

## **Conflicts of Interest Review Process for Contractor-Managed Peer Reviews Of EPA HISA and ISI Documents <sup>1</sup>**

This process will apply to all future technical documents designated as Influential Scientific Information (ISI) or Highly Influential Scientific Assessment (HISA) where independent peer reviews will be conducted by panels selected and managed by an independent Contractor under contract with EPA. No Contractor is required to comply with this process until it is incorporated into the Contractor's peer review contract and tasking documents, as appropriate.<sup>2</sup>

1. The relevant EPA office will publish a Call for Experts in the Federal Register which will identify the types of disciplinary expertise needed and announce either the availability of the document to be reviewed or publish a brief synopsis of the document and indicate that an announcement of the availability of the document will follow at the time of its release. The Call will be open for a minimum of three weeks. The notice will direct members of the public, stakeholder groups, and other organizations to submit nominations to the Contractor. In addition, experts can nominate themselves. As an alternative to publishing subsequent notices in the Federal Register, this first notice may provide a link to an appropriate website for the public to request automatic announcements of the peer review panel formation process and activities.
2. At the same time, the Contractor will use traditional techniques (e.g., a literature search) to identify additional qualified candidates in the disciplines identified by EPA. The Contractor will screen the nominees submitted as a result of the public Call for Experts to ensure that they have the types of disciplinary expertise listed in the Federal Register notice. The Contractor will use this screening combined with the list of qualified candidates identified by the Contractor through traditional techniques to produce a list of potentially qualified candidates.
3. The Contractor will ask the potentially qualified candidates whether they are interested and available for the date of the peer review panel's meeting. From each person who is interested and available, the Contractor will obtain: (a) a current resume; (b) a completed conflict of interest form containing the information specified by EPA and (c) if not in the resume, a list of his or her pertinent publications during the past two years, with identification of the funding source(s) for

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<sup>1</sup> This process is focused on the rigor of the process for identifying and evaluating actual or potential conflicts of interest and not on how conflicts of interest are to be substantively addressed. Implementation guidance will be developed for this process.

<sup>2</sup> This process does not apply to the National Academy of Sciences.



the work presented in each publication. The Contractor will supplement the information obtained from the candidates by Internet searches and other appropriate methods.

4. Based on the information it obtains or collects, the Contractor will develop an interim list of potential peer review panel members based on: (a) expertise, knowledge and experience of each individual, and (b) a detailed identification, review, and analysis of any potential organizational or personal conflict of interest concerns.
5. EPA will then publish, in the Federal Register (or post on the website identified in the Call for Experts notice); the names, principal affiliations, and Contractor-prepared abbreviated resumes of those on the interim list. The Contractor will solicit public comment for a minimum of three weeks on their candidacy. After the close of the comment period, the Contractor will collect and review the information received from the public.
6. The Contractor will select, after considering information about the candidates received from the public, a proposed final peer review panel based on: (a) expertise, knowledge, and experience of each individual, (b) adherence to the conflict of interest requirements in the contract,<sup>3</sup> and (c) panel balance with respect to the expertise required to conduct the review and the diversity of relevant scientific and technical perspectives.
7. After selecting a proposed final peer review panel, the Contractor will schedule a consultation with the EPA Science Advisor or his/her designee (hereinafter "EPA Science Advisor") and the EPA Contracting Officer managing the contract to review the process used by the Contractor to review organizational or personal conflicts of interests related to the panel, to explain the manner in which the Contractor (and the proposed subcontractor peer reviewers) followed applicable conflicts of interest guidance and requirements, and to identify and provide input on any issues concerning potential conflicts. If a specific potential conflict of interest is identified, the EPA Contracting Officer, in consultation with the EPA Science Advisor, OGC and, as appropriate,

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<sup>3</sup> Among them are requirements established in the contract to: (1) Evaluate and update specific conflict of interest-related financial and professional information related to peer review candidates and their spouses (e.g., assets, liabilities, funding sources for research, employment information, compensated consulting and expert witness activities, and previous public statements related to the chemical or matter under review); (2) Follow guidance articulated in EPA's current Peer Review Handbook and related documents (currently the 2006 Science Policy Council Peer Review Handbook, 3<sup>rd</sup> Edition, and the 2009 Addendum to the Peer Review Handbook) that address identification and resolution of appearances of a loss of impartiality; (3) Certify that the contractor has evaluated each candidate, and that there is no significant evidence to support a finding of an actual or potential conflict of interest, or an appearance of a lack of impartiality; and (4) Report and disclose to EPA the nature of such conflicts or appearances when the certification cannot be made.



