

## SUPPORTING STATEMENT

### **Conflict of Interest Disclosure for Nonfederal Government Individuals Who Are Candidates to Conduct Peer Reviews Required by the OMB Peer Review Bulletin**

OMB CONTROL NO. 0648-xxxx

#### **A. JUSTIFICATION**

##### **1. Explain the circumstances that make the collection of information necessary.**

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents: [OMB's Final Information Quality Bulletin for Peer Review](#) ("Peer Review Bulletin" or PRB) establishes minimum peer review standards for influential scientific information that federal agencies intend to disseminate. The PRB also directs federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not federal government employees (federal employees are subject to federal ethics requirements which address conflict of interest). For peer review purposes, the term "conflict of interest" means any financial or other interest which conflicts with the service of the individual because it could: (1) significantly impair the individual's objectivity; or (2) create an unfair competitive advantage for any person or organization.

NOAA has adapted the NAS policy and developed two confidential conflict of interest disclosure forms which the agency will use to examine prospective reviewers' potential financial conflicts and other interests that could impair objectivity or create an unfair advantage. One form is for peer reviewers of studies related to government regulation and the other form is for peer reviewers of any other influential scientific information subject to the Peer Review Bulletin. The forms include questions about employment as well as investment and property interests and research funding. Both forms also require the submission of a curriculum vitae (CV).

##### **2. Explain how, by whom, how frequently, and for what purpose the information will be used. If the information collected will be disseminated to the public or used to support information that will be disseminated to the public, then explain how the collection complies with all applicable Information Quality Guidelines.**

NOAA is seeking to collect this information from potential peer reviewers (non-government employees) when conducting a peer review pursuant to the PRB. The number of peer reviews conducted pursuant to the PRB each year will vary, but for illustrative purposes, NOAA currently has forty-five peer review plans posted on its Peer Review Agenda, indicating that forty-five agency products were recently completed, are presently undergoing, or are planning to begin peer review. The information collected in the conflict of interest disclosure is essential to NOAA's compliance with the OMB PRB, and helps to ensure that government studies are reviewed by independent, impartial peer reviewers.

As explained in the preceding paragraphs, the information gathered has utility. NOAA will retain control over the information and safeguard it from improper access, modification, and destruction, consistent with NOAA standards for confidentiality, privacy, and electronic information. See response #10 of this Supporting Statement for more information on confidentiality and privacy. The information collection is designed to yield data that meet all applicable information quality guidelines. Although the information collected is not expected to be disseminated directly to the public, results may be used in scientific, management, technical or general informational publications. Should NOAA be required to release any of the information, it will be subject to the quality control measures and pre-dissemination review pursuant to Section 515 of Public Law 106-554.

**3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.**

The conflict of interest forms will be available in Word or PDF formats, downloadable from the NOAA CIO's website. Both formats will allow the user to electronically complete and sign the form, then email it and his/her CV to the NOAA office conducting the peer review.

**4. Describe efforts to identify duplication.**

This information collection is specifically required by OMB's Peer Review Bulletin. Each potential peer reviewer is asked to disclose any potential conflicts with regard to a given study. NOAA will not ask that the potential reviewer complete more than one conflict form per study.

**5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.**

The information collection involves individuals. The forms can be completed electronically, reducing the time required to complete the task. Additionally, potential peer reviewers will be directed to provide a copy of their CV which will be used in conjunction with the disclosure form to evaluate the potential for conflicts of interest, thus reducing the burden on potential reviewers who would otherwise be required to duplicate information already available from their CVs concerning organizational affiliations, government service and research support relevant to the peer review panel on which they are being asked to serve.

**6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.**

If the collection is not completed, NOAA would be in violation of OMB's PRB requirements for screening potential peer reviewers for conflicts of interest. Alternatively, the agency would not be able to solicit non-governmental peer reviewers, a practice which would be contrary to the clear intent of the PRB.

**7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.**

None.

**8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.**

A federal register notice was published on December 8, 2006. One comment was received. It alleged systemic conflicts of interest in the commercial fishing industry, NOAA and Congress. The agency believes the allegations are unsubstantiated and lack merit. However, the proposed information collection is designed to identify and prevent conflicts of interest, including financial conflicts of interest in the review of influential scientific information disseminated by the agency.

As OMB has recognized in the PRB, NAS has extensive experience in conducting peer review of government information. The NOAA conflict of interest disclosure forms are adapted from the forms used by NAS. In adapting the NAS forms, changes were kept to the minimum required to apply the NAS standards on conflicts while reducing the burden on potential peer reviewers as much as possible. Therefore, the clarity of instructions, reporting format and data elements to be disclosed are of high quality.

**9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.**

No payment or gift will be made to respondents.

**10. Describe any assurance of confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.**

[NOAA's Policy on Conflicts of Interest for Peer Review subject to the OMB Peer Review Bulletin](#) states that, except as provided for in the Policy, specific conflict of interest information obtained by NOAA – or the entity commissioned by NOAA to manage the peer review process – from: 1) the NOAA conflict of interest disclosure form, 2) amended disclosures, and 3) the public and other sources will be held in confidence by NOAA. Access to such information within NOAA will be limited to those offices whose proper business requires access to that information. Such information will not be released by NOAA, or the entity commissioned by NOAA to manage the peer review process, except with the approval of the individual to whom the information pertains, unless release is required by law. As specified in NOAA's Policy on Conflicts of Interest, the exception to the non-disclosure policy is the public disclosure of the names of reviewers and their organizational affiliations. For peer reviewers of highly influential

scientific assessments, the reviewer's credentials and relevant experience must also be disclosed, as required by the PRB.

**11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.**

There are no questions of this type in the forms. They ask only about financial, investment, property, employment, or research funding interests in the study to be peer reviewed.

**12. Provide an estimate in hours of the burden of the collection of information.**

Estimated Number of Respondents: 300

Estimated Time Per Response: 30 minutes

Estimated Total Annual Burden Hours: 150.

**13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection (excluding the value of the burden hours in #12 above).**

The forms can be downloaded, completed, and signed electronically, and the forms and required attachments can be emailed, so it is not necessary that potential peer reviewers incur printing or postage expenses.

**14. Provide estimates of annualized cost to the Federal government.**

Estimated time for government staff (GS 13) to review each completed conflict of interest form: 30 minutes

Estimated total annual government staff hours: 150 (30 minutes x 300 forms)

Estimated annual cost to federal government (150 hours x \$40.00/hr): \$6,000.00.

**15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.**

This is a new collection.

**16. For collections whose results will be published, outline the plans for tabulation and publication.**

The collection will not be published.

**17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.**

None.

**18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.**

None.

**B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS**

This collection does not employ statistics.