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From: on behalf of Katie Sheehan
Sent: Tuesday, March 17, 2009 12:01 AM
To: FN-OMB-OIRA-Submission
Subject: comments on review process

To: US Office of Management and Budget

First, I would like to commend the new administration for taking initiative to review the process of regulatory review. I believe that there are several ways that this process could be streamlined and improved to benefit the both public and industry. Redundancies could be eliminated, standards could be set for what is considered best-available research, and guidelines for use of cost-benefit analysis could be developed. Finally, in order to gain the most benefits in terms of public health, social and environmental justice should be considered in policy-making.

Redundancies in the system not only slow the process down, but waste agency funds and resources. An example of this is the Environmental Protection Agency and National Academy of Sciences review of the drinking water contaminant, perchlorate (a contaminant from rocket fuel). In the early 2000s, because of a request by the Dept. of Defense (the polluter), both agencies spent time and money reviewing scientific research, only to come up with similar acceptable levels. However, because the debate was taken out of the hands of the EPA and sent to NAS, efforts were duplicated, and money and time was wasted. While there is sometimes a legitimate need for second opinions, priority should be given to the expertise of the agency originally charged with making the final policy decision. There should be an outlined process to justify the need for creating redundancies in the system.

A focus on the best-available science should also be a cornerstone of all federal policy. While this is specifically written into some legislation, such as the Safe Drinking Water Act, it is clearly absent in other policies, such as the Clean Air Act. Standards should be set forth dictating what is considered best-available scientific research. Namely, peer-reviewed studies, with no financial or other conflicts of interest. When this type of research is not available or does not exist, other research, such as government, non-peer-reviewed research may be acceptable. Specifying the gold standard for policy decisions will help bring forth the most productive results.

Cost-benefit analyses may also play a role in policy decisions, however should not be relied on too heavily because of their inherent weaknesses. Cost-benefit analyses are not uniformly employed in environmental policy. Some policies, such as the Safe Drinking Water Act require one, while the Clean Air Act specifically requires that one not be considered, and many don't state anything at all. The primary disadvantage to cost-benefit analyses is the need to analyze everything in terms of dollars. There are many things that cannot easily be put into these terms, especially outcomes related to health. In the example of perchlorate, where a cost-benefit analysis would be required under the Safe Drinking Water Act, outcomes such as decreased IQ in children would have to be quantified and assigned a dollar amount. Another disadvantage to cost-benefit analyses is that the accuracy of them depends on the methods used and the scope of the analysis. The cost-benefit analysis is not necessarily a reliable tool, and the margin of error can be extremely high. This type of analysis may be useful, but not in isolation and only so long as its limitations are recognized.

Thank you for your consideration,

Katie Sheehan

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