

PolicyPennings by Daryll E. Ray & Harwood D. Schaffer

Putting foxes in the hen houses: Lobby dollars at work?

In our continuing series of columns on the Union of Concerned Scientists' (UCS) food safety report, "Driving the Fox from the Henhouse: Improving Oversight of Food Safety at the FDA and USDA," we reviewed the history, organization, and funding of the US food safety system along with a summary of the key food safety laws as documented in the report. The full paper can be obtained at http://www.ucsusa.org/assets/documents/scientific_integrity/driving-fox-from-henhouse-food-safety-report.pdf.

The title of the UCS report is provocative, no doubt about that. This column summarizes some of the findings of UCS's survey-based research-findings that the UCS believes leads to the conclusion that parts of the food safety system are improperly influenced by the industry that it is mandated to regulate.

To evaluate their findings, it is important to understand the way the UCS conducted its survey of USDA and FDA food safety personnel.

"In March 2010, the Union of Concerned Scientists...sent a 44-question survey to 8,122 individuals working on food safety at the FDA and USDA. The survey inquired about political interference in their work, corporate influence on agency actions, the use of science in agency decision making, agency effectiveness, employee morale, and other topics. The 1,710 employees who responded came from all levels of the food safety system, with more than half having worked at their agency for 11 years or longer."

"UCS contracted with the Center for Survey Statistics and Methodology (CSSM) at Iowa State University to conduct the survey, through an online questionnaire, and to tabulate and analyze the resulting data." Survey participants were assured confidentiality and anonymity in their responses.

At the end of the month-and-a-half survey period, 1,710 persons from the two agencies answered the survey, for a response rate of 21.6 percent. Because of the potential that the survey respondents were not a random sample of the total sample, most of the data is reported using both raw and percentages. Percentages were used to compare the responses of FDA and USDA personnel under the assumption that any self-selection bias that was present would be the same for both agencies. Because not all questions were relevant for all individuals, the number of respondents for any given question could be less than the total number of survey respondents

The heart of the report analyzes both internal (political) and external (industry and advocacy groups) interference in the work of FDA and USDA personnel.

"A series of questions asked survey recipients how often they had personally experienced various forms of political interference in their work, both over the past year and the five-year period preceding, from agency leadership."

"One hundred and five respondents (10 percent) had frequently or occasionally received requests from agency decision makers to 'inappropriately exclude or alter technical information or conclusions in an agency scientific document.' One hundred and thirty three respondents (13 percent) seldom received such requests. We [UCS] interpret these results to mean that a total of 238 respondents (23 percent) reported that the requests occurred at least once (not 'Never'), indicating at least some experience with this egregious form of interference.

"Ninety-eight respondents (9 percent) had frequently or occasionally received requests from agency decision makers to 'provide incomplete, inaccurate, or misleading information to the public, regulated industry, media, or elected/senior government officials.' One hundred and eighteen respondents (11 percent) seldom received such requests. We [UCS] interpret these results to mean that a total of 216 respondents (20 percent) reported that the requests occurred at least once.

"One hundred and ninety respondents (16 percent) had frequently or occasionally experienced 'selective or incomplete use of data to justify a specific regulatory outcome.' One hundred and sixty two respondents (14 percent) seldom had such experiences. We [UCS] interpret these results to mean that a total of 352 respondents (30 percent) reported that the experience occurred at least once.

"One hundred and forty respondents (13 percent) had frequently or occasionally experienced "changes or edits during review that change the meaning of scientific findings that occur without a meaningful opportunity to correct them." One hundred and thirty three respondents (13 percent) seldom had such experiences. We [UCS] interpret these results to mean that a total of 273 respondents (26 percent) reported

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that the experience occurred at least once.

"Recipients were also asked to specify the number of incidents of political interference they had experienced over the past year (0, 1-5, 6-10, 11-20, or more than 20). A total of 507 respondents (34 percent) had personally experienced one or more such incidents during that period."

"In comparing survey responses for the past year with those covering the five previous years, there is evidence that the rate of political interference has declined slightly under the new administration."

"Some of the political interference reported by survey respondents is likely to represent normal disagreements that occur in any organization. However, by comparing rates of interference between different offices and subdivisions in the agencies we see that political interference is not an unavoidable consequence of scientific work but rather is associated with the intersection of science and the regulatory process."

After looking at political interference by people within the USDA and FDA, the report turned to outside [external] interference. "A series of questions asked about the prevalence of outside entities—specifically corporate interests, nongovernmental organizations (NGOs), and members of Congress-influencing agency policies. In certain respects, this outside influence was even more widespread than internal political interference.

"Most troubling, 330 respondents (27 percent) reported frequently or occasionally experiencing 'instances where the public health has been harmed by

businesses withholding food safety information from agency investigators' in the past year. Two hundred and seventy three respondents (22 percent) seldom reported such experiences. We (UCS) interpret these results to mean that a total of 603 respondents (49 percent) had the experience at least once. A similar number—621 respondents (38 percent)—agreed or strongly agreed that 'public health has been harmed by agency practices that defer to business interests.'"

"While political interests were also seen as playing a significant role in agency decisions, 54 percent of respondents thought this level was too high, with only 2 percent judging it too low. Similarly for business interests, whose influence on agency decisions was seen as mixed; 34 percent of respondents thought this level was too high, 41 percent about right, and 6 percent too low."

As is the case in third-world countries, the institutions that can have the power to change such compromised cultures are the very ones that benefit from it or have fostered its existence.

And, given the fights that we see in the areas of financial regulation and efforts to improve transparency in the livestock markets, the power of the lobbying dollar seems to have reached many quarters.

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