

Food Safety and Quality For The Consumer: Policies and Communication

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Good morning. As a student thirty years ago, 8 a.m. classes were the bane of my existence. Any professor who hoped to keep me awake had to have the oral equivalent of the 1812 Overture. It is with that memory and concern that I would like to begin this morning with a few quotes:

Hydrochloric acid is the same acid contained in the human stomach. So said a spokesman for the Society of the Plastics Industry, on why plastic, which gives off hydrochloric acid when it is burned, could not be an environmental irritant.

Most of the chemicals are not a problem as far as adverse effects...The stuff you smell is not necessarily anything to worry about. The reassuring response of the Health Commissioner of Niagara County, New York, to the residents of the Love Canal area.

There was nothing there that was catastrophic or unplanned for. The calming response of the vice president for power generation of Metropolitan Edison, owner of Three Mile Island nuclear power plant, 1979.

A nuclear power plant is infinitely safer than eating, because 300 people choke to death on food every year. Dixy Lee Ray, Governor of Washington, 1977.

Opponents of peacetime applications of 2, 4, 5—T have repeatedly launched false, malicious attacks on the safety of the product. Dow Chemical Company fact sheet after an investigation concluded the manufacture of Agent Orange creates dioxin.

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DDT, the most effective pesticide, was outlawed on the theoretical grounds that it might someday, under some circumstances, harm someone. Ronald Reagan, 1978-Quoted in Arbeiter, Jean, No Matter How You Slice It, It's Still Baloney (Quill. New York, 1984.)

We must help the public understand that a genetically engineered tomato is still a tomato...and that this research is being conducted by responsible scientists operating under a strict and credible system of safety guidelines. Assistant Secretary of Agriculture Charles Hess, 1990 Remarks Prepared for Delivery to Conference on New Food and New Food Chemicals: Safety and Regulatory Considerations, at the National Academy of Sciences, May 1,1990.

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Consumers must understand they do not live in a risk-free society and that some risk is necessary for all the benefits that today's technology brings. Luther McKinney, Senior Vice President, Quaker Oats Company "Fields of Fear," Choices, American Agricultural Association. First Quarter, 1990.

One of the hardest things in the world is to convey meaning accurately from one mind to another. Lewis Carroll

What we have here is a failure to communicate. Prison Warden to the still defiant prisoner, Luke, after he has put Luke in chains, compelled him to dig a hole and then knocked him into it...the motion picture Cool Hand Luke.

As we approach the twenty-first century, the further development of biotechnology holds the potential for enormous benefits to society. Advances in genetic engineering can improve health and control pollution. Biotechnology can bring us more efficient agriculture by enhancing productivity of the land, reducing quantities of water and energy needed to raise a particular crop, and expanding the geographical range of many crops. Biotechnology can address important consumer concerns about food. It can: improve food safety by reducing the need to use insecticides and herbicides; improve nutritional value of food by helping to produce leaner meat; enhance the flavor and the processing capability of food; identify and reduce the microbial contamination that brings food-borne illness and death to thousands of Americans each year.

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Why instead, are people concerned – even frightened – about the potential impact of biotechnology on our food supply and our lives? Why does Jeremy Rifkin have an audience? Why do people buy Jack Doyle's book? It cannot be dismissed as just another example of America's love of gothic tales and horror stories. What steps can the biotechnology industry and the government take to ensure that the American people are sufficiently comfortable with the purposes, benefits and application of biotechnology that they will not unduly restrict its development?

Reasons for Concern

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Second, the social and political context in which the biotechnology revolution is occurring is not conducive to an enthusiastic and unquestioning acceptance of any new scientific or technological breakthrough. In the 1950s virtually all Americans believed that there was "Better Living Through Chemistry." Today, we are not so sure about it. Americans have lived through forty years of "Don't Worry, Be Happy" philosophy about new technologies, many of which were put on the market without any examination of the potentially negative unintended consequences of their use. All were told of the promises and none of the problems with DDT, aerosol sprays, and nuclear power. When problems arose with some of the products, both government and industry were less than honest in reporting them. Today, Americans are more skeptical. Instead of accepting scientific developments as a cornucopia, many see just another opportunity for Murphy's Law to rule.

