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Subject: Comments on Revised Peer Review Bulletin



Letter to OMB re
Peer Review B...

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Alan I. Leshner
Chief Executive Officer and
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June 1, 2004

Dr. Margo Schwab
Office of Information and Regulatory Affairs
Office of Management and Budget
725 Seventeenth Street N.W.
New Executive Office Building
Room 10201
Washington, D.C. 20503

Re: Revised Information Quality Bulletin on Peer Review

Dear Dr. Schwab:

On behalf of the American Association for the Advancement of Science, we want to express our appreciation for the opportunity to comment on the revised information quality bulletin on peer review. Our AAAS staff colleagues and our members were grateful for the opportunities to meet with you, John Graham, and Katherine Wallman. We were encouraged by OMB's responsiveness to our comments and to those of other scientific groups on the previous draft bulletin, and we believe the revised version is much improved. While many of our concerns have been addressed in the revised draft, there are still a number of issues that we feel deserve your attention.

Section I – Definitions. *We believe the language needs to be more precise about what is expected from scientists so that it is clear what is and is not covered by the Bulletin.*

The term “dissemination,” which is defined as “agency initiated or sponsored distribution of information to the public,” could refer to published research by a university scientist funded by a government agency. However, under Section VIII: Exemptions, such research is exempted. We suggest making that exemption clear in Section I rather than waiting toward the end to do so.

In addition, the language in Section VIII states: “To qualify for this exemption, scientists are advised to include in their information product a clear disclaimer that ‘the views in this report are those of the author(s) and do not necessarily represent the views of the funding agency’.” We find the use of the word “advised” in this section ambiguous. If scientists must use the disclaimer to qualify for this exemption, then why is OMB merely advising them to do so? Is this a requirement or just a suggestion? What would failure to include such a disclaimer mean for researchers?

Finally, the bulletin should clarify whether “information product” includes peer-reviewed journal articles which, although based on research funded by a government agency, are not intended for use in regulation and/or policymaking at the time of publication. Are there any circumstances in which authors are advised (or required) to include a disclaimer in such publications?

Section II (5) and Section III (5). *We believe that agency disclosure policies regarding scientists' participation in peer reviews should be the same for “significant” and “highly significant” information.*

Section II addresses “Significant Information,” while Section III addresses “Highly Significant Information.” Under Section III (5), there is language referring to “the views of individual reviewers (either with or without specific attributions, as long as the reviewers are informed in advance of the agency’s plans for disclosure). . .” We strongly support the notion, reflected in such language, that scientists should be aware of the agency’s disclosure policies regarding their contributions to the peer review process prior to their participating in reviews. This seems eminently fair and proper. However, that same language does not appear in Section II(5), which requires that “reviewers’ comments, as a group or individually, shall be made available to the public,...” We see no reason for this asymmetry between disclosure requirements based on whether the peer review is for “significant” or “highly significant” information. We recommend, therefore, that the language regarding disclosure used in Section III(5) be added to Section II(5).

Section III (6) - Selection and Management of Peer Review Panels. *We ask for greater openness regarding agency use of outside entities for peer reviews.*

This section authorizes agencies to commission non-agency entities to “select peer reviewers and/or manage the peer review process....” In the spirit of promoting public access to information and increasing agency accountability, we suggest that agencies be required to make public on their web sites and via other means available to them the following items: “(1) the criteria for determining when such outside entities would be used; (2) the process for selecting such entities; (3) the actual award of a contract or grant for this purpose; and (4) the procedures in place at the agency to ensure proper oversight of those entities.”

Section VIII (8) – Exemptions. *We would like to see some examples of “routine” and “non-routine” rules.*

This section states that “influential scientific information disseminated in connection with non-routine rules is not exempt” from the requirements of the Bulletin. However, the term “non-routine rules” is subject to interpretation. We recommend including some examples to clarify its meaning and significance.

Section IX. *We endorse the idea of an interagency working group on peer review and recommend that it operate as transparently as possible.*

This section would create an interagency working group chaired by OSTP and OIRA to oversee implementation of the requirements of the guidelines, assess progress in implementing them, and to foster better understanding about peer review practices. We support the creation of such a group but believe that the provision does not go far enough. The success of and public confidence in the peer review processes described in the Bulletin will largely depend on how its provisions are implemented by the diverse group of agencies to which it will apply. In that respect, transparency of the interagency group's work will be critical. Researchers and all other stakeholders need to be assured that their government is implementing this significant policy initiative in a manner that advances the public's interest in benefiting from the best science available. Therefore, we recommend that—at the least—the interagency group be required to make a public report on its deliberations and findings at least once annually, and that it conduct studies and hold occasional public meetings of the impact of the guidelines on the uses of science by the agencies and on the quality of information produced. Having all of the group's meetings open to the public would be even better.

We welcome the opportunity to comment on this Proposed Bulletin. Should you or your colleagues wish to discuss these matters further, please contact Dr. Albert H. Teich, Director of Science & Policy Programs (telephone: 202 326 6600, e-mail: ateich@aaas.org).

Sincerely,

Mary Ellen Avery
Chair, Board of Directors

Alan I. Leshner
Chief Executive Officer

cc: Dr. John H. Marburger III
Director, Office of Science & Technology Policy