

Reeve and Russell --

I support the general direction of the revisions to the regulatory science project as I understand them. In particular, I agree with broadening the focus beyond the agency "best practices" addressed in the original report. I do also agree that the problem of undisclosed financial support as discussed in the Michaels/Wagner article in *Science* is a real one, and I think that ACUS would be amiss if we were to address improving regulatory science without mentioning it.

One of the strengths of the Wagner/McGarrity book on this subject, Thomas O. McGarity & Wendy E. Wagner, *Bending Science: How Special Interests Corrupt Public Health Research* (Harv. U. Press, 2008), is that it recognizes that the problem of distorting science is not limited to industry, but also may be practiced by other interest groups and even sometimes by agencies themselves.

In a program commenting on the Wagner/McGarrity book shortly after it appeared, I suggested that perhaps regulatory agencies should develop rules of practice to address the issue of disclosure of financial interests by scientists practicing before them. *Bending Science: How Special Interests Corrupt Public Health Research*, Case Western Reserve Center for Business Law and Regulation, October 29, 2008 <http://www.youtube.com/watch?v=rxmfWk2HMI0>  
In the meantime, several other bodies have also made important recommendations for codes of good practices, which I commend to the consultant and the Committee:

*Saving Science from Politics: Nine Essential Reforms of the Legal System*  
By Rena Steinzor, Wendy Wagner, and Matthew Shudtz  
<http://www.progressiveregulation.org/articles/SavingScience805.pdf>

Keystone Center, *Improving the Use of Science in Regulatory Decision-Making: Dealing with Conflict of Interest and Bias in Scientific Advisory Panels, and Improving Systematic Scientific Reviews (The Research Integrity Roundtable Model Practices and Procedures for Improving the Use of Science in Regulatory Decision-Making)* (September 18, 2012), <http://www.keystone.org/images/keystone-center/spp-documents/Health/Research%20Integrity%20Roundtable%20Report.pdf>

I would hope that we might broaden the inquiry to consider some of these needed reforms.

These issues, which Professor Wagner has addressed persuasively in her other work, impress me as even more important than the issues addressed in the earlier report.

**E Donald Elliott**

Professor (adj) of Law  
Yale Law School  
Box 208215  
New Haven CT 06520-8215  
(203) 432-4833  
[e.donald.elliott@yale.edu](mailto:e.donald.elliott@yale.edu)  
<http://ssrn.com/author=881406>