with other Agency offices (e.g., program office), will determine whether the Contractor's proposed plan to avoid, mitigate or neutralize the conflict is acceptable and, if not, direct the Contractor to take additional measures as may be required. The Contractor will incorporate these measures into a plan for avoiding, neutralizing or mitigating the conflict of interest and will submit the plan to the EPA Contracting Officer for approval. Once the plan is approved the Contractor will select the final peer review panel and finalize its subcontractor arrangements with the peer reviewers. If at anytime, the Contracting Officer, following consultation with the EPA Science Advisor and OGC, determines that an individual is not qualified to serve due to a conflict of interest that cannot be avoided, neutralized or mitigated, the Contracting Officer will direct the Contractor that the individual is ineligible to serve as a peer reviewer on this specific matter.

8. EPA will publish, in the Federal Register (or post on the website identified in the Call for Experts notice), the subject, date, time and place of each peer review panel meeting at least three weeks before the panel meeting, along with the names of the peer review panel members. This notice will also include the following language: "EPA requests that no individual or organization contact in any way its contractor or the subcontractor panel members regarding the subject of the peer review meeting, send them written materials regarding the subject of the meeting, or make any offers or requests to any of them that appear to be linked to their participation in the peer review. The Contractor shall direct the panel members to report any such contacts to the Contractor, who will take appropriate action in consultation with EPA to ensure the independence and impartiality of the peer review."
9. The Contractor will obtain updated conflicts of interest information from the panel members two weeks prior to each peer review meeting. The Contractor will examine any updated forms and assess whether the individuals are still eligible to serve. The Contractor will notify the EPA Contracting Officer who will consult with the EPA Science Advisor and OGC on any conflict of interest issues. If a specific potential conflict of interest is identified, the EPA Contracting Officer, following consultation with the EPA Science Advisor, OGC, and as appropriate, with other Agency offices (e.g. program office) will determine whether appropriate measures can be taken to avoid, mitigate or neutralize the conflict and, if so, the Contracting Officer will provide those to the Contractor. Should the EPA Contracting Officer, following consultation with the EPA Science Advisor and OGC, determine that an individual is not qualified to serve due to a conflict of interest that cannot be avoided, neutralized or mitigated, the Contracting Officer will direct the Contractor that the individual is ineligible to serve as a peer reviewer on this specific matter. The Contractor will incorporate these measures and directions into a plan for avoiding,



neutralizing or mitigating the conflict of interest and will submit the plan to the EPA Contracting Officer for approval.

10. Members of the panel will review, update if necessary, and re-sign their conflict of interest forms at the start of each peer review meeting. For conflicts issues identified at the start of the meeting, the EPA Contracting Officer will direct the Contractor to implement the appropriate measures or directions immediately. Subsequently, the Contractor will, as soon as practicable, incorporate those measures or directions into a plan for avoiding, neutralizing or mitigating the conflict of interest and submit the plan to the EPA Contracting Officer for his/her approval.
11. As soon as practicable after this process is formally adopted, EPA will provide training and guidance to Contractors working under an existing contract involving peer review panel selections and in future years at the start of each new contract involving peer review panel selections. The training and guidance will cover applicable conflicts of interest guidance and requirements and the appropriate implementation of the process outlined above.

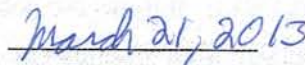
In addition to this specific process for each peer review covered by this policy, EPA will undertake, through the Office of the Science Advisor, and in coordination with the EPA Office of Acquisition Management and, as appropriate, the Office of General Counsel, a periodic review of the conflict of interest forms and other relevant information for individuals selected to serve on Contractor-led peer review panels. The qualifications and diversity of panel members, and the balance of biases on panels, may also be considered during these periodic reviews.

Approved by the Science and Technology Policy Council at its meeting on March 13, 2013.



Glenn Paulson, Ph.D.

Science Advisor



Date