

**Echols, Mabel E.**

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**From:** Maria Schriver  
**Sent:** Tuesday, March 31, 2009 2:22 PM  
**To:** FN-OMB-OIRA-Submission  
**Subject:** Comments on Federal Register 74(37) p 8819 notice (Regulatory Review and Oversight)

The goals of regulatory review by the OIRA, as stated in the Federal Register notice, are very important. The danger is that, in an effort to align regulations with the political goals of the administration, the science behind regulations has been ignored in some previous cases, to the detriment of the public good. The OIRA should be more responsive to the work and values of career scientists at the agencies. There should be more respect for the fact that these individuals are hired as experts in their field, and are the government employees most qualified to make scientific recommendations on air quality, public health, and other science-based issues.

OIRA should not have the general role of checking science or challenging scientific conclusions made by staff scientists at EPA or other agencies. If they are unconvinced by the report accompanying a regulation, the first step should be to ask the agency for clarification. Asking an outside agency for a "second opinion" should be a rarely, if ever, used option. The experts on the issue are at the agency that created the original regulation. When a "second opinion" is sought, for example in the handling of the public health goals for perchlorate, staff scientists are undermined. Not only is it a waste of taxpayer money to ignore the hard work of government employees, but it is also degrading to the EPA or other agency employees that made the original recommendation. If scientists at an agency feel that their expert opinions are not being acknowledged and respected, morale will drop and their personal motivation to work for the good of the public will wane.

Review by the OIRA should have the purpose of ensuring consistency with presidential priorities, but also of ensuring that regulations are not unduly influenced by presidential priorities to the detriment of the scientific basis for them. An agency should approve any changes made by OIRA to their draft regulations before they are final. There should be provisions to prevent the agency from feeling political pressure to accept changes if the staff at the agency do not agree with them. Perhaps a liaison or ombudsman position with special tenure could allow complaints or disagreements to be aired without individual scientists feeling threatened. Additionally, leadership at the OIRA should be reviewed not only by the president, but by career-level (as opposed to political level) leaders at the agencies, and the results of these reviews should be made public as an aggregate, without individual staff member's names attached. Agency staff are appointed, rather than elected, with the intent to insulate them from undue political pressure and allow them to execute the laws as written and in the interest of the public. OIRA review should not be allowed to become a link between agency rulemaking and political agendas.

The public should be engaged in the rulemaking and review process both as contributors to final rules and as evaluators of the entire process. Public comment on the final rule as reviewed by the OIRA should be solicited in the federal register. The agency and the OIRA should share the burden of responding to comments. Comments on issues that produced any disagreement between the agency and OIRA should be looked at as an opportunity to settle the disagreement in the interest of the public. Original (pre-review) regulatory recommendations should be made public along with the final form that appears in the federal register for comment. No one (including lobbyists or business leaders) should have access to the regulator recommendations that are being reviewed by OIRA. That would allow them to influence OIRA's decisions, which should be based on the evidence and their understanding of public good.

-Maria Schriver, Berkeley, CA