

UNIVERSITY OF
ROCHESTER

Charles E. Phelps
Provost

August 9, 2001

Brooke Dickson
Office of Information and Regulatory Affairs
Office of Management and Budget
New Executive Office Building
725 17th Street NW, Room 10236
Washington, DC 20503

Dear Ms. Dickson:

This letter provides the University of Rochester's comments on the "*Proposed Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility and Integrity of Information Disseminated by Federal Agencies*" published in the Federal Register on June 28, 2001.

The federal government should seek the highest quality in the information that it disseminates to the general public. We urge that you consider the negative consequences of creating a system of controls for scientific information that differs from the established principles of peer review and existing regulation. It is not evident from the definitions offered in the Federal Register notice that faculty research results are excluded from the guidelines. As noted in the "*Underlying Principles*", OMB seeks to implement the proposed guidelines in a common sense and workable manner. OMB should also consider the significant negative impact that the proposed guidelines may have on the university scientific research community.

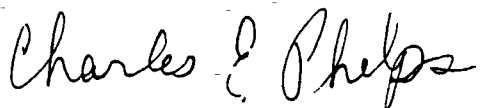
The most effective way for agencies to implement this statute is to recognize and enforce the traditional peer review mechanisms as the basis for accepting scientific or research information. Determinations of scientific utility or usefulness can not be determined by agencies' chief information officers; the scientific community must be involved as provided in current agency reviews of scientific information.

We are quite concerned with agency mechanisms that may be established to allow affected persons to seek and obtain correction of information. The proposed guidance does not offer a definition of "affected person". As the proposed guidelines currently read, special interest groups or others could easily attempt to discredit dedicated research efforts due to a bias against the conclusions of the work. We agree with AAU that, at a minimum, "affected persons" should not be permitted to challenge the substance of information without demonstrating the scientific basis of such a challenge. We remind you that the most recent revision of OMB Circular A-110 has already provided for access to some research data in conjunction with federal agency action that has the force and effect of law.

We also urge that paragraph V.ii.a ("With respect to scientific research information, the results be substantially reproducible upon independent analysis of the underlying data") be deleted. This standard would be extremely harmful to research involving human subjects or proprietary information. Not only would this requirement deter scientists from collaborating in federally funded work, it may interfere with the publication and utilization of research results. The cost impact to federal agencies would be enormous.

The proposed guidelines are confusing and unclear with respect to their impact on university research data. We ask the OMB to clarify that these guidelines should not be interpreted by agencies to place additional burdens on the scientific community, and we request that OMB specifically eliminate the section that deals with scientific information. The federal government and public at large will be best served by this clarification.

Sincerely



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