

OSHA RESPONSE TO AMERICAN CHEMISTRY COUNCIL CRYSTALLINE SILICA PANEL COMMENT TO OMB ON OSHA CONFLICT OF INTEREST AND DISCLOSURE FORM

In a letter to OMB dated February 14, 2007, the American Chemistry Council Crystalline Silica Panel (“the Panel”) commented on “...Question 6 on OSHA’s [Conflict of Interest and Disclosure] Form, which asks whether the prospective peer reviewer has ‘made any public statements or taken public positions on, or closely related to, the subject chemical, agent, or topic under review.’” The Panel comments: “The Panel believes that question should encompass public statements and positions not only of the prospective peer reviewer, but also of any organization or group with which he or she is (or has been) closely identified or associated.” Other comments of the Panel are not relevant to the Conflict of Interest and Disclosure Form and will not be addressed further here.

OSHA has considered this comment but has concluded that Question 6 should remain unchanged. We have reached this conclusion based on several factors. First, it seems unreasonable for an individual to be held accountable for the positions taken by any organization of which they may be a member. For example, suppose an individual is a member of a large and very diverse professional organization such as the American Public Health Association (approximately 13,000 members). Many public positions are taken by such an organization that an individual member probably had no role in developing and with which the individual may or may not agree. Information concerning the possibility of an association by an individual member with a position taken by a membership organization should be revealed in response to another more general “catch-all” type question on the OSHA form. The question states: “To the best of your knowledge and belief, is there any other information that might reasonably raise a question about actual or potential personal conflict of interest or bias. (See Appendix A for factors to be considered in considering whether you have an actual or potential bias or conflict of interest.)?” Appendix A addresses this issue when it asks the potential peer reviewer to consider, when answering questions on “other interests” on the form, whether “you have any existing professional obligations (e.g., as an officer of a scientific or engineering society) that effectively require you to publicly defend a previously established position on an issue that is relevant to the functions to be performed in this activity.”

In summary, OSHA believes that the specific concerns of the Panel about Question 6 will be addressed by having the potential peer reviewers answer the general question and consider the factors described in Appendix A. Therefore, OSHA has concluded that Question 6 should remain unchanged.

In their letter, the Panel also requests that, for the peer review of the draft crystalline silica health and risk assessment, OSHA solicit nominations for peer reviewers from the public and permit the public to make presentations to the peer review panel during the public meeting. Since these points do not directly relate to this clearance request, OSHA is not responding to these comments.

