

Reeve -

I am writing about the above report and recommendation that will be considered by the regulation committee this Wednesday because I am unable to attend the meeting or even be available by phone because of a long-scheduled other commitment. Before I give you my thoughts, I want everyone to know that Wendy Wagner is my client in a constitutional challenge to a provision that forbids government contractors (like Wendy because of her ACUS contract) from making any contributions in connection with federal elections. I do not think this representation has any bearing on my views, but I wanted to place it out in the open for all to see.

Wendy's report is one of the most interesting of all those I have read from ACUS consultants over the years. She has done an enormous amount of on the ground research and she lays out how very differently five different programs (including three within EPA) deal with issues of science as they intersect with regulatory policy on a whole range of different sub-issues. I had no idea that there existed anything like these differences in approaches and techniques and that alone makes this an invaluable study.

Her results produced in my mind a series of questions about which approaches made the most sense and why. I think that the recommendations in the final third of her report, as well as the draft recommendations, provide a very useful starting point for a full discussion of these issues.

I am sure that stakeholders inside the agencies, at OMB, in the environmental and other scientific communities, and in the industries and their trade associations that are regulated by the federal government will have much to say about the study and the draft recommendations.

While on first blush many of the recommendations seem sound, I think that this is a subject (or really several subjects) where discussion and debate - before getting down to details - would be a very good idea. Indeed, if it were my decision, I would devote a part of the June plenary to an open discussion, without any binding votes, and then have the committee deliberate further before returning the matter for the December plenary. These recommendations are too important and controversial to try to fit a full and informed debate into the time frame between now and June and to perfect recommendations as well.

There is one other suggestion that I have. I am a member of the Committee on Science Technology & law of the National Academy of Sciences. I spoke this morning with Anne-Marie Mazza, the staff director, about the study and the recommendation. I suggested the possibility of a joint workshop with ACUS to bring interested persons - particularly from the science community - to an open forum on these issues. She enthusiastically endorsed the idea and is anxious to work with ACUS in putting on such a program, either this summer or early in the fall.

Such an event could be very significant in terms of full appreciating the issues and in developing support for whatever recommendations might be produced.

Please call me if you have questions before the meeting,

Alan