of peer reviewers states as follows

"Selection of Peer Reviewers: Peer reviewers shall be selected primarily on the basis of necessary scientific and technical expertise. When multiple disciplines are required, the selected reviewers should include as broad a range of expertise as is necessary. When selecting reviewers from the pool of qualified external experts, the agency sponsoring the review shall strive to appoint experts who, in addition to possessing the necessary scientific and technical expertise are independent of the agency, do not possess real or perceived conflicts of interest, and are capable of approaching the subject matter in an open-minded and unbiased manner. Factors relevant to whether an individual satisfies these

criteria include whether the individual: (i) has any financial interests in the matter at issue; (ii) has, in recent years, advocated a position on the *specific* matter at issue; (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); or (iv) has conducted a peer review for the same agency on the same specific matter in recent years. If it is necessary to select a reviewer who is or appears to be biased in order to obtain a panel with appropriate expertise, the agency shall ensure that another reviewer with a contrary bias is appointed to balance the panel.”

In many cases, the peer reviewers with the most relevant “scientific and technical expertise” are also those who have been most closely tied to the agency or industry involved in the issue. Conflicts of interest should not serve as a screen to keep out otherwise qualified external experts. We agree with OMB that there should be disclosure of the actual or potential conflict of interest; also, there should be balance on the peer review committee. But the existence of an actual or potential conflict of interest should not serve to disqualify an otherwise qualified external expert. In the OMB bulletin as proposed, a reviewer “who is or appears to be biased” can be put on the panel only if “necessary” and then only if a reviewer with a contrary “bias” is appointed to balance the panel”. Bias may not be the right word; we think your alternative formulation of real (actual) or perceived (potential) conflicts of interest is better and, as stated above, we agree with the concept of balance.

For these reasons, we suggest the “Selection of Peer Reviewers” section be revised as follows:

“Selection of Peer Reviewers: Peer reviewers shall be selected primarily on the basis of necessary scientific and technical expertise. When multiple disciplines are required, the selected reviewers should include as broad a range of expertise as is necessary. When selecting reviewers from the pool of qualified external experts, the agency sponsoring the review shall strive to appoint experts who, in addition to possessing the necessary scientific and technical expertise are independent of the agency, and are capable of approaching the subject matter in an open-minded and unbiased manner. When a qualified external expert (i) has any financial interests in the matter at issue; (ii) has, in recent years, advocated a position on the *specific* matter at issue; (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); or (iv) has conducted a peer review for the same agency on the same specific matter in recent years, then the specifics of these actual or potential conflicts of interest must be disclosed. If a reviewer is selected who is or appears to be associated with a particular viewpoint on the matter at issue, the agency shall ensure that another reviewer with a contrary viewpoint is appointed to balance the panel.”

Dr. Margo Schwab
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Very truly yours,

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