
What Will It Take for OMB's Peer Review Bulletin to Actually Work?

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A Short Review of the Bidding

- Context for draft bulletin
 - Data Quality Law
 - Quality standards, including ‘objectivity’
 - Pre-dissemination review procedures
 - Post-dissemination error correction procedures
 - Pre-dissemination review
 - OMB delegated substantial agency discretion
 - Authoring agencies have substantially abused this discretion
 - *‘Our existing procedures already ensure and maximize information quality.’*
 - *‘Go away’.*

Is Peer Review the Solution?

(“When all you have is a hammer...”)

- Purpose of peer review in academia
 - Allocate scarce resources
 - Grant proposal review (\$)
 - Article publication review (pages)
 - Assure minimum quality standard is met
 - Thesis supervision (chairman has authority to say ‘no’)
 - Schools vary in minimum quality considered acceptable
- Purpose of peer review in government
 - Assure minimum quality standard is met, but:
 - Panels lack authority to say no
 - Panels rarely have adequate expertise or time
 - OIRA model is superior if analysts are free from political interference

Coverage Confusion

What's in, what's out, what's unknown

- Should definition of 'regulatory information' be read in context of the definition of 'information' in OMB's IQG?
 - 'Yes' : This is the most logical way to interpret it
 - 'No' : OMB did not link the definitions, but it did link other definitions (e.g., 'dissemination')
 - Intentional discrepancy or oversight?
 - Final bulletin language may tell us. Or may not.
- If 'Yes', then:
 - Public comments are exempt unless agency relies on them
 - Commenters who intend that their comments be relied on need to perform a compliant peer review
- Greatest effect may be on RIAs, not risk assessments
 - RIAs not currently peer reviewed except by OIRA
 - Authoring agencies can use this to thwart OIRA
 - First to establish RIA peer review practice sets the precedent

What Would the OMB Bulletin Require?

§2, *‘Significant regulatory information’*

- ‘An appropriate and scientifically-rigorous peer review’
 - Excludes articles in scientific journals even if the journal’s criteria are incompatible with IQG
 - For other information, OMB offers no criteria for what’s ‘appropriate’ or ‘scientifically rigorous’
- What does § 2 actually require?

What Would the OMB Bulletin Require?

§3, *‘Especially significant regulatory information’*

1. Selection criteria
2. Charge
3. Information access
4. Public comment
5. Reporting
6. Consultation with OIRA and OSTP
7. Certification of compliance in administrative record

1. Selection Criteria

- Scientific or technical expertise (not affiliation)
- Independence from the sponsor
- Absence of real or perceived conflicts of interest
 - i. Financial interests in the matter at issue
 - ii. Advocated a position on the *specific* matter at issue
 - iii. Currently receiving or seeking substantial funding from the sponsor (‘ coincidence of interest ’)
 - iv. Conducted multiple peer reviews for the same sponsor in recent years, or has conducted a peer review for the same sponsor on the same *specific* matter in recent years

2. Charge to Reviewers

- ‘Explicit, written charge’
- ‘Appropriately broad and specific to facilitate a probing, meaningful critique of the agency’s work product’
- Reviewers to ‘apply the standards’ of the IGQs
 - Reviewers are not expert in IQGs. Who educates them?
 - Is data quality a new and separate area of expertise?
- ‘Review scientific and technical matters, leaving policy determinations for the agency’
 - Interpretation #1: No policy in work product under review.
 - Interpretation #2: Reviewers must take agency policies as given.

Can Policy Be Removed?

- Most significant element of Section 3. Why?
 - Removing policy reduces need to protect against COI.
 - Removing policy reduces value of and capacity for agency abuse.
- Can it be done? Yes.
 - UNMC Perchlorate State of the Science Symposium (PS³)
 - Focused on underlying science, not adequacy of derivative risk assessment documents (which are laden with embedded policy).
 - Earlier performance of compliant peer review could have prevented current political controversies.
- Will it be done? Not by the authoring agency.
 - Early peer review is contrary to authoring agency's interests.
 - Others must sponsor peer review, do so early, follow PS³ model.

What Will It Take for OMB's Peer Review Bulletin to Actually Work?

- Do not rely on authoring agency to comply.
 - Authoring agency have little incentive to adhere to OMB standards.
 - No sanctions are imposed for agency noncompliance.
 - Bulletin will intensify agency incentives to manipulate peer review.
- Bulletin's effectiveness depends on whether agency opponents and competitors become peer review sponsors.
 - Opponents have strong incentives to adhere to OMB standards.
 - Authoring agency can dismiss undesirable data for not satisfying peer review criteria.
 - IQG continues to implicitly favor the use of low quality data.
 - Adhering to OMB criteria forces OMB to defend them.