

**OMB's Information Quality Requirements
Governing BOEM Peer Review--
Prepared by The Center for Regulatory Effectiveness ("CRE")
www.thecre.com**

On July 11-12, the National Academy of Sciences' ("NAS") Committee on Offshore Science and Assessment will meet. During this meeting, the Committee will be briefed on peer review by the U.S. Bureau of Ocean Energy Management ("BOEM"). The current agenda for this meeting does not mention the Office of Management and Budget's ("OMB") Information Quality Bulletin for Peer Review ("Peer Review Bulletin"). Peer review at BOEM and at most other federal agencies must comply with the OMB Peer Review Bulletin.¹ CRE hopes that this introduction to these OMB Data quality requirements will prove useful to the Committee. We note that they have already been discussed in previous NAS reports.

OMB's Peer Review Bulletin incorporates the National Academy of Science's peer reviewer selection policies, and imposes other peer review requirements that will not be discussed in detail here, except to quote OMB's explanation that its

"Peer Review Bulletin establishes that important scientific information shall be peer reviewed by qualified specialists before it is disseminated by the federal government....The purpose of the Bulletin is to enhance the quality and credibility of the government's scientific information. We [OMB] recognize that different types of peer review are appropriate for different types of information. Under this Bulletin, agencies are granted broad discretion to weigh the benefits and costs of using a particular peer review mechanism for a specific information product. The selection of an appropriate peer review mechanism for scientific information is left to the agency's discretion. Various types of information are exempted from the requirements of this Bulletin, including time-sensitive health and safety determinations, in order to ensure that peer review does not unduly delay the release of urgent findings.

This Bulletin also applies stricter minimum requirements for the peer review of highly influential scientific assessments, which are a subset of influential scientific information. A scientific assessment is an evaluation of a body of scientific or technical knowledge that typically synthesizes multiple factual inputs, data, models, assumptions, and/or applies best professional judgment to bridge uncertainties in the available information. To ensure that the Bulletin is not too costly or rigid, these requirements for more intensive peer review apply only

¹ The current meeting agenda is available online at <http://nas-sites.org/cosa/files/2016/07/COSA-Meeting-July-2016-Cmte-Agenda-version-July-1.pdf>
OMB's Peer Review Bulletin is available at <https://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf>.

to the more important scientific assessments disseminated by the federal government.

Even for these highly influential scientific assessments, the Bulletin leaves significant discretion to the agency formulating the peer review plan. In general, an agency conducting a peer review of a highly influential scientific assessment must ensure that the peer review process is transparent by making available to the public the written charge to the peer reviewers, the peer reviewers' names, the peer reviewers' report(s), and the agency's response to the peer reviewers' report(s). The agency selecting peer reviewers must ensure that the reviewers possess the necessary expertise. In addition, the agency must address reviewers' potential conflicts of interest (including those stemming from ties to regulated businesses and other stakeholders) and independence from the agency. This Bulletin requires agencies to adopt or adapt the committee selection policies employed by the National Academy of Sciences (NAS) when selecting peer reviewers who are not government employees. Those that are government employees are subject to federal ethics requirements. The use of a transparent process, coupled with the selection of qualified and independent peer reviewers, should improve the quality of government science while promoting public confidence in the integrity of the government's scientific products."²

The Peer Review Bulletin is published in part pursuant to OMB's government-wide authority under the federal Information Quality Act "IQA"). Two NAS reports have already explained OMB's IQA authority over BOEM and other federal agencies. For example, during its review of EPA's regulatory use of models, the NAS explained:

"It is important that EPA institute best practice standards for the evaluation of regulatory models. Best evaluation practices may be much easier for EPA to implement if its resulting rigorous life-cycle evaluation process is perceived as satisfying regulatory requirements, such as those of the Information Quality Act. However, for an evaluation process to meet the spirit and intent of the Information Quality Act, EPA's evaluation process must include a mechanism for any person to submit information or corrections to a model. Rather than requiring a response within 60 days, as the Information Quality Act does, the evaluation process would involve consideration of that information and response at the appropriate time in the model evaluation process"

"In addition, the executive branch has been interested in the quality of information and peer review practices used by federal agencies, including EPA. One set of guidelines developed by OMB is Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (OMB 2001). These guidelines, which were mandated by the Information Quality Act (IQA) (Treasury and General

² Pages 2-3, at

<https://www.whitehouse.gov/sites/default/files/omb/memoranda/fy2005/m05-03.pdf>.

Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554, § 515, 114 Stat. 2763 [2000]), called for agencies to issue information-quality guidelines to ensure the quality, objectivity, utility, and integrity of information. Recognizing the critical roles that models have in developing information, EPA has developed its own guidelines for data use to ensure that the models used in regulatory proceedings are objective, transparent, and reproducible (EPA 2002a).”

“A second, more recent opportunity for external challenge to model use in the regulatory process is through the Information Quality Act (Treasury and General Government Appropriations Act for Fiscal Year 2001, Pub. L. No. 106-554, § 515, 114 Stat. 2763 [2000]), which is implemented through OMB’s Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by Federal Agencies (OMB 2001). Some of challenges under the Information Quality Act result from EPA’s occasional ad hoc approach to developing and using models. This statutory provision allows any interested person to file ‘requests for correction’ on ‘information’ that is ‘unreliable’ or lacks other qualities, such as objectivity or integrity.”³

OMB’s IQA Guidelines are not limited to models. These data quality requirements apply to most information that is publicly disseminated by federal agencies. The NAS explains in a subsequent report that

“all federal agencies are expected to comply with the Office of Management and Budget (OMB) guidelines on objectivity, utility, and integrity of disseminated information. OMB (67 Fed. Reg. 8452 [2002]) describes those attributes as follows:

‘Objectivity’ focuses on the extent to which information is presented in an accurate, clear, complete and unbiased manner; and, as a matter of substance, the extent to which the information is accurate, reliable and unbiased.

‘Utility’ refers to the usefulness of the information to the intended users. ‘Integrity’ refers to security, such as the protection of information from unauthorized access or revision, to ensure the information is not compromised through corruption or falsification.

The Services and EPA (EPA 2002; FWS 2007) have separately published information quality guidelines (IQGs) that follow closely the government-wide OMB guidelines. Similar basic principles for achieving a scientifically credible assessment are prescribed in the IQGs from the agencies; the agencies are committed to ensuring the quality of evaluations and the transparency of information from external sources used in their disseminated assessments and actions (EPA 2003; NMFS 2005). They also recognize that a high level of

³ *Models in Environmental Regulatory Decision Making* (NAS 2007), pages 12-13, 68-69, 78-79, and 167, at http://www.nap.edu/download.php?record_id=11972# (footnotes omitted).

transparency and scrutiny is needed for influential information that is expected to have a substantial effect on policies and decisions (EPA 2002; NMFS 2004; FWS 2007).”⁴

⁴ *Assessing Risks to Endangered and Threatened Species from Pesticides* (NAS 2013), page 41, at <http://www.nap.edu/download/18344> .