



John Graham
05/13/2002 10:41:51

Record Type: Record

To: John F. Morrall III/OMB/EOP@EOP

cc:

Subject: Re: comments on report

----- Forwarded by John Graham/OMB/EOP on 05/13/2002 10:41 AM -----



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05'10'12'2002 12:15:10 PM

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To: John Graham/OMB/EOP@EOP

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Subject: Re: comments on report

Dear John,

I have now had a chance to look at the OMB draft report that you gave me when I saw you a couple of weeks ago. I have the following comments on it.

On the whole I really like it-it reads well and as an outside individual I find it most interesting. Because of this, most of my comments are quibbles which you may wish to take into consideration at some stage:

- a) cannot the prompt letters and other tools you use be seen as undemocratic-you may wish to consider addressing this;
- b) (p.40) did you have any specific nominations coming from outside the US-if so this would be interesting to have highlighted;
- c) I find it odd that the Mercatus Centre submitted 44 nominations-more than half the total-this could be interpreted that the call was not sufficiently transparent;
- d) (p.42)-I am not sure whether Federal Register or the web site will be enough to publicize nominations based on the response you received-have you considered specialist journals and the like as well or even such magazines as Economist.
- e) P.42-will this panel be international in its outlook? Will the names of those individuals selected be listed on OIRA's website?
- f) P.44-if OIRA is keen to uncover what state, local and tribal governments perceive as failures in the consultation process have you considered having relevant OMB documents translated into Spanish?

- g) The OECD discussion is well written. You may wish to add that the 1997 PUMA report on RIA (The OECD Report on Regulatory Reform Volumes 1 and 2) is viewed by regulators, industry and the like as the definitive document on the topic.
- h) Bruce Ballantine gave you quite a few minor comments on the EU section. I will only add a couple. The European Commission put forward its European Governance: A White Paper on 25th July 2001. Public consultation on the document extended until March 31st 2002. By the end of 2002 the Commission will report on the progress it has made and draw lessons from the White Paper consultation.
- i) P.83. I suggest that you need some clarification to the term establishment of regulatory agencies. The European versions are fundamentally different to what is common practice in the US. For example, the European Food Safety Authority (EFSA) will be in charge of conducting the risk assessments but leave it up to DG SANCO to conduct the risk management. Indeed, it is fair to say that the EU is increasingly arguing for a distinct separation between risk assessment from risk management (I would put forward the case that as with the EPA under the second Ruckelshaus administration the various DGs do not feel trusted by the general public and hence separating science from policy makes sense). In this regard the EU regulatory agencies do not nearly have the same degree of power as say the US FDA. Also as background on RIA-this is something that has been discussed in the EU for some 10 years now-it is not a particularly new concept.
- j) The last paragraph p.83-top of page 84 is grammatically weak-needs to be rejigged.
- k) You could mention that several EU member states have established better regulation units-the UK has such a body installed in the cabinet office.
- l) You may want to look at the European Policy Centre's web site and download the final document arising from the RIA discussion at the European Parliament that it arranged earlier this year. It makes good reading and highlights some of the differences between the various Parliamentary political factions. For example, Green MEPS are suspicious to the advancement of RIA in the Commission, while the Conservatives by-in-large welcome it.

I hope these comments are of use to you and your colleagues. If you have any points that you feel need to be clarified please do not hesitate to contact me. Also if you have other issues (of European nature) that you have questions on please email me. Also on a related matter I will be launching a special policy section for Risk Analysis later this year/early next year on European risk related issues. The first topic that we will be discussing is the EU Chemical White Paper. Other issues that we want to explore is the Governance White paper and the establishment of the new European Food Safety Authority.

All for now.

Best regards,

Ragnar

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