



Boston College
Office of Research Administration

August 13, 2001

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

RE: Proposed Guidelines for Enduring and Maximizing the Quality, Utility, and Integrity of Information Disseminated by Federal Agencies (66 FR 34489)

Dear Ms. Dickson

I am writing to offer Boston College's perspective on the referenced proposed guidelines. While the guidelines would apply directly to federal agencies, they could be indirectly applied to data and information produced by university faculty members as well. We believe there are certain aspects of the proposed guidelines that would be harmful to university research and the partnership universities and federal agencies endeavor to maintain.

We support the concept of creating a federal system of information dissemination that would reduce administrative burden on federal agencies. This would best be accomplished by recognizing the policies and procedures established by the agencies to best govern their own efforts. Applying this system to universities, however, carries with it the potential for significantly impinging upon the research programs that provide federal agencies with a tremendous amount of the information upon which they rely in carrying out their missions.

Particular Concerns:

Independent Analysis of Scientific Information. The research performed at universities is subject to peer review at the proposal stage and/or when information resulting from the conduct of the work is published. Requiring an additional "independent analysis of the underlying data" would add additional costs, impose delays in the continuing work, and, depending on how agencies implement the guidelines, they could impose unacceptable publication delays or restrictions. Rather than facilitate the efforts of federal agencies, independent analyses of scientific information would impede their work by delaying the delivery of research findings and reports. We urge OMB to make the peer review process the standard that would satisfy the prescription for independent analysis. We also suggest that OMB perform an analysis of the financial burden resulting from the performance of the proposed independent analyses.

2. *Utility of Information.* The results of basic or even applied research are unlikely to meet the standard of utility as defined in the proposed guidelines. The results of this work are more often than not at a stage requiring additional, continuing, and confirmatory work. The proposed guidelines state that the information must be "...useful to all users of the information, including the public." Attempting to make scientific information resulting from university research projects meet this standard would be an impossible task, if only because it is contradictory to the very nature of the information. As noted previously, research findings produced by universities are at such an early stage in the process that it is highly unlikely "all users" would find it "useful." We suggest that OMB amend the guidelines to state that each agency should determine the usefulness of information based upon whether it is consistent with and helps fulfill the agency's mission.

3. *Claims by Affected Persons.* We are very concerned about overwhelming numbers of claims being made against universities and their faculty under this provision. OMB offers no definition of an “affected person”, this making the potential for harm extremely broad. This is particularly relevant to “affected persons” making claims that information be corrected. Since information and data resulting from research projects is preliminary in nature, there needs to be some protection inserted in the guidelines to protect agencies and the performers of research against claims that research data be “corrected.” First, “affected persons” needs to be defined, hopefully in a narrow manner such that only those directly affected are included. Second, we believe it is advisable that OMB limit the applicability of requested to changes to data and information used by agencies in developing policies. or rulemaking.
4. *Applying the Guidelines to Opinion.* Consistent with the preliminary nature of research findings reported to the government by researchers, opinions and narrative findings are also by definition preliminary. Allowing “affected persons” to claim that opinions be amended or corrected carries with it the potential that researchers would be reluctant to venture opinions that could be controversial or unconventional. Innovative research requires individuals to make exploratory propositions and often results in opinions that may or may not hold up as the research continues. We urge OMB to revisit this provision and consider exempting “opinion” from the coverage of these guidelines.

Boston College appreciates the opportunity to review and offer our comments on the proposed guidelines.

Sincerely,

Stephen Erickson, Ph.D.
Director