The public's view of new science and technology is unquestionably colored by this history, and their view of biotechnology will also be influenced

by government's and industry's attempts to "communicate" the virtues of these new developments.

"Communication" Problem

The proponents of biotechnology have approached these public concerns as a "communication" problem. Considering the enthusiasm for this exciting new field among those involved in it, that is not surprising. Some enthusiasts in government and the food industry believe the best approach to resolving fears about biotechnology specifically or the safety of the food supply generally is to "educate" the public.

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In this case, "educate" should be read as "reassure." They believe public concerns are based on misperceptions and unjustifiable fears. There is an assumption that, if the public can just be made to understand, it will open its arms and receive biotechnology as an unmitigated blessing.

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Occasionally, efforts to "communicate" express less than a high regard for the intelligence of critics. In fact, they sometimes take on the tone of the old "Saturday Night Live" satire of the Jack Kilpatrick—Shana Alexander face-offs on television news. You may remember the "Saturday Night Live" version would open with Jane Curtin giving her statement on an issue of the day. Dan Akroyd would then begin his rebuttal with, "Jane, you ignorant slut." That tone creeps into food industry and even government responses to consumer concerns about food safety in general. People concerned about the long-term impact of pesticide residues or herbicide-resistant corn are viewed as a flock of Chicken Littles, clucking inanely that the sky is falling. Industry and government officials seem to assume that if they can just get the silly chickens to understand what a great thing this will be, they will snuggle up to it like a warm lightbulb on a cold night in the henhouse. The jarring, condescending quotes at the beginning of this paper are not atypical. Rather, they reflect a common tone in both advocacy and defense of new technologies.

There are two problems with the "communication" as "reassurance" approach. It misunderstands communication. Communication is not Me speak,—You listen...Me teach,—You learn. Me say,—You do. It is a two-way street. It requires that both parties have the opportunity to speak and to listen, to hear and be heard, to act and to respond.

More importantly, there is a problem with assuming that communication will resolve public concerns about biotechnology. Differences over

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this issue may represent not a failure to communicate, but a conflict in values. The risks and benefits of biotechnology do not necessarily accrue to the same individuals or groups. Getting the farmer a herbicide-resistant crop does not necessarily get the consumer anything. Economic theory suggests that increased production will generate lower prices, but in the real

marketplace, there are too many steps between farmer and consumer to assume or even hope that the savings will reach the ultimate retail purchaser. Some consumers may prefer to forego both the advantages and the threats of biotechnology. Consumers may feel there is no benefit to them in a technology that promises increased productivity, but does not promise that savings will be passed through to the purchaser. Small farmers may fear that new products will put them at a competitive disadvantage.

Assistant Secretary of Agriculture Charles Hess noted recently that the debate over BST is about social and economic policy, not about science. He is right. If it were simply about science, effective communication might address the problem. But if it is about social and economic conflicts, a conflict of values and interests, communication alone will not do the job.

Resolving these conflicts requires a mediating institution. In a democratic society, conflicts of values are ultimately resolved by government—by legislators, by regulatory agencies and by courts. In our system, the public must be comfortable that the hard questions about biotechnology are being addressed effectively by the government. And they must believe that government's first priority in this endeavor will be to protect public health.

That is not going to be easy. The biotechnology industry began to develop rapidly about the same time the United States was entering a period of "deregulation." Regulatory activity tends to run in cycles. From the early 1960s to the late 1970s regulation, especially regulation designed to promote health and safety and prohibit invidious discrimination, expanded significantly. In the late 1970s, the public began to view this regulation as partly responsible for the nation's economic difficulty. President Jimmy Carter tried to rein in regulation. Four years later, President Ronald Reagan ran and was elected, in large part, because he promised to get government off the backs of American business and let the economy rebuild itself. Reagan appointed officials who were committed to cutting back on business regulation and on government services. Regulatory agency bud-

gets and staffs were cut and new regulations were reviewed and frequently killed by the Office of Management and Budget.

A substantial erosion of public confidence has grown out of the era of deregulation. We have a tradition of limited government but we expect government to ensure that our planes are safe and reasonably on time, that purchasing a telephone will take less time than buying a house, that air and water and food are reasonably clean and that the money we put in a Savings and Loan will be safe. After a dozen years, "deregulation" is wearing thin.

