



By Carolyn Raffensperger

Why Industry Wants Rules Peer Reviewed

David Brooks, the conservative columnist for the *New York Times*, reflected on the CIA intelligence debacle over Iraq. He said, "When it comes to understanding the world's thugs and menaces, I'd trust the first 40 names in James Carville's PDA faster than I'd trust a conference-load of game theorists or risk-assessment officers. . . ."

"Most of all, I'd trust individuals over organizations. Individuals can use intuition, experience, and a feel for the landscape of reality. When you read an individual's essay, you know you're reading one person's best guess, not a falsely authoritative scientific finding."

John Graham at the White House Office of Management and Budget would be well advised to consider Brooks's analysis as he moves forward with a proposed rule which he says is "a major priority for this administration." In Graham's proposal, no risk assessment or other "significant regulatory information" could be used or produced by a U.S. agency nor released until it has undergone formal peer review of the kind OMB would prescribe. Peer review, according to Graham, "improves the technical quality of information products."

This formal peer review proposal is designed to delay rules and regulations that might affect business. It is designed to require science to prove harm beyond a shadow of a doubt before anything can be done by government to prevent it. It does so by giving cover to industry activities which haven't been tested and which industry doesn't want to test.

Take mad cow disease. The United States hasn't been testing many cattle

and the ones that were tested were selected to miss mad cow. The cow that tested positive in December was a fluke. It showed no signs of a neurological disease and was presumed to be crippled because she had just given birth — cattlemen know that cows frequently damage a nerve when calving and can't get back up. The U.S. Department of Agriculture and the cattle industry had set up a testing protocol that studiously avoided any cattle that might really have the disease.

Graham's peer review program would long ago have made sure that USDA didn't waste any more valuable resources on testing because "sound science" had demonstrated that mad cow wasn't a threat in the United States. The National Cattlemen's Beef Association endorses the peer review proposal.

The chemical industry is following suit. In the absence of testing there is no science for government peer reviews or for judicial proceedings. So, they are refusing to test their chemicals and then arguing that any regulation be based on "sound science." They of course object to the Precautionary Principle because it requires that the proponent of a technology have the burden of proof. That is, the chemical industry has an obligation to test their chemicals, disclose information to the public, replace dangerous chemicals with safer alternatives, and pay for damage.

Leading scientists and former agency officials find OMB's proposal suspect. In November the American Public Health Association opposed the proposal, noting that "public-health decisions must be made in the absence of scientific certainty, or in the absence of perfect information." APHA has asked OMB to withdraw the proposal because of its negative impact on public health and environmental regulation.

We do need peer review for sustainability — an entirely different goal than Graham's goal of peer review for "technical information product quality." Peer review for sustainability would evaluate the weight of the evidence, *not* evaluate exact proof of causation. The U.S.-Canada International Joint Commission determined that when scientists examined all the evidence together they could see emerging patterns in persistent organic pollutants and wildlife damage in

the Great Lakes. They did not need to wait until they had every microstep for causation nailed down.

Peer reviewers would be defined broadly and include cross-disciplinary and multi-disciplinary scientists. Are there evolutionary biologists, physicians, and physiologists, experts in a broad range of disciplines with a wide array of experience?

Peer reviewers would evaluate broad scientific principles, not just data points, confidence levels, and statistics. For instance, scientists would ask, "Did humanity evolve with this practice?" rather than, "Do we have any evidence that absolutely proves harm and addresses each of the six Hill criteria for causation of disease?" Asking such questions will lead to scientific principles like "feed herbivores (such as cows) grasses and plants, not each other."

Peer review for sustainability would require all public health and environmental agencies to take seriously minority view science. In most cases research into environmental health science emerges slowly. The first people to discover that asbestos causes lung disease, or some pesticides are linked to Parkinson's, are generally dismissed because cause and effect have not been proven. In Europe, because of their history with mad cow and other public health matters, they listen carefully to emerging evidence.

And finally no peer reviewer should have any financial conflicts of interest or have done research for a company with a financial interest in the outcome.

Brooks says in his oped, "If you read C.I.A. literature today, you can still see scientism in full bloom. The tone is cold, formal, depersonalized and laden with jargon. You can sense how the technocratic process has factored out all those insights that may be the product of an individual's intuition and imagination." He calls this "false scientism." Graham's peer review proposal smacks of false scientism. It will lead to an intelligence failure in human health and the environment no less egregious than the war in Iraq.

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