

industrial trade associations, confusion among business submitters of the information and among agency staff occasionally has led to the release of material presumed to be confidential. These instances have in turn prompted what is a relatively recent legal phenomenon: the reverse FOI suit. Although agencies report that no more than several dozen suits—which are brought by businesses to stop the release of information that affects them—have been filed, legal observers and agency officials consider them to be a major obstacle to efficient operation of the FOI act. Not only do the suits prevent a quick response to an FOI request, which is mandated by law, but they also tie up agency legal staff in a defense of the requester's right of access.

In September and November, the subcommittees on government information in the House and the Senate held several days of hearings to consider the possibility of legislative remedy for the problems created by reverse FOI suits, although no decisions have been made as yet.

Options Papers

Similarly, a toxic substances strategy committee spanning 15 federal agencies and cabinet departments has formed a subcommittee explicitly to develop a comprehensive federal strategy for the release of information claimed by companies as trade secret and competitive business data. According to Bob Nicholas, a member of the Council on Environmental Quality staff, which is coordinating the interagency effort at the direction of the White House, the subcommittee will be exploring ways to facilitate interagency exchange of trade secret information, the question of whether or not safety and efficacy data should routinely be released, and what may or may not be claimed as a confidential trade secret. "We'll be publishing options papers on these topics in February or March," Nicholas added.

One effect of the establishment of a comprehensive federal policy on trade secrets would be the diminution of what FDA Commissioner Donald Kennedy has identified as "a brisk cottage industry of organizations whose primary [task] it is to extract from busy government agencies information that they think may be useful or at least saleable to corporate clients." Perhaps the best known of these firms is F.O.I. Services, Inc., of Rockville, Maryland (*Science*, 4 July 1975), which initiates at the request of corporate clients between 5000 and 6000 FOI requests each year at the FDA alone—a quarter of the total received

there—as well as others at the EPA and the Consumer Product Safety Commission.

About a third of the corporate clients of F.O.I. Services are interested only in knowing about requests by other parties for information about themselves. Uncertainty about the kind of information that the federal government will release, in other words, prompts the firms to monitor all requests relevant to their businesses. They do this on some occasions so that preventive steps, such as a reverse FOI suit, can be initiated, and at other times so that they can stay one jump ahead of private attorneys who are contemplating litigation, such as an adverse drug reaction suit. To meet the needs of these firms, F.O.I. Services offers subscriptions to logs of FOI requests kept by regulatory agencies, and, for a higher fee, a telephone alert service for quick notification on requests for information about the subscribing company. Ironically, the name that appears most frequently on the copy of the FOI log sold by F.O.I. Services is none other than F.O.I. Services; on one occasion, according to John Carey, the firm's manager, an employee of the firm called a major corporate client under the alert system to notify it that he had just requested some information on the firm under a contract to another corporation.

Discreet Spying

The reason F.O.I. Services is able to, in a sense, play ball on both sides of the street at the same time is that it offers complete confidentiality to any client who asks it to initiate a request. This is an important service to the vast majority of F.O.I. Services customers, who are interested mostly in information on other companies. F.O.I. Services automatically requests the safety, efficacy, pharmacology, labeling, and toxicology data on each new drug approved by the FDA, for example, because it knows the information will be of interest to numerous competing pharmaceutical companies. Carey is quick to point out that there is an exemption in the disclosure requirements of the FOI act for "trade secret and commercial or financial information obtained from a person and privileged or confidential," but the exact meaning of the exemption remains hotly contested in the courts by agencies, industry, and public interest groups. Business uncertainty about the meaning of the FOI act, as well as an interest in using it to get as much information as possible on competitive businesses, are what gives F.O.I. Services its clients.

—R. JEFFREY SMITH

RECENT DEATHS

Waldo C. Ault, 62; retired organic chemist, U.S. Department of Agriculture; 11 November.

Rollo C. Baker, 89; former professor of anatomy, Ohio State University; 24 October.

David P. Barr, 88; professor emeritus of medicine, Cornell University Medical College; 2 November.

Douglas C. Carroll, Jr., 62; associate professor of medicine, Johns Hopkins University; 17 October.

Renate W. Chasman, 45; physicist, Brookhaven National Laboratory; 17 October.

Paul Z. Frisch, 51; former chairman of psychology, Adelphi University; 20 September.

Laurence F. Graber, 90; professor emeritus of agriculture, University of Wisconsin; 25 October.

George C. Ham, 64; former chairman of psychiatry, University of North Carolina, Chapel Hill; 26 September.

Claude E. Heaton, 80; former professor of obstetrics-gynecology, New York University; 30 September.

Harry Helson, 78; former professor of psychology, Kansas State University; 13 October.

Ralph G. Hills, 75; assistant professor emeritus of medicine, Johns Hopkins University; 20 September.

Peter P. Klassen, 72; former chairman of sociology and anthropology, University of Illinois, Chicago Circle; 30 September.

Norman R. F. Maier, 76; professor emeritus of psychology, University of Michigan; 24 September.

Kenneth G. Merriam, 75; professor emeritus of mechanical engineering, Worcester Polytechnic Institute; 17 October.

Ovid Meyer, 76; former chairman of medicine, University of Wisconsin, Madison; 22 September.

William W. Pigman, 67; professor of biochemistry, New York Medical College; 30 September.

Harry L. Robinson, 53; chairman of pathology, New York University College of Dentistry; 23 September.

J. Clifton Samuels, 53; professor of electrical engineering, Howard University; 28 September.

Frederick K. Sparrow, 74; professor emeritus of botany, University of Michigan; 2 October.

William C. Taylor, 48; associate professor of environmental science, Howard University; 3 October.