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Scientists' Objections to Data Rule Are Unfounded

In December, Congress passed a law requiring the Office of Management and Budget to set minimum thresholds on the quality of information disseminated by the federal government. The law also requires OMB to allow corrections so any citizen can request a change in the data disseminated if they think it is inaccurate.

Each agency is given substantial flexibility in implementing the law, in that the law allows the agency to write its own guidance to implement OMB guidance, now in the draft stage and due for completion by Sept. 30.

The purpose of the conforming guidance is to allow each agency to tailor its data-quality program to the intricacies specific to that agency's programs.

Why, then, is there an outpouring of opposition from the scientific community to this statute?

The scientific community's criticisms center on the requirement that data must be reproducible.

In other words, what this requirement states is that

scientists other than the ones who performed a specific analysis could examine the same data and would arrive at the same scientific conclusions.

The scientific community claims this is an unreasonable burden, would take considerable resources to perform and undermines peer review.

Let us discuss these concerns. First, the regulatory landscape is replete with requirements that agencies must meet with respect to data before it is used in rule-making.

For example, often an agency has to conclude that the benefits of a rule exceed costs.

In other instances, an agency must demonstrate that it has chosen the least costly alternative. In still other instances, an agency must inform the public of the resulting paperwork burden.

It is clear that these standards embody a standard of care that must be exercised in developing a rule and that their existence allows for subsequent review of the rule by a third party — not a reproduc-

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tion at the time the initial work is produced. The end result is that the rule could be modified if the standard of care is not met.

Consequently, there is no intent, either in the current regulatory requirements or the new ones imposed by the new data-quality statute, to require such duplicative efforts.

Next is the issue of peer review. Although the concept of peer review is embedded in the scientific community and is of immense help in improving the quality of information disseminated by the federal government, peer review in itself is a necessary, but not sufficient, condition for dissemination of information by the

government.

There are several reasons for this insufficiency. The most important reason is that peer review is done in the back room, outside of the public's input.

Often, journals send articles for review to scientists who provide no publicly identifiable input, whose names often are not released publicly by the journals and who seldom have to disclose conflicts of interest.

In addition, peer-review standards for different journals vary substantially, as does the scientific community's acceptance of those journals.

I would not want to suggest that the federal government implement accreditation standards for the peer-review process.

Consequently, where one wants acceptance of one's work not only by a recognized journal, but also by the U.S. government, then such work should be held to a standard higher than that employed by mere publication in a journal, regardless of its level of acceptability in the scientific

community.

One may remember that when data-access legislation was enacted several years ago, the same members of the scientific community who are currently arguing against data-quality standards argued that data access would bring scientific research to a screeching halt.

The simple fact is that not only has that not been the case, but the single greatest group of beneficiaries of the data-access legislation is one group of scientists attempting to get access to the works of others.

The true need and purpose behind this legislation is not to stifle the scientific community.

The need behind it is to limit gross inaccuracies that can and have occurred when the federal government is left unchecked — as it has been for more than 200 years — in the data it disseminates to its citizens.

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