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AT URBANA-CHAMPAIGN

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August 13, 2001

Ms. Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
Washington D.C. 20503.

Subject: Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated By Federal Agencies. (66 FR 34489)

Dear Ms. Dickson:

As Research Officer for the University of Illinois at Urbana-Champaign, I am writing to you to offer my perspective on the proposed guidelines contained in 66 FR 34489. While I welcome OMB's statement that the agencies should adopt common sense systems that minimize the burden of implementation by relying as much as possible on established agency procedures and processes, I have a number of concerns about the impact of the proposed guidelines on the national research community. There is danger that the guidelines may actually discourage the dissemination of qualified research information and reduce its benefit to the public. I urge you to revise the guidelines and solicit further comments prior to their final publication. Below I have made some recommendations on specific aspects of the guidelines.

Standards for accurate and unbiased information: The peer review process sets the highest standards for quality, objectivity, utility and integrity. OMB should urge that all federal agencies accept the peer review process as equivalent to or prior validation of quality standards. If the reference to scientific research information under V.B.ii.(a) of the guidelines is to remain, it should be rephrased to state that "With respect to scientific information, the peer review process meets the standard for independent verification." For other, non-peer-reviewed information, OMB should direct agencies to develop useable criteria for independent analysis, taking into consideration the cost effectiveness and the adverse impact on the public likely to result from delays in information dissemination. #

Some scientific research information provided by universities to federal agencies is preliminary in nature. Such information should not be subject to challenges, as correction or verification will be a part of the ongoing research process.

Protection of confidential information: The proposed guidelines lack assurance that research based on confidential business information or confidential personal information will be protected from disclosure.

Utility of information: For scientific information, the potential utility is often unknown at the early stage, subject to further research, and ongoing verification. The test for scientific research should therefore not be utility, but rather whether the information is complete and accurate in all material respects. Whenever agencies elect to use scientific information in their information dissemination, the guiding principle should be that information is presented in its proper context. Scientific judgment must be recognized and mandated as an essential component of dissemination decisions.

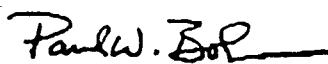
Claims by affected persons: The statute grants "affected persons" not only access to information but also an opportunity to have information corrected. However, the proposed guidance does not offer a definition of "affected person." It is essential that objective criteria, including a direct, measurable impact with significant personal consequences, be established for determining who is an affected person. Otherwise, agencies and the scientists upon whose research the agency information is based may be inundated with or harassed by claims for correction. OMB should also direct agencies to take into account that requests for the correction of information may be motivated by bad faith.

Cost: The OMB guidelines as written do not provide sufficient discussion to guide agencies in anticipating the cost of independent analysis of underlying data and to balance those considerations against the cost of depriving the public of information from which it may derive multiple benefits. Further, there is no discussion of the cost that may result from abuse of the new agency information processes as a result of claims from affected persons. OMB should consider guidance on how agencies may protect themselves and the public in this regard.

In conclusion, I am concerned that guidance for maximizing standards of excellence in information dissemination, a goal to which the university research community is committed in conducting research, has not yet been appropriately formulated by OMB. For all the reasons cited above, I urge OMB to revise its proposed guidance in accordance with these comments and republish the revised guidance as a draft for public comment. In doing so, OMB should state explicitly that the statute cannot be interpreted by agencies to place additional burdens on the scientific community, either directly or by requiring procedures that would result in substantial delays for publication or that would impose a process that would divert funds from research support.

Thank you for the opportunity to comment on these proposed guidelines. Please let me know if I can provide any additional information or assistance.

Sincerely,



Paul W. Bohn
Interim Vice Chancellor for Research