In strongly-worded comments submitted last week to the Department of Health and Human Services (HHS), the American Anthropological Association (AAA) suggested major changes to the federal regulations that govern the ethics of human subjects research.

The AAA comments responded to an Advance Notice of Proposed Rulemaking (ANPRM) entitled “Human Subjects Research Protections: Enhancing Protections for Research Subjects and Reducing Burden, Delay, and Ambiguity for Investigators.” While the ANPRM is not a proposed or final rule, it does indicate the overall approach HHS is taking as it seeks to develop new regulations over the next few years.

The comments urge HHS “to more narrowly delimit the object of regulation.” Rather than attempting to target all research with human beings, as the current rules do, the comments propose that the rules focus specifically on research involving human experimentation and/or biomedical procedures. This would prevent the kinds of ethical breaches that provided the original motive for ethics regulation, without interfering with valuable low-risk social and humanistic research.

The comments also strongly object to the proposed rulemaking strategy of segmenting out ‘informational risks’, like loss of confidentiality, for mitigation through a process modeled on the Health Insurance Portability and Accountability Act (HIPAA): “Applying systems designed to protect health data” to humanistic social studies like anthropological fieldwork “makes no sense, intellectually or ethically”. Instead, the AAA proposes the formation of a commission composed of social and humanistic researchers, tasked with developing a review process appropriate to non-biomedical, non-experimental research methodologies.

As the comments note, the discipline of anthropology has a long history of commitment to the promotion of ethical practices. Anthropologists are expected to adhere to norms of professional conduct, such as the AAA’s Code of Ethics.

Submitted to the HHS by AAA President Virginia Dominguez (U Illinois), the comments were authored by Rena Lederman (Princeton U) and Lise Dobrin (U Virginia). They reflect extensive consultation with a range of anthropologists of differing specializations, and were reviewed by the Association’s Committee on Ethics as well as the AAA Officers, Executive Director, and Legal Counsel.

View the complete response online: http://bit.ly/nKUrP0