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Nowhere is this concern with the effects of less government control more evident than in the public concern about the environment and the safety of food and water. The scandals of the EPA during the reign of Anne Gorsuch and Rita LeVelle and the attack on environmental laws by Secretary James Watt have undermined public confidence that government agencies are working hard to protect public health and safety and the environment. The results have included a willingness to believe sensationalist attacks and a growing reliance on responsive state regulation, rather than unresponsive federal regulation.

President George Bush and the Congress are moving to try to restore some confidence in the regulatory agencies, trying to increase budgets, hampered by the budget deficit. The Bush regulatory team, like the President, appears to be less ideological and more committed to making government work. However, we will live with the legacy of the 1980s and efforts to generate support for biotechnology must take into account the context of American society today. There is little trust that the federal government will play a vigorous role in protecting the people or the environment. At

the same time, American business, including the biotechnology industry, fear the delay and adversarial nature of the regulatory process and the possibility of 50 or more different sets of state and local regulations,

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Benefiting From Biotechnology, Safely

If we want to enjoy the benefits of biotechnology while saving ourselves from unintended negative consequences, we need to take some specific steps.

First, the President of the United States should find an occasion to state simply, plainly and very strongly that the very first concern of the government will be the health and safety of the American people and that the development of biotechnology will be allowed to proceed only as long as it

can be shown to be safe. True conservatism, not libertarianism, is an appropriate approach for the leader of the party of Teddy Roosevelt.

The industry should not fear such a statement. Surely this view is held by everyone involved in the development of biotechnology. This new field may hold great hope for our nation's international competitiveness and for improving products, but no one wants it at the risk of public safety. The President should say that.

Second, the Administration, with support of the
... activists are going to have a role in regulatory decision making biotechnology industry, should propose changes in regulatory procedures and the law, if necessary, to open regulatory processes to a very high level of public participation and make funds available to support vigorous public participation.

Let me talk a few minutes about "public participation." It is not the same thing as public relations. There are several "publics" that must be addressed. They include: — environmental and consumer activists who follow the progress of new technology and new regulations closely; — state and local public officials; — national and local media and the public at large.

The first three groups will have a major impact on what the last group thinks and how they react. Despite the worst fears of industry and government, activists are going to have a role in regulatory decision making. The sooner they are involved and the better equipped they are to address the scientific and technical issues involved in a decision, the less impact they will have on the timing and perhaps the substance of regulatory decision making.

It is not enough to file a notice in the Federal Register to hold a hearing. Nor will it do much good to try to go around those most likely to raise difficult questions. If there are value conflicts to be resolved, knowing what they are early should improve the decision making process. If businesses and government know, in advance, and before they are committed to a course of action, what issues are likely to cause the greatest protest by consumer and environmental activists, alternative courses can be adopted. Relatively small changes early in the process may save substantial amounts of time and money later.

Third, it would be useful to create a quasi- or non- governmental mediating organization to deal with specific issues. There are some interesting examples of groups that have worked over a period of years to ease regulatory issues. The Joint Labor Management Committee of the Food Industry

involves the major retailers and the trade unions that organize them. They meet regularly to try to avoid the most divisive industry wide issues. The Health Effects Institute is a private, non-profit organization funded by government money authorized under the Clean Air Act and the auto industry to set and carry out a research agenda on major auto-related clean air problems. A variation of this group could help set the research agenda for major biotechnology questions. It should involve individual scientists who are known to have a strong environmental bent.

Reducing conflict will not be easy and many fear both delay and the threat to trade secrets that may be involved. Industry leaders also may fear that they will participate in such an activity, only to be attacked by some activist not involved in the process. Any and all of those things may happen, but history indicates that a considered approach to the introduction of new technology provides the greatest opportunity to avoid unintended and unpleasant consequences. Moreover, Congress, regulatory agencies, the media, state and local officials and the public at large are likely to be impressed by any decision which has the endorsement of leaders of both consumer and environmental organizations and biotechnology leaders, and that certainly is possible.

These kinds of changes in the decision-making apparatus can improve "communication," reduce value conflicts, and ultimately improve the public policies governing biotechnology. Perhaps we can write this chapter of American history without creating another set of painful misjudgments.

